

INTERIM REPORT
15 October – 4 November 2019

6 November 2019

I. EXECUTIVE SUMMARY

On 5 August, the president called for early elections to the House of Representatives, the lower chamber of parliament, to be held on 17 November, approximately one year before the expiration of the mandate of the current parliament. Representatives will be elected for four-year terms under a one-round majoritarian system in 110 single-mandate constituencies.

The Constitution provides for freedoms of assembly, association and expression, but the regulatory framework imposes various restrictions on these freedoms. The Election Code was not amended since the previous parliamentary elections, while recent amendments to other legislation introduced new procedures for holding assemblies and regulations on online media. Long-standing ODIHR recommendations, including those related to unbalanced composition of election commissions, restrictions on candidacy rights, and insufficient safeguards of the voting and counting processes, remain unaddressed.

The elections are administered by a four-tiered structure comprising the permanent Central Election Commission (CEC) and lower level commissions formed anew for each election. Since the call of elections, the CEC has issued a number of resolutions, held five public sessions, and met all legal deadlines for preparations. Only a marginal number of selected polling station staff represent opposition groups, at a rate disproportionate to the nominations by these groups. Many ODIHR EOM interlocutors expressed a lack of trust in the work of the election administration.

There is no centralized voter register. Voter lists are compiled and updated on the precinct level based on data provided by local authorities, with no system in place to identify multiple registration. Voters could verify their data at Precinct Election Commissions starting from 1 November, and can be registered before and on election day with proof of residence. The CEC published the number of registered voters per district, amounting to 6,880,605 voters nationwide.

Out of 703 nominated candidates, 560 were registered (27 per cent women). A total of 131 prospective candidates were denied registration mainly on the basis of invalid support signatures and inaccuracies in income and assets declarations. Ten candidates were deregistered, and 27 candidates withdrew. Many ODIHR EOM interlocutors described restrictive legal provisions and selective application of the law, especially during the verification of signatures.

The campaign so far is low key, with a limited number of events organized, and many aspects of the election campaign are strictly regulated. Candidates are free to organize campaign events at most locations and consider the free use preselected indoor facilities as beneficial. However, the right to public assembly for stakeholders other than candidates or their proxies is restricted to a small number of locations, generally considered inconvenient, and with a required 10-day notification period.

Campaigns are financed by private donations to candidates after registration. Several ODIHR EOM stakeholders stated that the lack of public funding substantially limits candidates' outreach possibilities. Stakeholders also expressed concerns that voters and businesses do not contribute to campaigns in fear of retribution.

Defamation and insult remain criminal offenses. The Election Code prohibits calls for an election boycott, which may lead to deregistration of candidates. The state-owned media dominate both the broadcast and print media landscape. ODIHR EOM interlocutors noted that few media outlets cover political issues.

The majority of complaints filed with election commissions and courts related to candidate registration and the composition of election commissions. While most were rejected, in two cases candidates successfully appealed DEC decisions denying their registration.

II. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs of Belarus, and based on the recommendation of a Needs Assessment Mission conducted from 26 to 30 August 2019, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 15 October. The ODIHR EOM, headed by Corien Jonker, consists of 11 experts based in Minsk and 30 long-term observers deployed on 23 October across Belarus. Observers are drawn from 23 OSCE participating States. ODIHR has requested participating States to second 400 short-term observers to observe election day procedures, including the voting, counting and tabulation of results.

III. BACKGROUND AND POLITICAL CONTEXT

On 5 August 2019, the president called for early elections to be held on 17 November, approximately one year before the expiration of the mandate of the current parliament. All 110 seats of the lower chamber of parliament, the House of Representatives, are to be contested.¹ The elections will take place amidst long-standing discussions of constitutional and other political reforms and ahead of next year's presidential election.

The government is accountable to the president, who also exercises direct executive functions and has wide authority relative to the parliament, including legislative power and the ability to appoint and dismiss judges.² The outgoing House of Representatives was elected in September 2016 and comprises mostly independent members affiliated with public associations such as *Belaya Rus*, which are closely connected to the government. Political parties are marginally represented.³

No new political party has been registered since 2000, despite repeated attempts.⁴ A number of ODIHR EOM interlocutors mentioned that they did not expect the elections to be genuinely competitive and that they had little confidence in the process. Several international organizations have raised concerns related to the exercise of civil and political rights in Belarus.⁵

¹ Separately, 56 of the 64 members of the upper chamber, the Council of the Republic, will be elected by the legislative councils of the 6 *oblasts* and the city of Minsk on 7 November. The remaining eight members are appointed by the president.

² The president also has the right to veto laws or specific provisions, to revoke acts of the government, to initiate a legislative process and to adopt binding decrees.

³ Of 94 independent members, 75 are affiliated with the public association *Belaya Rus*. Parties represented in the House of Representatives which identify as pro-government include the Communist Party (8 seats), Republican Party of Labour and Justice (3), and Belarusian Patriotic Party (3). Three MPs identify as opposition: one independent, one from the Liberal Democratic Party, and one from the United Civic Party (UCP).

⁴ Belarusian Communist Party of Workers had seven failed attempts, and Party of Freedom and Progress had five. Belarusian Christian Democracy had seven attempts to register, last in April 2018.

⁵ See for example the [2018 UN Human Rights Committee \(CCPR\) concluding observations](#), the [2016 UN Committee on the Elimination of Discrimination Against Women \(CEDAW\) concluding observations](#) and the [2019 Report of the UN Special Rapporteur on the human rights situation in Belarus](#), as well as [2018 statements](#) of the OSCE Representative on Freedom of the Media.

There are 38 women deputies in the 110-member outgoing House of Representatives and 17 women in the 64-member Council of the Republic, and 6 of 14 parliamentary committees are chaired by women. There are only three women in the 46-member Council of Ministers. Of the seven regional governors, none are women. Only one of the 15 registered political parties is headed by a woman. Several ODIHR EOM interlocutors described patriarchal attitudes as a primary obstacle to women's political participation.⁶

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Members of the House of Representatives (MPs) are elected for four-year terms across 110 majoritarian districts. The candidate with the most votes is elected.⁷ The law establishes a 50 per cent turnout requirement for elections in each district to be valid. If the turnout is lower, repeat elections will be called in the affected districts, subject to the same turnout requirement. The Constitution stipulates that MPs may be recalled by the voters of the constituency in which they were elected.

Article 93 of the Constitution prescribes a parliamentary term of four years, and the outgoing parliament took office in October 2016. Some parties and civil society organizations met by the ODIHR EOM consider the presidential decree calling for parliamentary elections to be unconstitutional, as it effectively terminates the MPs' mandates before the end of their term, without reference to any of the constitutional grounds for the dissolution of parliament. Several applications from citizens and civil society organizations were filed with government bodies and courts questioning the legal grounds for calling early elections. The authorities informed the ODIHR EOM that these elections are not considered early under the laws of Belarus, as the Constitution provides for the latest date for calling the elections and does not contain any requirements for how early this may be done.

The primary legislation regulating parliamentary elections consists of the 1994 Constitution (last amended in 2004) and the 2000 Election Code (last amended in 2015).⁸ Belarus has signed and ratified major UN instruments related to elections.⁹ In 2016, the Convention on the Rights of Persons with Disabilities (CRPD) was ratified, in line with a prior ODIHR recommendation.

The Constitution provides for direct and universal suffrage as well as for freedoms of assembly, association and expression. However, the laws and other regulations impose various restrictions on fundamental freedoms, such as obstacles to political party registration, limited spaces and fee obligations for public gatherings, and criminal penalties for defamation and insult. The Election Code was not amended since the previous elections. Amendments in 2018 to the Laws on Mass Events and Mass Media introduced, *inter alia*, new procedures for holding assemblies and regulations on online media.¹⁰ In January, participation in unregistered parties and associations was decriminalized and is

⁶ Paragraph 20 of the [2016 CEDAW concluding observations](#) noted “the prevalence of discriminatory stereotypes and patriarchal attitudes”. Paragraph 28 raised concern that “women remain significantly underrepresented at the decision-making levels in parliament and that they are concentrated in the public administration at middle and lower levels only”. See also paragraph 29.

⁷ By law, candidates standing unopposed must receive at least 50 per cent of the votes cast.

⁸ In addition, relevant aspects of the elections are regulated by the Laws on Mass Media, on Mass Events, and on Political Parties, as well as the Code of Administrative Offenses, the Criminal Code, and Central Election Commission resolutions.

⁹ These include the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on Elimination of All Forms of Racial Discrimination. Belarus is an associate member of the Council of Europe's European Commission for Democracy through Law (Venice Commission), and a member of the Council of Europe's Group of States against Corruption (GRECO).

¹⁰ Prior notification, rather than authorization, is now required for holding assemblies at certain designated locations. Changes to the Law on Mass Events introduced fees for holding public events; these fees are not applicable to the campaign events of candidates.

now subject to an administrative fine of up to BYN 1,275.¹¹ Long-standing ODIHR recommendations, including those related to unbalanced composition of election commissions, restrictions on candidacy rights, insufficient safeguards for voting and counting, as well as limitations on observer rights, remain unaddressed.

V. ELECTION ADMINISTRATION

The elections are administered by a four-tiered structure comprising the Central Election Commission (CEC), 6 Oblast Election Commissions (OECs) and the Minsk City Election Commission, 110 District Election Commissions (DECs) and 5,831 Precinct Election Commissions (PECs).¹² Many ODIHR EOM interlocutors expressed a lack of trust in the work of the election administration to conduct the election process in an impartial manner. Relatedly, some interlocutors noted a lack of safeguards in place for the administration of election procedures, including of early voting, and lack of transparency of the vote count.

The CEC is a permanent body with a 5-year mandate and comprises 12 members (including 6 women) appointed by the president and the Council of the Republic.¹³ The CEC has adopted and published 22 resolutions for these elections clarifying a number of election-related procedures. During the reporting period, the CEC held only one session, on 31 October, to consider a complaint.¹⁴

OECs, DECs and PECs are temporary bodies established by the local executive committees from 2 September until the publication of election results. Members of these commissions are nominated by political parties, public associations, labour collectives and initiative groups of at least ten voters. By law, public employees may comprise not more than one-third of members of each commission, and nominees of political parties and associations should comprise at least one-third.¹⁵ However, the nominating parties and associations must have representation (offices) in the respective territory in order to nominate members to PECs. According to the CEC, women comprise 42 per cent of OEC members, 61 per cent of DEC members and 72 per cent of PEC members.

Many ODIHR EOM interlocutors noted a disproportionate selection of commission members from pro-government entities. According to data published by the CEC, 97 per cent of all nominations from pro-government political parties were accepted, and 4.6 per cent from the parties in the opposition. The proportion of OEC and DEC members nominated by opposition parties is 3.3 and 2.2 per cent, respectively, of all members nominated by political parties.¹⁶ Some interlocutors claimed that the local authorities selectively applied the criteria on reviewing PEC member nominees' qualifications. In addition, they described cases of DECs refusing to accept nominations based on minor mistakes in applications.

The CEC reported that trainings of PEC chairpersons by DECs took place on 24 October, and trainings of PEC members are to be organized by the PEC chairpersons. Trainings of PEC members observed by the ODIHR EOM were interactive and included simulations of early voting and election day procedures. A CEC resolution passed in August contains several instructions related to the

¹¹ EUR 1 is equivalent to approximately 2.26 Belarusian Rubles (BYN).

¹² Including 238 special PECs in hospitals and other healthcare institutions, 17 in military bases and 46 PECs in diplomatic missions abroad.

¹³ The current CEC was appointed in December 2016. The chairperson, Lidia Yermoshina, has held this position since 1996. Of CEC members, only the chairperson and Secretary hold permanent positions.

¹⁴ Since the elections were called on 5 August, the CEC has held five sessions.

¹⁵ Each nominating body can have only one member in each election commission.

¹⁶ A total of 63,646 PEC members were appointed by the local executive committees, among which 3,763 were nominated from pro-government political parties, 27,790 from pro-government public associations and trade unions, and 21 from political parties from the opposition.

facilitation of election day procedures for voters with disabilities, including that polling stations be situated on the ground floor and include special voting booths that facilitate access to persons with physical disabilities, including wheelchair users.

The CEC has produced and distributed voter information posters and is organizing audio announcements, which will be aired in shopping malls and public transportation centres, such as bus stations, closer to election day. Limited voter information is available in accessible formats for persons with visual impairments.¹⁷ DEC's prepared posters with information regarding the registered candidates, which by law must include biographical details including any criminal record.

VI. VOTER REGISTRATION

Citizens at least 18 years of age by election day have the right to vote. The Constitution restricts the suffrage rights of persons who are declared legally incompetent by a court decision. Additionally, those serving prison terms and those held in pre-trial detention are not eligible to vote regardless of the gravity of the crime or duration of sentence, despite previous ODIHR recommendations. As in previous elections, the CEC passed a resolution to facilitate voting of citizens convicted of certain minor offenses with a sentence of up to three months.¹⁸

Voter registration is passive and decentralized. Voter lists were compiled by local executive committees and sent to the respective PECs by 1 October. PECs are responsible for verifying and updating voter lists, including through door-to-door checks and telephone calls, but no information about these updates is publicized. The law does not provide for a system to identify potential multiple registrations across precincts.¹⁹ Voter lists for out-of-country voters are compiled by PECs based on data provided by the respective diplomatic representations. Voters can request inclusion on the lists by submitting documents confirming that they will be abroad on election day.

Voters could check their individual data at PECs starting from 1 November and request corrections. Voter lists are not available for general public scrutiny and the number of voters per polling station is not published. Voters can be added to lists prior to and on election day, if they provide a proof of residence in the respective PEC. After elections, the lists are returned directly to the local executive committees.²⁰ According to the CEC, there are currently 6,880,605 registered voters for these elections. Some ODIHR EOM interlocutors raised concerns about the lack of transparency and potential misuse of voter lists on election day.

VII. CANDIDATE REGISTRATION

Eligible voters at least 21 years of age by election day and with permanent residence are eligible to stand for election, except those with an unexpunged criminal record.²¹ Candidates may be nominated by political parties registered not later than six months before the elections were called, labour collectives and initiative groups of at least ten voters. While Article 5 of the Constitution provides that

¹⁷ The CEC website contains a dedicated page adapted for visually-impaired voters, but does not include information for these elections.

¹⁸ These convictions are under a specific category referred to as "arrest" and carry a sentence of up to three months of confinement in "institutions executing punishment", which legally are not considered places of imprisonment.

¹⁹ The compilation of voter lists by local executive committees may include verification of data provided by other state agencies, but no details are prescribed on how any cross checks are conducted.

²⁰ Other election materials and protocols are delivered to the respective DEC's.

²¹ The law does not provide any criteria defining permanent residency. On 21 October, Brest OEC deregistered candidate Vladislav Sysa for a failure to fulfill residency requirement as he currently studies abroad. On 31 October, CEC confirmed the decision of Brest OEC.

both political parties and other public associations have the right to participate in elections, the Election Code limits the right to nominate candidates to political parties.²²

Prospective candidates must declare income and assets, and those nominated by initiative groups must collect at least 1,000 supporting signatures.²³ Prospective candidates could submit their applications to the respective DEC from 8 September until 7 October. After a verification period, all DECs announced the registered candidates on 17 October, the last day of the legally prescribed deadline for candidate registration, in an established practice.²⁴

Out of 703 nominations, 560 candidates were registered including 151 women (27 per cent).²⁵ Thirty-two incumbent deputies were registered as candidates, and two incumbent opposition MPs were nominated but denied registration due to invalid support signatures.²⁶ Other incumbent deputies did not seek re-election.²⁷

A total of 131 candidates were denied registration mainly due to invalid or insufficient support signatures, and inaccuracies in their income and assets declarations.²⁸ The law allows for a possibility for candidates to make corrections to income and assets declarations by 7 October. The CEC informed the ODIHR EOM that, in practice, corrections could be made also to other documents through resubmission. However, candidates were not informed about any discovered inaccuracies, and DECs do not have a legal obligation to do so. Many ODIHR EOM interlocutors expressed concerns about the restrictive provisions for candidate registration and described a formalistic interpretation and selective application of the law, especially during the verification of signatures.²⁹

Two DEC decisions to deny registration were overturned, by the OEC in Viciebsk and by the Minsk City Court.³⁰ According to the CEC, by 4 November, 27 candidates withdrew and 10 were deregistered.³¹ The law stipulates that candidate withdrawal without a valid reason may lead to mandatory compensation to the state for the expenses incurred for the candidate.³²

²² On 25 October, Minsk *Oblast* Court has rejected a complaint from a prospective candidate Andrey Kushnerov against the decision of DEC 77 denying his registration as he was nominated by a public association. According to the Court, the Election Code specifies the constitutional provision on who can nominate candidates, and a failure to follow such rules of the Code results in denial of registration. Under the law, citizens do not have access to the Constitutional Court to challenge potential violations of their constitutional rights.

²³ Citizens may sign for support of more than one candidate. The DECs are required to verify only a sample of submitted signatures before approving or rejecting the nomination.

²⁴ According to the CEC, all candidates are registered on the same day to allow for an equal time period to campaign, although this is not prescribed by law.

²⁵ In total, 325 candidates were nominated by political parties, 81 by initiative groups, 38 by labour collectives, 31 by both parties and initiative groups, 84 by both labour collectives and initiative groups, and one by all three.

²⁶ Alena Anisim and Hanna Kanapatskaya.

²⁷ In August 2019, the CEC chairperson [publicly stated](#) that only one-third of current deputies should extend their mandate “at the request of the Head of State”.

²⁸ An additional 12 nominees withdrew prior to the deadline for nominations.

²⁹ In many described cases, minor inaccuracies such as spelling mistakes in the name or the address of the voter led to invalidation of the signatures in the examined samples.

³⁰ On 19 October 2019, Viciebsk OEC invalidated the decision of DEC 18 which denied the registration of a candidate for inaccuracies in signature lists, as well as in the declaration of income and assets: the OEC found that the inaccuracies in signature lists were unessential and that the candidate did not provide any inaccurate information in his declaration. On 25 October 2019, the Minsk City Court invalidated the decision of the Minsk City Election Commission which denied the registration of a candidate; the Court found that several signatures submitted by the candidate were invalidated by DEC 95 without sufficient grounds.

³¹ Five for campaign violations, three for failure to take leave from their permanent employment, one for failure to fulfill the residency requirement, and one for several violations including defamation and insult.

³² For example, for posters for the candidate or broadcasting their spots in the media free of charge. The Election Code does not define what constitutes a valid reason for withdrawal (it is left to the discretion of the DEC).

VIII. ELECTION CAMPAIGN

The campaign period began on 18 October, after the registration of candidates, and will end at midnight on 16 November. To date, the campaign has been generally low key, with a limited number of organized events and a low attendance observed during these events. In general, contestants' campaign messages include the independence of Belarus, stability, decentralization of power, socio-economic and environmental issues, and messages related to democracy, human rights, the rule of law and free elections.

The law provides for different possibilities to engage in political assembly during and outside the election campaign. Recent amendments to the Law on Mass Events envisage notification instead of authorization to organize an event, but only if organized at certain designated locations, which are limited in number and inconveniently located.³³ This extends to any political events organized by election stakeholders during the campaign period, who are not candidates or their proxies. Holding public gatherings at any other location is still subject to authorization. In 2019, the Council of Ministers defined a fee structure for public events, including those organized by non-contestants during the campaign, which is considered by many ODIHR EOM interlocutors as an undue restriction that inhibits freedom of assembly.³⁴

Many aspects of campaigning are strictly regulated. The Election Code envisages equal campaign conditions to all registered candidate.³⁵ Candidates are free to organize events at most locations with a two day notification period, and receive a list of suitable indoor locations which they can use free of charge, which many stakeholders assessed as convenient.³⁶ Several contestants met by the ODIHR EOM claimed that campaign materials needed to be approved by DEC's before being circulated.

Many election stakeholders, including some candidates, reported to the ODIHR EOM that due to the suppressed political environment, restrictive legal framework outside of the official campaign and general lack of resources to organize assemblies and media appearances, they see the election period as the only opportunity to reach out to the population. Some electoral stakeholders reported that they are engaged in the election in order promote their long-term political messages rather than to call on voters to support specific candidates. Some also noted that they opted for signature collection as a candidate registration method since this enabled a prolonged contact with voters.

Most interlocutors informed the ODIHR EOM that candidates can freely conduct campaign activities, including through door-to-door canvassing, outdoor and indoor meetings with voters, or content in social media. However, some contestants from the opposition described significant obstacles during signature collection and campaigning, claiming that the DEC's used a selective approach in applying

³³ There are fewer than 100 designated locations countrywide, including, six in Minsk, three in Viciebsk and two each in Brest, Hrodna, and Mahilioŭ. These spaces are often located in public parks away from residential areas, squares or transportation hubs.

³⁴ The fees range from approximately BYN 76.50 to BYN 6,375 for over 1,000 participants, paid for the purpose of defraying the costs of maintenance of public order. The organizers of an event on Freedom Day in Minsk in March reported to the ODIHR EOM that they still owe some BYN 8,000 to the authorities.

³⁵ Local executive committees and DEC's are responsible for ensuring candidates' equal access to public space for campaigning by publishing the lists of places where campaign is permitted.

³⁶ These exclude some prohibited places, such as near government buildings, military units, courts, transportation hubs and several squares.

regulations, such as issuing warnings for what they considered campaigning during signature collection.³⁷ On some occasions warnings were followed by deregistration of candidacies.³⁸

IX. CAMPAIGN FINANCE

Candidates may fund their campaign from their own resources or from donations. Citizens may donate up to BYN 127.5 and legal entities up to BYN 255. A candidate's campaign expenditures cannot exceed BYN 25,500. Donations from anonymous or foreign sources, and state or state-funded, religious or charitable organizations are prohibited. There is no direct state funding of election campaigns, but the law provides for indirect financing of all registered candidates through free access to indoor campaign premises, campaign posters and media. Political parties also do not receive any public funds. A number of political parties, civil society organizations and other ODIHR EOM interlocutors stated that the lack of public funding amidst limited private donations substantially limits candidates' outreach possibilities. Several stakeholders also raised a long-standing concern that voters and businesses do not contribute to opposition campaigns in fear of retribution.

Candidates establish campaign funds once registered. No campaign donations can be received or expenditures made prior to registration, including for purposes of signature collection. All donations and expenditures should be made to and from dedicated bank accounts at a state-owned bank (*Belarusbank*).³⁹ Candidates that exceed the spending limit by more than 20 per cent or that receive funding from unauthorized sources may be deregistered.

Candidates submit interim financial reports ten days prior to election day and final reports within five days after the election day to the DEC. The law does not require these reports to be published or audited. The bank must inform DEC on all transactions made from each candidate's account, on a weekly basis. Within two days of receiving this information from the bank, the DEC publishes summarized information on incomes and expenditures.⁴⁰

X. MEDIA

The Constitution guarantees the freedom of expression and prohibits censorship, but the legal framework contains several restrictions. Defamation and public insult are criminal offences. The Election Code prohibits calls for an election boycott or reporting on such calls. Electronic and print media outlets must be registered with the Ministry of Information, while representatives of foreign media operating in the country have to be accredited by the Ministry of Foreign Affairs. In general, ODIHR EOM interlocutors noted that only a few media outlets cover political issues.

Television remains the primary source of political information, followed by online media.⁴¹ The Ministry of Information is entitled to restrict access to online content without a court decision. Amendments in 2018 to the Law on Mass Media provide for a mechanism for online media to register

³⁷ According to the CEC regulations, prospective candidates may not campaign before they are registered.

³⁸ Administrative proceedings have been initiated against candidate Olga Kovalkova, a member of the unregistered political group Belarusian Christian Democrats, on the grounds of participating in an unsanctioned rally on 16 September, which was a signature collection event for another candidate. Candidate Nikolay Kozlov from UCP received a warning from DEC 105 in Minsk for campaigning during signature collection. Six of 14 candidates supported by the unregistered public association European Belarus were deregistered by DEC due to campaign violations; several nominees of European Belarus received warnings for campaigning during signature collection. Several contestants told ODIHR EOM that their events were video-recorded by unknown persons.

³⁹ As of 1 November, 373 (70 per cent) of candidates have opened dedicated campaign accounts. The bank does not charge candidates for opening an account or for operational fees.

⁴⁰ This information is published on the websites of respective local executive committees and in the press.

⁴¹ According to official data, in 2017, 69 per cent of households had Internet access.

with the Ministry of Information.⁴² Additionally, 2018 amendments to the Administrative Code introduced a fine of up to BYN 4,900 for the distribution of information that is prohibited, including online.⁴³ The amendments also prohibit foreign individuals and entities from establishing media organizations in Belarus.⁴⁴ Local journalists working for unaccredited foreign media often face fines.⁴⁵

The law guarantees equal access to state media for all candidates. Some media representatives informed the ODIHR EOM that due to the large number of candidates, they would cover the electoral process in general, without presenting candidates individually. All candidates were provided with an opportunity to record up to five minutes campaign messages and air on state media free of charge and during prime time, starting from 21 October. For the first time in these elections, candidates' campaign spots were accompanied by subtitles for persons with hearing impairments. The state-operated or state-funded newspapers are obliged to publish contestants' programmes free of charge.⁴⁶

As in previous elections, the CEC established a Media Supervisory Board (MSB) comprising eight members, including six recommended by the Ministry of Information, and chaired by its first deputy minister.⁴⁷ Representatives of both the Belarusian Association of Journalists and the Belarusian Union of Journalists were invited and are participating in the MSB. While the MSB reviews media-related electoral complaints (submitted through the CEC), it does not conduct media monitoring, contrary to a prior ODIHR recommendation.

Article 47 of the Election Code provides for candidates to be deregistered due to acts of defamation or public insult. On 23 October, the CEC chairperson stated that this sanction can apply to calls for an "overthrow of constitutional order" or "incitement of hatred" in candidates' speeches and on social networks. As of 4 November, at least seven candidates were prevented by broadcasters from airing their messages, due to violations of the Election Code.⁴⁸ MSB considered three subsequent complaints filed by these candidates, and held the decisions of the media outlets to be fair in each case.

Candidates participate in televised debates, which are organized if at least two or more candidates are contesting the same constituency. The first debate was broadcasted on 29 October on the state TV channel *Belarus 3* and additional debates will be aired by 14 November. The publication of opinion polls is prohibited in the five days prior to election day.

⁴² While registration is voluntary, online media operators are obliged to collect and store personal data of the individuals commenting on online articles, and provide such data to the law enforcement bodies upon request.

⁴³ Article 38 of the Law on Mass Media defines prohibited information to include "information that in its distribution can undermine national interests of Belarus", and which is "prohibited by other legal acts".

⁴⁴ See the [18 June 2018 statement](#) of the OSCE Representative on Freedom of the Media: "Many of the provisions are excessive and disproportionate and could result in the curtailing of freedom of expression". See also paragraph 36 of the [2019 Report of the UN Special Rapporteur](#).

⁴⁵ According to the Belarusian Association of Journalists, in 2019 journalists working for *Belsat* and *Radio Racyja* were fined a total of 36,592 BYN, under Article 22.9 of the Administrative Code. See the [20 March 2019 statement](#) of the OSCE Representative for Freedom of Media stating that: "[the] accreditation requirements should be reconsidered, so as to improve the working conditions of media actors rather than functioning as a work permit, preventing journalists from doing their work".

⁴⁶ Candidates had to apply by a deadline of 27 October.

⁴⁷ The MSB is established *ad hoc* for each election by a CEC resolution and is not defined by law. The composition is proposed by the Ministry of Information and public associations of journalists and is approved by the CEC.

⁴⁸ The UCP candidate Vladimir Nepomnyaschikh called for impeachment of the president. According to the TV *Hrodna*, the address of the UCP candidate Irina Davidovich contained messages offensive to Belarusian people. A candidate supported by civil society organization European Belarus Oksana Yushkevich allegedly called for boycott and disruption of the elections. For Freedom Movement's candidate Valentin Tishko was asked by the editor of *Molodechno* newspaper to remove a sentence claiming there is 'lack of democracy' and 'no free elections' after which his programme was published.

On 21 October, the ODIHR EOM commenced its quantitative and qualitative media monitoring of election-related coverage of 13 media outlets. The ODIHR EOM is also analyzing the coverage of a sample of regional TV channels and four online news portals, and is following election-related content in social media.⁴⁹

XI. COMPLAINTS AND APPEALS

Most decisions of election commissions can be appealed to higher commissions and then courts. The CEC decision announcing the election results is not subject to judicial review. The law specifies who may file complaints in each particular case: candidates, their proxies, voters, public associations, political parties and observers have this right in most cases. As a rule, complaints with commissions and courts are filed and reviewed within three days, but there are exceptions.⁵⁰

Election commissions should review complaints during sessions which are open to accredited observers and media. Commissions must inform the complainant about the date, time and place of the session. Decisions of DEC and OEC on complaints must be posted on the websites of relevant local executive committees within two days, and the relevant CEC decisions are posted on its website.⁵¹ Hearings in courts are generally open to the public. While not required by law, election-related decisions of *oblast* courts are published on the website of the Supreme Court.⁵²

As of 4 November, most complaints lodged with election commissions and courts concerned candidate registration and the composition of election commissions.⁵³ The CEC has received 222 applications from citizens, and one complaint by a deregistered candidate was reviewed during a session. The ODIHR EOM was informed of 16 election-related applications received by prosecutors' offices across the country, most of these on alleged violations during collection of support signatures and the campaign.⁵⁴

XII. CITIZEN AND INTERNATIONAL OBSERVERS

In line with the OSCE commitments, the Election Code provides for citizen and international election observation. Citizen observers can be nominated by political parties, public associations, labour collectives and initiative groups of minimum 10 voters. International observers are accredited by the CEC upon an invitation of the authorities. Citizen observers are accredited by the CEC, DEC or PEC, for observation at each level of commission. There are no legal deadlines for accreditation. The law permits observation of various stages of the electoral process, but it prohibits observers from being located in the vicinity of ballot boxes and of the commission members that are identifying voters and issuing ballot papers.

⁴⁹ TV channels (*Belarus1, Belarus3, STV, ONT, NTV Belarus, Belsat*), radio (*Radio1, Euroradio*), newspapers (*Belarus Segodnya, Respublica, Zvyazda, Novy Chas, Komsomolskaya Pravda*). News blocks of the regional TV channels (*TVR Brest, TVR Homiel, TVR Hrodna, TVR Mahilioŭ, TVR Viciebsk*). Online media outlets: *Belta.by, Naviny.by, Nn.by, Tut.by*.

⁵⁰ In some cases, the law provides for shorter deadlines or no deadlines at all. Complaints requiring additional investigation may be reviewed within ten days. Complaints received on election day should be reviewed immediately.

⁵¹ According to the CEC Rules of Procedure, only the decisions taken collegially during sessions are posted on the website. Certain applications submitted to the CEC are not considered during sessions and are responded to by CEC staff; these responses are not required to be posted.

⁵² Election-related decisions of lower courts are not posted online.

⁵³ A total of 100 complaints were filed to OECs and *oblast* courts on alleged violations during candidate registration, of which 98 were rejected or dismissed. Of 486 complaints lodged with courts on the composition of election commissions, 483 were rejected or dismissed.

⁵⁴ Ten applications were resubmitted to the relevant state institutions; in five cases the prosecutor's office gave required clarifications on the provisions of the law, and in one case an investigation was initiated.

By 28 October, 459 international and 10,200 citizen observers have been accredited. The prominent citizen observer group Human Rights Defenders for Free Elections (HRDFE) is observing and reporting on various stages of the election process and plans to deploy observers for early voting and election day proceedings.⁵⁵

XIII. ODIHR EOM ACTIVITIES

The ODIHR EOM commenced its work in Minsk on 15 October. The Head of Mission met with the Ministry of Foreign Affairs, the Central Election Commission, the Constitutional Court, the Supreme Court, and other electoral stakeholders. The ODIHR EOM has established contacts with candidates and representatives of political parties, media, civil society and the resident international community.

The OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) intend to deploy delegations for election day observation. Ms. Margareta Cederfelt has been appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. Election day observation will be the result of a common endeavor involving ODIHR and delegations from the OSCE PA and PACE.

***The English version of this report is the only official document.
Unofficial translations are available in Belarusian and Russian.***

⁵⁵ HRDFE includes Belarusian Helsinki Committee and the Human Rights Center *Viasna*.