



# HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

## **Elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation**

### **Report on election campaigning**

*Observation of the elections to the House of Representatives of the National Assembly of Belarus is carried out by the Belarusian Helsinki Committee and the Human Rights Center “Viasna” in the framework of the campaign “Human Rights Defenders for Free Elections”.*

#### **SUMMARY**

- local executive committees created favorable conditions for election campaigning: the number of places for holding public events increased in comparison with the elections of 2016; in the majority of electoral districts, campaigning events were allowed in any place suitable for this purpose, with the exception of certain restrictions; the sites for campaign advertising were convenient, and the number of premises for meetings with voters also increased compared to the elections in 2016;
- despite the large number of registered candidates, their activity in election campaigning was low key: only 47.7% of the total number of registered candidates participated in televised debates, 58.9% — had their electoral platforms published; 73.9% — appeared on television, and 68.4% — on the radio; compared to the previous elections, the candidates announced fewer public events;
- administrative resources were widely used to promote the pro-government candidates, while a number of non-affiliated and opposition candidates reported obstacles in concealing or providing false information about their campaigning activities, as well as censorship of their political advertising;
- there were documented cases of bans on broadcasting the campaign speeches of opposition candidates; the DEC and the managers of government-controlled media made an extensive use of restrictions provided by Article 47 of the Electoral Code, which, in most cases, constituted unacceptable censorship and restrictions on freedom of expression; in some cases, the DEC ordered to cancel the registration of candidates, citing violations of Article 47 of the Code;
- independent media outlets provided most active coverage of the election campaign, offering publications about campaigning pickets, revocation of registration of opposition candidates, reported on the bans to air TV appearances of candidates; meanwhile, government-owned media mostly reported official information, and actively advertised the idea of the need to take part in the early voting.

## LEGAL FRAMEWORK

The procedure for conducting election campaigning is regulated by the Electoral Code and the CEC regulations. The Code prohibits campaigning aiming at the propaganda of war, containing calls for forcible change of the constitutional order, insults and slander against officials of the Republic of Belarus, candidates, as well as calls to disrupt, cancel or postpone the elections scheduled in accordance with the laws of the Republic of Belarus, etc. (Art. 48).

Local executive committees select the facilities for meetings of candidates with voters, as well as election meetings organized by the voters themselves. The same procedure applies to authorizing locations for printed campaign materials. The candidates, their authorized representatives or voters shall, no later than two days before the date of the event, request the availability of premises. Premises for meetings with voters are free of charge and are provided in the order of receipt of applications. The candidates have the right, at the expense of their election funds, to rent buildings and premises for the purpose of election campaigning, respecting the principle of equality.

In order to organize a public event, the candidates or their proxies shall notify the local executive and administrative bodies not later than two days before the scheduled date of the event. According to Art. 46 of the Code, from the time of their registration, the candidates shall enjoy equal access to government-owned media, which, in turn, are obliged to provide equal opportunities to air the candidates' campaign speeches and publish their electoral platforms.

Resolution No. 41 of the Central Election Commission of August 28, 2019 approved the "Regulations on the procedure for the use of the media by the candidates for the House of Representatives of the seventh convocation." According to the decision, the candidates have the right to publish their election platforms in one of the two nation-wide newspapers (Zviazda and Respublika), or in the local newspapers run by the regional and district administrations.<sup>1</sup> The size of the election platform cannot exceed two typewritten pages (not more than 4,000 characters with spaces).

The candidates are also eligible to one appearance on television and one speech on the radio no longer than five minutes each. If desired, at least two candidates can participate in a televised debate in which each candidate is entitled to 5 minutes of airtime. The televised speeches and debates are broadcast on a tape delay.

The candidates have the right to make use of their election funds to pay for their campaign appearances in the media on the basis of an agreement with the editorial board or the owner of an Internet resource. In this case, the latter have the right to determine the terms of airtime and space for publication, as well as the prices of the services provided, which must be the same for all candidates.

All costs for the preparation of printed materials shall be paid only from the candidates' election funds. The state budget is only used to design and distribute the general information materials about all the candidates.

The establishment and use of the electoral funds are determined by the CEC's Resolution No. 44 of August 28, 2019. The maximum size of expenditure from the election fund cannot exceed 1,000 base units (25,500 rubles as of November 2019). The funds may consist of donations by the candidate, as well as by physical (up to 5 base units each, or 127.5 rubles) and legal entities (up to 10 base units, or 255 rubles). The above regulations do not provide for the right of observers and

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<sup>1</sup> <http://rec.gov.by/sites/default/files/pdf/2019/post41.pdf>

journalists to check the sources of donations and expenditures. The legality of the formation and administering the funds can only be evaluated by the financial bodies and the CEC.

## **CAMPAIGNING CONDITIONS**

*Campaigning locations.* In accordance with the Electoral Schedule, by October 4, the local executive committees, in coordination with the DEC's, had identified locations to host campaigning events organized under the notification-based procedure (outdoor meetings, assemblies, and pickets) by the candidates for the House of Representatives and their proxies. According to the observers' reports, in some electoral districts, the number of such sites has increased in comparison with the previous parliamentary elections of 2016. The locations, however, are less convenient, according to the observers. In most electoral districts, campaigning events were allowed in any place suitable for this purpose, with the exception of certain restrictions. In some large cities, including the city of Minsk, the list of places suitable for hosting public events did not include the central squares. Moreover, these restrictions were not substantiated with valid reasons.

*Locations for meetings with voters.* As in the past elections, the local executive committees in coordination with the DEC's mainly selected cultural centers, assembly halls of educational institutions, public enterprises and institutions as authorized locations for holding meetings with voters. According to the observers, as in the case with places for holding public events, the number of premises for campaigning has increased as compared to the 2016 elections.

*Sites for campaign advertising.* Most observers reported that the sites set for housing political advertising were convenient. Compared to the previous elections, the situation has either not changed or improved. In general, such places were advertising and information boards in public places, at public transport stops, near the railway stations, as well as the bulletin boards of housing maintenance services, shop windows, etc.

## **USE OF ADMINISTRATIVE RESOURCES**

The observers documented numerous instances of the use of administrative resources for the purposes of facilitating the campaigning activities of pro-government candidates, while non-affiliated and opposition candidates faced obstacles in their campaigning efforts.

On October 30, instead of the announced school-wide parent-teacher meeting in school No. 8 in Slonim, the ideology department of the district executive committee organized a meeting with candidate **Valiantsin Semianiaka** running in electoral district No. 58.

In electoral district No. 49, the school administrations organized the meetings with voters of candidate **Iryna Lukanskaya**, head physician of the children's clinic of Hrodna, member of the Regional Council of Deputies and head of the city branch of the Belarusian Union of Women. On October 31, the administration of the Hrodna Chemical Engineering College (chairperson and members of PEC No. 24) assembled more than 160 students for a meeting with the candidate. On November 1, a similar meeting with Iryna Lukanskaya was held at the Hrodna Construction College, and on November 6 — in high school No. 1. The latter meeting was attended by about 100 teachers, including members of PECs Nos. 31, 32, and 33.

**Viktar Svila**, a pro-governmental candidate in the Smarhoń-based electoral district No. 59 and deputy chairman of the Astraviec district executive committee, met with voters in schools Nos. 1 and 7. Both meetings were held during class time. On November 6, the candidate was involved in another campaign event in the town of Zaliessie, which was organized by the local authorities.

Before the official launch of election campaigning, **Yauhen Adamenka**, a candidate in electoral district No. 41 in Kalinkavičy and current member of the House of Representatives, took part in the executive committee's field receptions and information meetings hosted by a number of government-run enterprises and organizations, including the district center for standardization of metrology and verification, the local meat-processing factory, etc.

**Vital Chudovich**, a candidate in electoral district No. 26 in Orša and current member of the House of Representatives, met with voters in the territory of enterprises during working hours.

**Andrei Struneuski**, a candidate in electoral district No. 68 in Salihorsk and chairman of Belaruskali's official trade union, held campaign events at the enterprise facilities, including in restricted areas: in the administrative offices, halls for meetings in the mines, ore-processing facilities, and auxiliary shops. Meanwhile, the candidate's campaigning schedule only mentioned meetings with voters in the premises located in the city. Other candidates could not meet with voters in the territory of the enterprise.

## **OBSTACLES IN CAMPAIGNING AND CENSORSHIP**

19.4% of the observers reported obstacles in the campaign activities of independent and opposition candidates created by government officials and unidentified persons. These included concealing or providing false information about electoral events, failing to publish election platforms or authorize the broadcast of the candidates' TV and radio appearances, interference in the public events of candidates and their agents, and others. Compared to the previous elections, the number of such incidents has increased. The refusals to publish electoral platforms or broadcast televised and radio addresses, as a rule, referred to Art. 47 of the Electoral Code.

The Belarusian Christian Democracy press service reported facts of intervention by a host of the television and radio company "Belarus-3" in the official record of TV debates by candidates in electoral district No. 96 in Minsk.

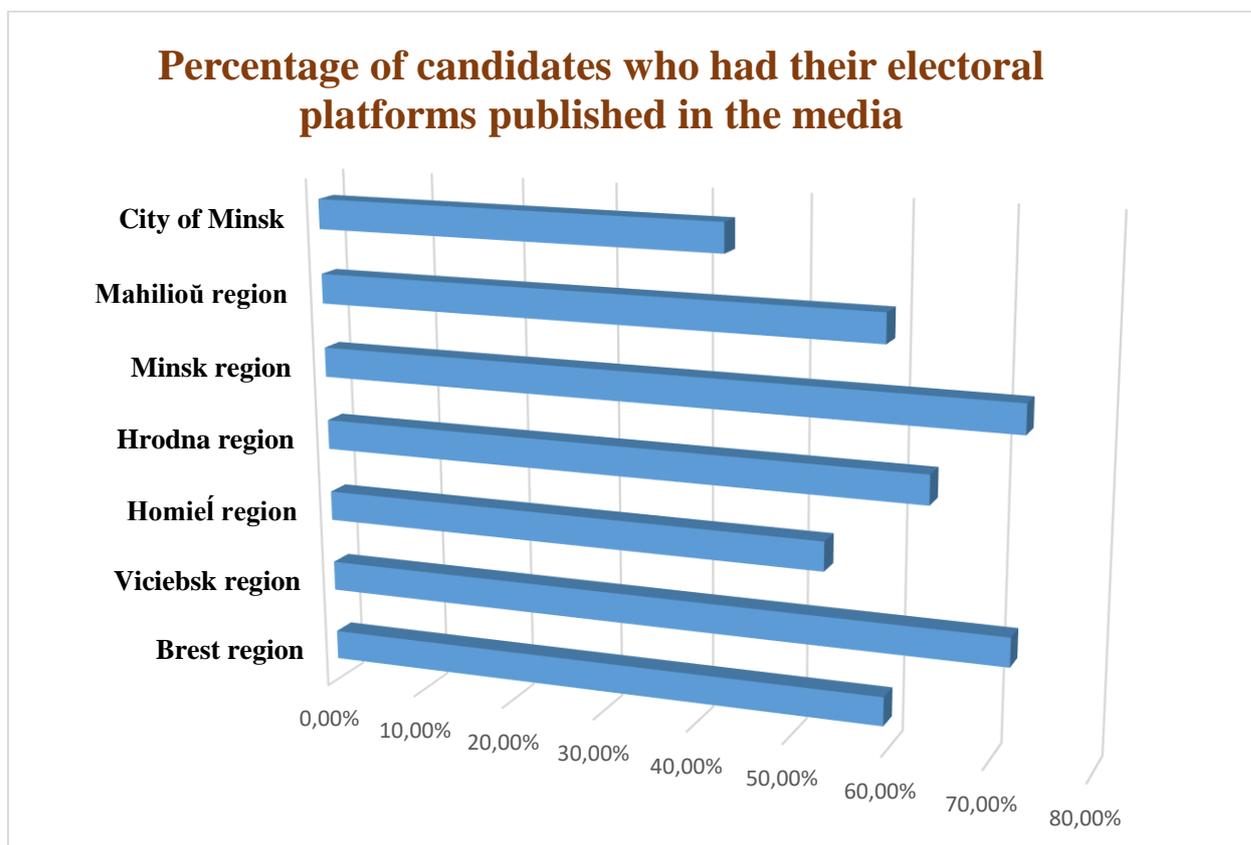
On October 30, the TV channel "Belarus-3" failed to air a speech by **Mikalai Maslouski**, who is running for parliament in district No. 104 in Minsk. The TV and Radio Company "Hrodna" failed to broadcast a video address of a UCP candidate in electoral district No. 54 in Iūje, **Iryna Davidovich**. The TV channel "Belarus-3" took off the air a campaign speech by an activist of the European Belarus opposition group, a candidate of the BPF in electoral district No. 46 in Svietlahorsk, **Dzmitry Savich**. On November 5, the Polack TV company failed to air the appearance of **Andrei Mamiakou**, a candidate of the Republican Party of Labor and Justice in electoral district No. 27. The local television showed it only in certain neighborhoods, instead.

In addition, according to representatives of the campaign "Human Rights Defenders for Free Elections", the speeches or election platforms of the following candidates never reached the voters: **Uladzimir Niapomniashchykh**, a UCP candidate in electoral district No. 33 (TV appearance on Belarus-3); **Aksana Yushkevich**, a European Belarus candidate in electoral district No. 96 in Minsk (appearances on Radio Minsk and TV channel Belarus-3); **Mikhail Bandarenka**, a BPF candidate in electoral district No. 42 in Mazyr (Belarus-3 TV channel); **Dziyana Charnushyna**, a UCP candidate for deputy in electoral district No. 101 in Minsk (newspaper Zviazda); **Mikalai Kazlou**, UCP leader running in electoral district No. 105 in Minsk (TV channel Belarus-3).

The election program of **Aliaksandr Komar**, a UCP candidate in electoral district No. 78 in Babrujsk, was not initially published by the government-owned newspaper Babrujskaje Žyccio because of the phrase "with Lukashenka, the country has no future." After an appeal, the CEC ordered to allow the redacted version of the publication, which lacked the disputed phrase.

Bans on publishing the candidates' election programs have become a common practice. An analysis of submitted and published texts revealed that the electoral platforms of 23 candidates were denied publication, which is 1.5% of the total number of printed campaigning addresses.

According to the CEC<sup>2</sup>, as of November 11, only 58.9% of the total number of candidates had their electoral programs published in the media. The record low was demonstrated by the candidates running in Minsk. Out of 123 candidates registered in the Minsk-based electoral districts, as few as 53 persons published their programs, which is 43.1% of the total number. In the Minsk region, 72.6% of candidates published their programs; in the Viciebsk region — 71.8%.



The data are extremely significant against the background of disproportion between the amount of announced campaigning events in Minsk and that in the regions. According to the CEC<sup>3</sup>, in Minsk, there were an average of 130 events per candidate, while in Hrodna region — 36 events, in Minsk region — 33, in Homiel region — 29, in Mahilioŭ region — 14, in Viciebsk region — 12, and in Brest region — 7.

Holding meetings of candidates and their proxies with the voters and organizing the meetings of voters are viewed by the candidates as a much less efficient campaigning tool. 61% of the campaign observers answered in the affirmative to the question of whether all the candidates enjoyed equal opportunities to hold meetings with voters in the allocated premises, while 29%, respectively, reported that the conditions for the candidates were not even. In particular, **Uladzimir Andreichanka**, current Speaker of the House of Representatives running in electoral district No. 22 in Dokšytsy, besides meetings with voters in designated premises, also conducted personal reception of citizens using the premises of district executive committees. This opportunity could not be enjoyed by his opponents.

<sup>2</sup> <http://rec.gov.by/sites/default/files/pdf/2019/stat24.pdf>

<sup>3</sup> <http://www.rec.gov.by/sites/default/files/pdf/2019/stat25.pdf>

The CEC reports<sup>4</sup> that as of November 14, the candidates filed 922 requests for 6,066 meetings with voters in the premises selected by the local executive committees. This is an average of 10 meetings per candidate. During the elections in 2016, there were 8 meetings per candidate. In Minsk, there were an average of 3 meetings per candidate; in Hrodna region — 10 meetings; in Minsk region — 30; in Homiel region — 5; in Mahilioŭ region — 8; in Viciebsk region — 11; in Brest region — 7. However, it should be noted that the figures do not reflect the actual number of events, since some candidates chose not to hold scheduled events.

19% of the campaign observers reported interference in the candidates' indoor public events and meetings with voters.

On November 10, the campaigning team of **Siarhei Mazan**, a candidate from the Belarusian Social Democratic Party (Hramada) in electoral district No. 16 in Stolin, were harassed by **Vadzim Makeyeu** and an unknown man in a doctor's gown. They intervened, provoked the candidate and his trustees, and videotaped the event. The police officers were called but failed to take measures to protect the candidate. According to Siarhei Mazan, he received threats from unknown people in social media.

On November 10, **Yauhen Sheuka**, an independent candidate in electoral district No. 95 in Minsk, said on Facebook that unknown persons had damaged his campaign posters displayed on the information boards outside major shopping centers and enterprises. Other candidates running in the district reported similar problems. The exception are the posters of the current member of the House of Representatives **Tatsiana Saihanava**.

**Mikalai Maslouski**, a candidate from the United Civil Party, reported election law violations by his opponents in electoral district No. 104 and provocative actions against the opposition candidate. However, these allegations have not yet received a proper evaluation by the district election commission.

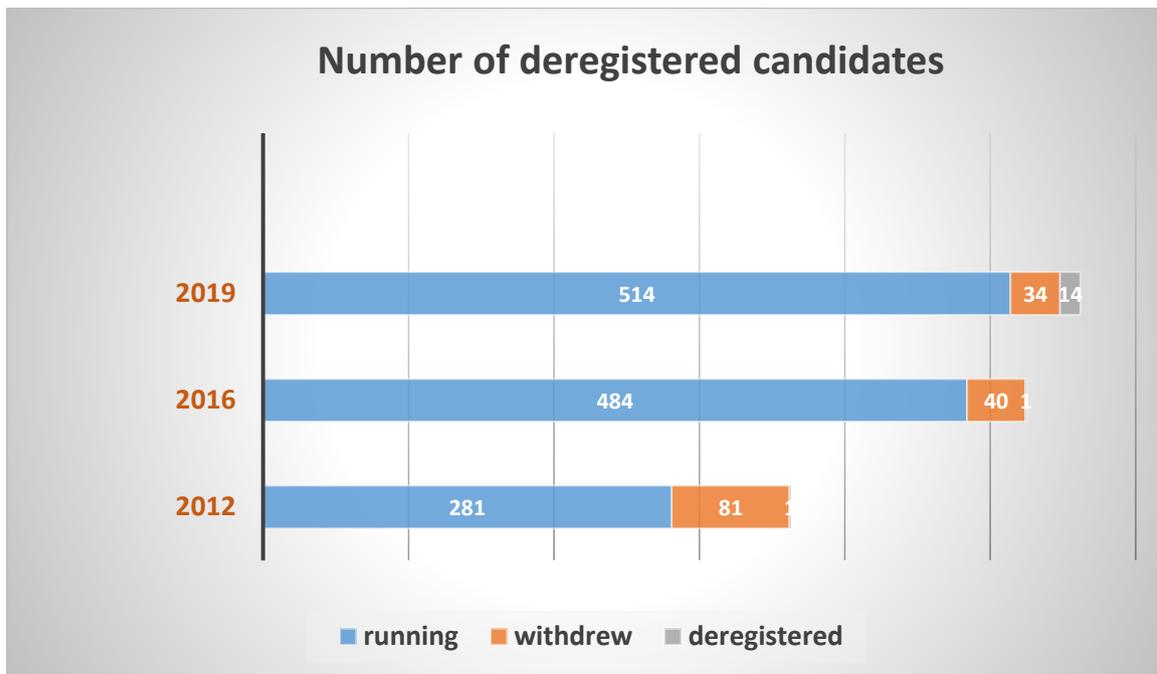
## **CANCELLATION OF CANDIDATES' REGISTRATION**

The phase of election campaigning was marred by cases of revoking the registration of separate candidates. In particular, according to the Central Election Commission<sup>5</sup>, 14 candidates for deputies were deprived of their registration (as compared to 1 candidate deregistered during the parliamentary elections of 2012 and 1 — in 2016).

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<sup>4</sup> <http://www.rec.gov.by/sites/default/files/pdf/2019/stat26.pdf>

<sup>5</sup> <http://rec.gov.by/sites/default/files/pdf/2019/stat13.pdf>



In most cases, the revocation of registration referred to violations of procedures related to election campaigning and the provisions of Art. 47 of the Electoral Code prohibiting calls to overthrow the government, insulting top officials, etc.

On October 29, DEC No. 79 in Babrujsk ruled to deregister candidate **Arseniy Chyhir**. The decision stemmed from earlier warnings imposed on the candidate for “a violation of the procedure for suspension from office for participation in the campaign activities.”

On November 1, the Brest-based DEC No. 4 ruled to cancel the registration of an independent candidate, environmental activist **Uladzimir Maroz**. Grounds for the cancellation of registration, according to the DEC chair, were numerous violations of the rules of election campaigning, in particular, flaws in separate documents submitted to the commission, use of statements “defaming the honor of public officials and the judiciary,” distribution of campaign materials without imprint and “calls to change the government.”

According to the campaign’s experts, the provisions of Article 47 of the Code have been interpreted too broadly, which leads both to a restriction of freedom of speech in the candidates’ campaign activities and to the deprivation of the right to be elected.

Election commissions have arbitrarily interpreted Art. 47, resulting in the application of penalties against certain candidates and cancellation of their registration. Even with the appeal mechanism in place, this practice excessively restricts the candidates’ right to conduct election campaigning, because appealing against the decision of the election commission does not suspend the decision to cancel the registration, nor does it allow to resume campaigning.

It is worth mentioning that according to Article 19 of the International Covenant on Civil and Political Rights, everyone has the right to freedom of expression. This right may be restricted in accordance with the law and only for the respect of the rights or reputations of others or to protect national security, public order, public health or morals.

## CAMPAIGNING IN THE MEDIA

Before the official launch of campaigning, the local government-owned newspaper Kalinkavickija Naviny repeatedly published positive materials about **Yauhen Adamenka**, a current member of

the House of Representatives running in electoral district No. 41. The practice continued later. Meanwhile, the newspaper never covered the campaign activities of the other three candidates in the district.

On September 12, Homiełskija Viedamasci, a newspaper run by the city government, published an article dedicated to the Day of Investigators, which actually told about one of the six candidates in electoral district No. 33, **Andrei Zlotnikau**. The story featured his photos, biography, and an interview with the candidate.

On October 10, the newspaper Majak owned by the Biaroza district executive committee published an article about a meeting of a pro-regime candidate in electoral district No. 9 in Pružany, **Aliaksandr Liauchuk**, with the students and teachers of school No. 1 in Biaroza. The newspaper did not cover the activities of the other six candidates in the district.

On November 2, the regional newspaper Homiełskaja Praŭda published an article criticizing the election program of a candidate running in electoral district No. 34. The publication did not specify the name of the candidate, but it clearly targeted an activist of the movement “Mothers of 328”, **Tatsiana Kaneuskaya**, over her position on the issue of drug abuse and criminal prosecution for drug-related offenses.

At the end of the phase of election campaigning, 30% of the campaign observers responded in the affirmative to the question of whether the local government-controlled media promoted certain candidates. As few as 10% of the observers reported similar publications in the private media.

## **SUPERVISORY BOARD ON THE MEDIA**

As during the previous elections, a supervisory board was created to exercise control over the rules of election campaigning in the media. Resolution No. 42 of the Central Election Commission of August 28, 2019 approved the Board members and rules<sup>6</sup>. The Board is expected to supervise the implementation of media legislation in light of issues of preparation and holding of elections and, if necessary, make proposals for the consideration by the Central Election Commission; provide equal opportunities for campaign-related appearances of candidates on television, radio, and in print, as well as during televised debates; establish uniform rates and terms of payment for airtime and online publications, which are purchased by candidates at the expense of their own election funds. The Supervisory Board also considers disputes connected with the use of the media, appeals of candidates and their proxies, as well as the complaints of citizens and organizations against violations of procedures and rules for election campaigning.

The regulation provides the opportunity of other persons, in addition to members of the CEC and its support staff, to attend meetings of the Supervisory Board. In this regard, it should be recalled that during the last elections, the Central Election Commission rejected a request by a representative of the Belarusian Helsinki Committee. The ban argued that the involvement of other persons was not provided by electoral law. As in the previous elections, **Andrei Bastunets**, chairman of the Belarusian Association of Journalists, was selected member of the Supervisory Board.

During this year’s elections, there were two meetings of the Supervisory Board. They addressed the complaints of candidates. None of the 6 complaints was satisfied. The rationale for the

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<sup>6</sup> <http://rec.gov.by/sites/default/files/pdf/2019/post42.pdf>

decisions has not been made public, which is not conducive to openness and transparency in the work of this important institution.

## **COMPLAINTS AND APPEALS**

According to the CEC<sup>7</sup>, as of November 11, 59 complaints and appeals were filed during the phase of election campaigning, which is almost 2.5 times less than that during the elections of 2016 (139 complaints).

As in the previous elections, the CEC does not specify what percentage of this figure are appeals and what issues were raised in the documents received.

The courts turned down all the appeals filed to challenge decisions by the election commissions to deregister candidates.

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<sup>7</sup> <http://rec.gov.by/sites/default/files/pdf/2019/stat7.pdf>