



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Elections of members of Local Councils of the Republic of Belarus of the twenty-eighth convocation

Report on monitoring the phase of election campaigning

Observation 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".¹

The observation campaign involves 29 long-term observers.

EXECUTIVE SUMMARY

- In comparison with the previous elections of local councils of deputies, this year's elections are marked by a greater number of locations for campaigning events, meetings with voters and posting campaign materials. These venues are also more convenient. When making decisions about campaigning locations, local governments were increasingly guided by the principle "everything which is not forbidden is allowed."
- Much more candidates, as compared to the previous elections, filed notices of events under a simplified procedure. Accordingly, the number of announced election pickets increased. Traditionally, election campaigning events were more active in Minsk: one candidate announced an average of about 70 events.
- In comparison with the previous elections of deputies of local councils, candidates made an extensive use of their right to open election funds for financing election campaign expenses. Nevertheless, the percentage of candidates who established electoral funds remains low (10.4%).
- Only 35% of the observers deployed in the regions reported that local government-owned and private media published the programs of all the candidates. Most state-owned media were dominated by publications about the pro-government candidates (acting deputies, officials or CEOs at state-owned businesses), with virtually no information about the candidates from the opposition. Observers reported a lack of party flyers or other alternative materials. There were documented cases of censorship of campaign materials of candidates from the opposition, as well as dissemination of false or incomplete information.
- Election commissions in the regions mainly failed to inform the public about the time and place of the meetings with voters.
- 30% of the campaign's observers in the regions reported that candidates were deprived of equal opportunities and could not meet with voters in the premises provided by the authorities.

¹ Belarusian Helsinki Committee, <http://belhelcom.org>; HRC "Viasna", <http://spring96.org/>

- As during previous election campaigns, administrative resources were extensively used in favor of pro-government candidates. They mainly campaigned at meetings with voters in the assembly halls of government-owned businesses. Voter participation in these meetings was secured by the administrations of these businesses.
- Administrative resources were actively used by current deputies taking part in official events. This created unequal conditions for other candidates. The district election commissions justified the practice by arguing that the deputies were engaged in their direct activities.
- There were no significant barriers to electoral pickets; however, there were elements of pressure at the pickets of opposition figures.

I. LEGAL FRAMEWORK

The legal framework for election campaigning is provided by Articles 45-47 of the Electoral Code.

Article 45 provides citizens, political parties, public associations, labor collectives, authorized representatives of candidates, as well as nomination groups with the right to free and full discussion of election programs of candidates, their political and personal qualities, the right to campaign for or against a candidate during outdoor events, in the media, as well as during meetings with voters.

According to Part 7 of Article 45, the local authorities in coordination with the corresponding election commissions shall determine the facilities for meetings with candidates and election meetings organized by the voters. Candidates have the right at the expense of their own election funds to rent buildings and premises for meetings with voters. Buildings and facilities for this purpose are available on an equal footing.

Local authorities in agreement with the election commissions shall determine locations in the premises of polling places that are most frequented by citizens and are most suitable for printed campaign materials. Placement of printed campaign materials in other places is allowed with the permission of the head of the organization. If the head of the organization allowed the placement of printed campaign material by one candidate, he or she has no right to deny another candidate the right to place their printed campaign material under the same conditions (Part 13, Art. 45 of the Code).

Article 45.1 provides for arranging election campaigning events by candidates and their proxies in a simplified manner. Local authorities in coordination with the corresponding election commissions shall determine places where the candidates and their proxies may hold public events. In order to arrange a mass event in a simplified manner, a candidate for deputy or an authorized representative of the candidate shall give notice no later than two days prior to the date of the event to the local authority in whose territory its conduct is planned.

Another type of election campaigning is the use of the media. Article 46 provides that candidates, political parties and other public associations, labor collectives, citizens who have nominated their candidates, from the moment of registration of candidates shall use the state-owned media on an equal footing. Information materials about the candidates disseminated in the media should be unbiased and accurate. They should not give preference to individual candidates.

The procedure for the use of public media by candidates for deputies of local councils of the 28th convocation is regulated by the CEC's decision No. 46 of December 12, 2017. According to the decision, airtime for speeches on the radio was available on weekdays in the period from January 22 to February 12, 2018. The airtime was limited to three minutes. The order of broadcasts was determined by a draw. Campaign speeches of candidates were broadcast in recorded form.

Article 47 prohibits calls that are aimed to encourage or promote to disrupt, cancel or delay the elections. These calls are on a par with war propaganda, appeals to violent change of the constitutional system, and violations of the territorial integrity of the Republic of Belarus. Earlier, calls for a boycott of the elections were a form of election campaigning provided by the Electoral Code, and were banned only on Election Day. This provision was introduced in the Code in 2013.

Financing of election campaigning

In 2013, significant changes affected the rules of using government funds for campaigning. The budget is only used by the election commissions to manufacture common posters with biographical information and information materials about the candidates mailed to the voters. According to Part 3, Art. 13 of the Code, the amount of information about each candidate in these materials should be approximately the same. Not later than on the fourth day after the registration of candidates, the district and territorial election commission shall send messages about candidates' registration for publication in the press. These messages shall indicate each candidate's name, date of birth, position (occupation), place of employment and residence, party membership, as well as information on income and property to the extent determined by the Central Election Commission. If a candidate for deputies previously had a criminal record, information about it is also indicated (Part 14, Art. 68 of the Code).

The precinct election commissions shall mail information about the candidates to the voters.

Candidates for deputies of local councils have an opportunity (through their own election funds) to rent premises for meetings with voters (Part 8, Art. 45 of the Code) and to manufacture campaigning products.

According to the updated version of Art. 48.1 of the Electoral Code, the right to create election funds to finance the election campaign expenses is vested to candidates of all levels. The maximum amount of all expenditures from the electoral fund of a candidate for deputy of the regional and Minsk city councils of deputies may not exceed 30 basic units, a candidate for deputy of the district, city (cities of regional and district subordination), settlement or rural councils of deputies — 10 basic units. The Code also defines the limitations of voluntary donations of citizens and legal entities to the funds of candidates to local councils (respectively 2 and 5 basic units). The Code has not settled the question of the transparency of the election funds of candidates for observers.

II. ELECTION CAMPAIGNING

In accordance with the Electoral Schedule, election campaigning lasted from the day of registration of candidates until February 17, 2018 inclusive.

This year's campaign was less active in comparison with the previous elections to the local councils, in spite of the more favorable conditions for campaigning. In particular, in comparison with the previous elections to local councils, there were more places for holding mass events with the purpose of election campaigning. Moreover, these locations are more convenient than those determined during previous campaigns. Many executive committees were guided by the principle "everything which is not forbidden is allowed", when deciding on the list of authorized campaigning locations. The same applies to the premises for meetings with voters, and places for campaign advertising. For example, in Mahilioŭ, Pinsk and other cities, the list of businesses where campaign posters of candidates can be posted was supplemented by the post-offices and telecommunication facilities, which are visited by large number of people.

1. Campaigning in the media

As few as 35% of the campaign's observers in the regions responded positively to the question whether local government and private media published the election programs of candidates. Most state-owned media published little or no information about the candidates from the opposition, including their election programs. The campaign's observers report the absence of party flyers or other alternative materials.

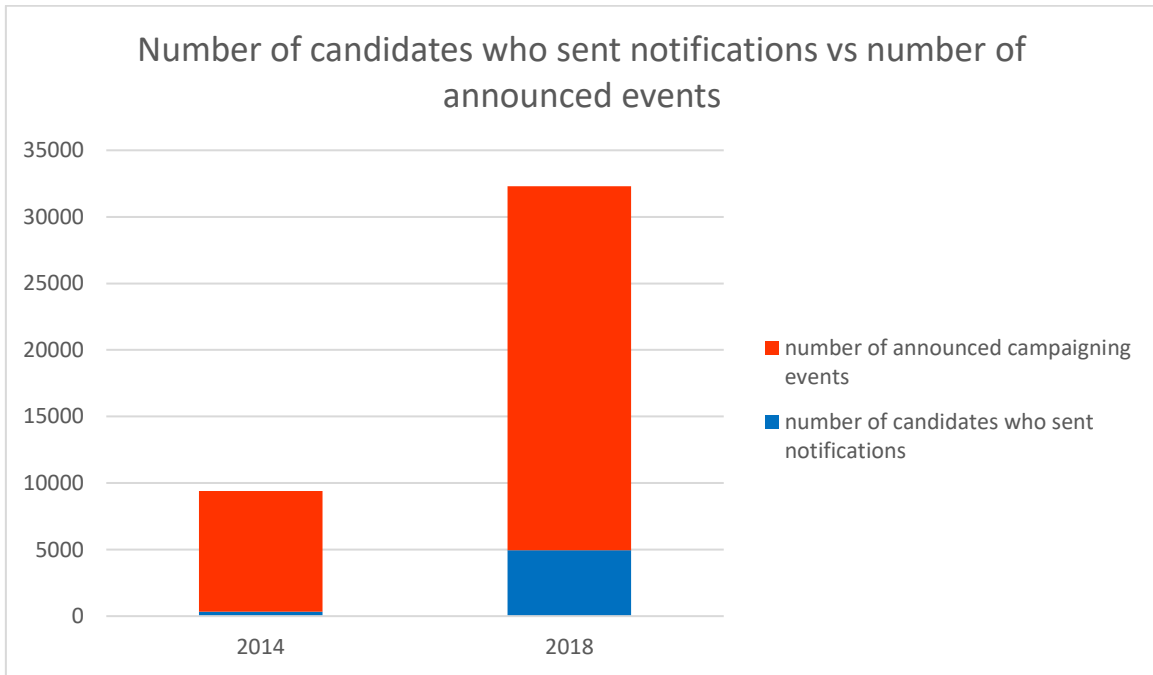
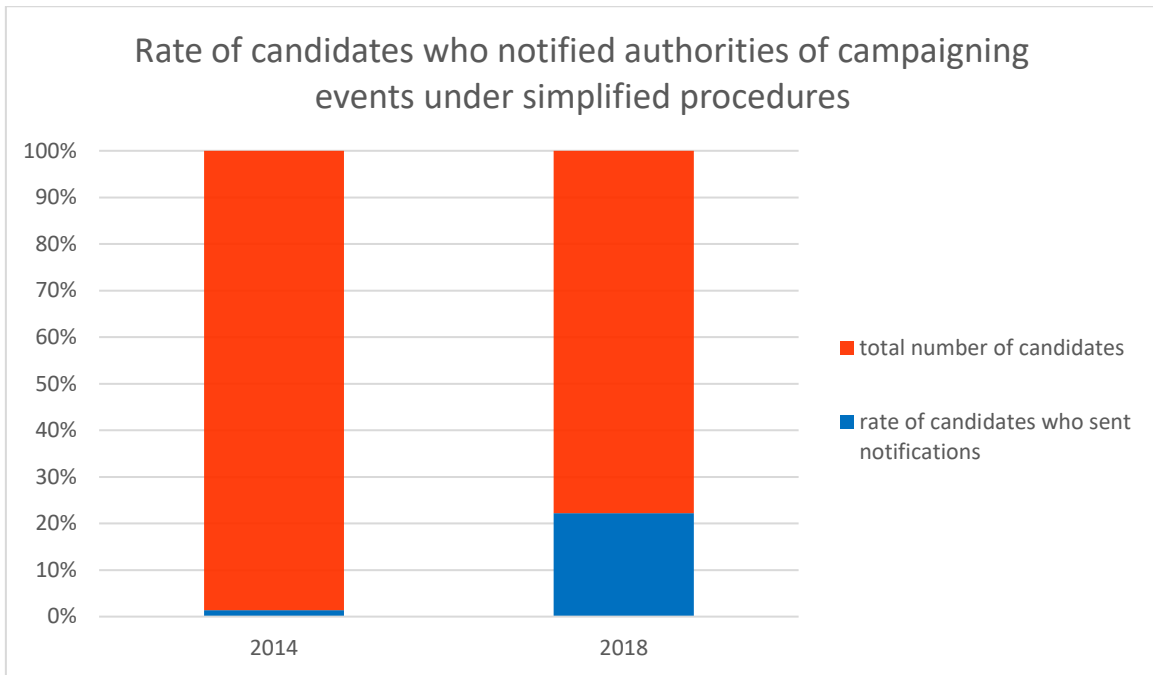
For example, the *Hrodzienskaja Praŭda* government-owned weekly mainly published articles about the candidates from the government (acting deputies, officials or managers of state-owned enterprises) in the form of an interview or a call-in show. The newspaper's website posted over thirty similar publications. Social activity and civil position of opposition candidates were not covered in the newspaper. A similar situation was documented in the Baranavičy-based newspaper *Naš Kraj*, *Novaja Hazieta* in Navapolack, *Viesnik Mahiliova* and other local newspapers.

Astravieckaja Praŭda, a state-owned local newspaper in Astraviec, refused to publish the election program of candidate Mikalai Ulasevich. In response to the candidate's letter, chief editor Nina Rybik arbitrarily argued that his election program violated the provisions of the Electoral Code.

Voĺny Horad in Kryčaŭ was among the few independent newspapers engaged in a comprehensive coverage of the election campaign. Meanwhile, actors involved in the elections worked little with online resources and social networks.

2. Campaigning events and meetings with voters

It should be noted that in comparison with previous elections more candidates filed notices of events in a simplified manner: in 2014, only 332 candidates took the opportunity of a notification, or 1.4% of the total number of candidates. 9,064 events were announced. In 2018 (as of February 12), such notices were filed by 4,951 candidates, or 22% of the total number of candidates. During the current campaign, the candidates announced 27,340 campaigning pickets.



One candidate for deputies of local councils announced the conduct of an average of 1.2 events (in the last elections — 0.4). Traditionally, candidates running in Minsk were more active during the phase of campaigning: one candidate announced an average of about 70 events.

When answering the question whether all the candidates enjoyed equal conditions in arranging meetings with voters, 30% of the campaign’s observers said that the candidates were deprived of equal opportunities. Election commissions in the regions mainly failed to inform the public about the time and place of the meetings with voters.

The pro-government candidates mainly campaigned at meetings with voters in the assembly halls of state-owned enterprises. Voter participation in these meetings was secured by the administrations of these businesses. In addition, the campaign’s observers in Hrodna, Baranavičy and other cities reported that administrative resources were extensively used in schools. Class teachers invited parents (with their passports) to meetings with the candidates.

Parents then voted early. Meetings in schools were also arranged by pro-democratic candidates, for example UCP. However, the attendance was insignificant². Cases of forcing employees to participate in the campaigning events were reported by the observers in Minsk, Brest, Orša, Hlybokaje and other cities.

Acting deputies of the Minsk City Council took an active part in official events, using administrative resources in favor of their campaigns. The district election commissions justified this practice by referring to the deputies' direct duties.

In 92% of the electoral districts covered by the observation within the campaign "Human Rights Defenders for Free Elections", the candidates were not denied the right to hold meetings with voters. There were isolated cases of government-related obstacles. For example, a meeting with Aliaksandr Bulauka, a candidate running for the Orša District Council, was disrupted by the authorities.

There were no serious obstacles to the conduct of election pickets. However, there were elements of pressure at the pickets of opposition figures. For example, security officials were present during the pickets of the opposition candidates in Viciebsk; the law enforcement officers videotaped the events. This led to the fact that the citizens did not dare come and participate in the discussion of the candidates' platforms. On February 8 in Svietlahorsk, a picket of Yury Liashenka, running for the Homiel Regional Council, was also videotaped by law enforcement officers.

3. Manufacture and distribution of printed campaigning materials

In accordance with the decision of the local authorities, advertising boards were installed in the territory of the electoral districts to bear campaigning materials of candidates. According to the observers, they mainly featured leaflets announcing the election date and the candidates' posters. Such printed materials were also left in the voters' mailboxes. Only a few electoral districts were marked by active campaigning for the candidates.

At the same time, there were cases of disseminating printed campaigning materials that failed to indicate the required data (number of certificate of state registration of the printing business, date of issue, circulation, order number, name of the customer). For example, only one of the leaflets of candidate Aksana Miankova running in electoral district No. 2 in Mahilioŭ Oksana Menkova met these requirements. The leaflets of candidate Siarhei Kandrashyn in electoral district No. 13 in Baraŭliany were also manufactured in violation of the established rules.

Observers of the campaign "Human Rights Defenders for Free Elections" reported facts of editing or groundless changes in the content of campaign materials of candidates from the opposition. Several opposition candidates in Slonim argue that separate facts from their biographies were deleted from their campaigning leaflets³.

The Viciebsk-based newspaper *Vičbičy* published false information (the information was provided by local election commissions) about an earlier criminal conviction of Vadzim Kuzmin, candidate of the Party of the Left "Just World" running in electoral district No. 7. Kuzmin

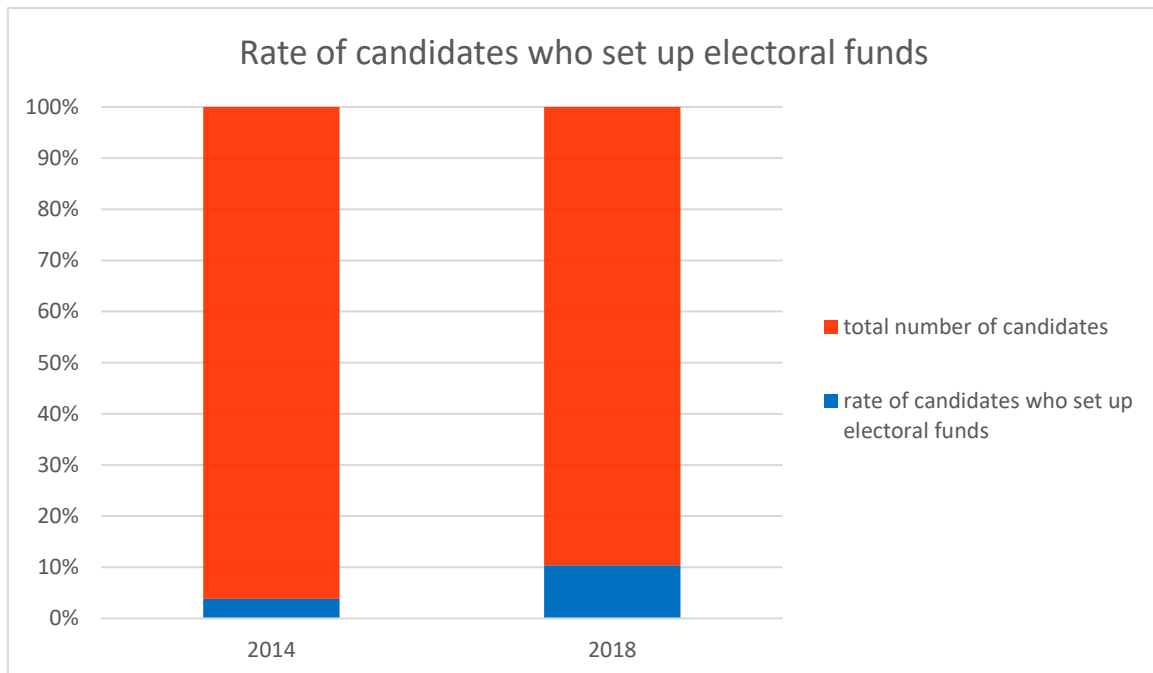
² <http://elections2018.spring96.org/be/news/89166>

³ <http://elections2018.spring96.org/be/news/89166>

complained to the City Prosecutor's Office. Facts were distorted in the leaflets of Ryhor Kastusiou, running in the Škloŭ-based electoral district No. 54. A substantial part of his biography was deleted, in particular, the fact that the candidate was the chairman of the BPF Party. The Pieršamajski district election commission In Minsk ordered the manufacture of information materials for candidate Aliaksei Sihayeu running in electoral district No. 50 without agreeing with him the facts that are important for the applicant. Candidate Mikalai Ulasevich complained about similar violations in the Astraviec district.

4. Creation and use of electoral funds of candidates

In comparison with the previous elections of deputies of local councils, during this year's elections, the candidates actively used the opportunity to create election funds in order to finance their election campaign expenses. According to the CEC⁴, as of February 8, 2018, 2,328 persons established election funds out of 22,289 registered candidates, or 10.4% of the total number of candidates. Meanwhile, only 1,692 candidates (7.6%) used in whole or in part the resources of their electoral funds. For comparison, in the past elections, only 3.8% of the candidates set up their election funds and only 3.5% of the candidates fully or partially used these funds.



The candidates did not show great interest in the creation of election funds, although, technically, all costs of the election campaign can be only covered from the election fund.

⁴ http://rec.gov.by/sites/default/files/pdf/Elections-MS28-elect_46-47.pdf