



PARLIAMENTARY ASSEMBLY

REPORT ON
PARLIAMENTARY ELECTIONS IN
BELARUS
14 AND 28 MAY 1995

1. EXECUTIVE SUMMARY

These were the first parliamentary elections held in Belarus since independence. Therefore, lack of experience had an effect on the manner in which they were carried out.

A referendum on four issues was held in conjunction with the first round of elections.

- a) The Electoral law (available from the Secretariat in Russian and in English) could have provided conditions for free and fair elections. However, the law includes high threshold requirements which make it possible for the elections to produce no Supreme Soviet at all. After two rounds, this is actually the case.
- b) The government's interpretation of the Electoral Law, and some Presidential decrees, also included regulations which cannot be considered satisfactory.
- c) Parties and candidates had some inappropriate restrictions concerning the carrying out their campaigns. Due to these restrictions, voters had only limited information on the elections, parties, candidates and their platforms.
- d) The government also attempted to influence the outcome of the elections and the referendum. This was seen, in particular, in the government's use of its influence on the media.
- e) Lack of experience could also be seen in the polling stations where the authorities allowed extensive multiple voting, and did not promote secret balloting procedures.

Because of weaknesses in the regulations, inappropriate government involvement, the general lack of public information on the elections, and the extensiveness of irregularities in the polling stations, the Belarus Parliamentary elections were not considered by the delegation to have met conditions for free and fair elections.

Should the elections eventually produce a new Supreme Soviet, it would be an important achievement in building democracy in Belarus.

The Delegation's statement after the first round was published on May 15 [Annex 1].
The Delegation's statement after the second round was published on May 29 [Annex 2].

2. DELEGATION

The Delegation of the Parliamentary Assembly of the OSCE monitored the elections in Belarus at the invitation of the Chairman of the Supreme Soviet of the Republic of Belarus. The President of the OSCE Parliamentary Assembly had appointed the following Delegation:

Dr. Willi FUHRMANN	..... Austria	..... Head of Delegation
Vaclav CUNDRLE	..... Czech Republic	..... (first round)
Jan DECKER	..... Czech Republic	..... (first round)
Jaromir KALUS	..... Czech Republic	..... (first round)
Tomas STERBA	..... Czech Republic	..... (first round)
Jaroslav NOVAK	..... Czech Republic	..... (second round)
Maria Kaisa AULA	..... Finland	..... (first round)
Zourab SHENGELIA	..... Georgia	..... (first round)
Aud GAUNDAL	..... Norway	..... (first round)
Erik SOLHEIM	..... Norway	..... (first round)
Ionel ROMAN	..... Romania	..... (first round)
Dumitru MOCANU	..... Romania	..... (first round)

The Delegation was accompanied by the following three members of the International Secretariat:

Pentti VÄÄNÄNEN	..... Deputy Secretary General	..... (first round)
Eric RUDENSHIOLD	..... Programme Director	..... (first round)
Stig KJELDTSEN	..... Assistant	..... (first & second)

The Delegation was also accompanied by:

Magdalena PAVELKOVA.....Czech Republic.....(second round)

3. PROGRAMME

The programme [Annex 3] was prepared together with the Belarus Delegation to the OSCE Parliamentary Assembly. When preparing the programme the Secretariat also cooperated with the Parliamentary Assembly of the Council of Europe, North Atlantic Assembly and the ODIHR. During the second round, the delegation attended briefings jointly with the delegation of the European Parliament.

4. PRE-ELECTION ENVIRONMENT

Belarus gained independence on 25 August 1991, in connection of the collapse of the Soviet Union. The May 1995 elections to the Supreme Soviet of the Republic of Belarus represent the first parliamentary elections since Belarus gained independence. The Presidential election was held on 10 July 1994.

The new constitution (adopted 15 March 1994) reduces the number of seats in the Supreme Soviet from 360 to 260. None of the deputies in the new Supreme Soviet may hold governmental or administrative positions, including positions appointed by the President, or membership in the Cabinet of Ministers.

The Belarus political system can be characterized as presidential, or as semi-presidential. During the last months there have been tensions between the President and his government on one side and the Supreme Soviet on the other. It seems obvious that in Belarus the legislative and executive branches of government have not yet found their roles and duties in a democracy.

Organization of the Elections

The Republic of Belarus has divided its 7½ million voters into 260 constituencies. One deputy is elected from each constituency. Constituencies are made up of approximately equal numbers of voters and take into account administrative divisions. Each constituency is divided into local electoral wards, consisting of between 20 and 3000 voters.

The overall electoral process is overseen by the Central Elections Commission (CEC) which is chosen upon recommendations of regional councils and approved by the Supreme Soviet. In addition to administering parliamentary elections, CEC duties include registering electoral blocs, determining procedures for state media use, and investigating issues concerning the district and local electoral commissions. According to law, the CEC has the final say in these matters. Its decisions can be appealed to the Supreme Court.

The regional councils select district and local election commissions which consist of members of political parties and other organizations represented in the elections, as well as voter representatives. The duties of these subordinate commissions include informing voters about the election, carrying out voting procedures, and publishing results. It is also the duty of the local election commission to compile electoral rolls of eligible voters. Decisions and reports by these commissions are to be published in the local press.

Nomination and Registration of Candidates

Between 70 and 40 days prior to the elections, parliamentary candidates may be nominated in a variety of ways: National political parties or blocs; various other national organizations; meetings at work places, educational collectives, places of residence or military units; and through the collection of voters' signatures. The law limits each party, bloc, association or other group to nominating one candidate in each constituency.

The registration period was scheduled to end thirty days prior to the elections, but was extended by the CEC, primarily due to financial problems. The nomination and registration process was reportedly hampered by delayed payments of the 68 billion Belorussian rubles (BR)--approximately \$6.5 million--allocated by the government to finance the elections. According to the CEC, 32 billion BR were available for the campaign, with each registered candidate expected to receive 600,000 BR (approximately \$50) for their individual campaign expenditures. The registration period ended officially on 23 April.

There were 2,348 registered candidates; 43% of them represented no political party or bloc. Initially, the CEC had refused to register 170 applications on the grounds that their applications were not considered to fulfil all legal requirements. Of these refusals, 36 appealed, and the CEC approved the registration of 13. The Supreme Court approved another 4 candidates.

CANDIDATES RUNNING FOR OFFICE

<u>Affiliation</u>	<u>Percentage</u>
Independent (Unaffiliated)	43%
Communist Party	10%
Belorussian Popular Front	8%
Agrarian Party	5%
Party of National Accord	4.6%
Union of Democrats	2.8%
Social-Democratic Gramada	2%
Other Organizations	24.6%

The number of candidates per ballot ranged from 1 to 23, with an average of 9 candidates per ballot overall (15 on average in Minsk).

Campaigning and the Role of the Media

The official campaign period began after registration, and it continued until the day before the elections. No campaigning was legally allowed on election day.

Registered candidates were granted certain privileges and immunities for the duration of the campaign period, including: relief from their professional and official duties (compensated by an average salary out of election funds); free transportation within their electoral district; and immunity from prosecution, arrest, or administrative punishment without the consent of the CEC. Further, each candidate was allowed to have up to ten agents to assist with their campaigns, and to represent their interests in dealings with various bodies.

Political parties were allowed by the election law to campaign in support of candidates [Article 43], although "prohibited from any direct or indirect participation in the financing and provision of other forms of material assistance..." The Constitution, the election law, and various decrees appear to have contained contradictions with respect to party activities. Even within the election law itself there were discrepancies, that appeared to confuse candidates.

There were also a number of Presidential decrees which regulated various aspects of the campaign. Several parties and candidates complained of one such decree that mandated all rallies, and even door-to-door campaigning by party members, to be regulated by another decree on public meetings (requiring 10 days notice and an application for a

permit to conduct this type of activity). Representatives from both ends of the party spectrum complained of substantial interference from the executive administration during the nomination, registration, and campaign periods. Some cited, as an example, a public statement made by the President threatening to de-register any candidate who violated the aforementioned decree.

According to the election law, the state media was required to publish, free of charge, the material presented by the electoral commissions and the programmes of candidates. Candidates were supposed to be guaranteed equal access to state media. Further, any media vehicle subsidized wholly or in part by state funds was also bound to provide equal opportunities for candidates to make pre-election addresses. Candidates were also to have been allowed to publish their programmes in the local media, if material was submitted 20 days prior to the election. According to the Chairman of the CEC, each candidate was entitled to one radio slot and free publication of his/her campaign platform.

Several candidates, party officials and media representatives complained about the actual campaign coverage resulting from governmental restrictions. Although candidates were guaranteed equal access to the media by law, the actual practice during the campaign apparently resulted in a very limited press coverage for most candidates. Journalists from both the state and opposition media reported intimidation from the state authorities including the firing of editors, press closures, censorship, and dictates on acceptable media coverage.

Some state press organs were reported to have extremely biased coverage of political parties and candidates. Monitors observed the repeat showing of a state-sponsored documentary, broadcast on state television during the eve of elections, which compared one of the opposition parties to the Nazi occupiers of Belarus during World War II.

According to several party and press representatives the insufficient media coverage had resulted in most voters having very limited information. One prominent candidate, who had publicly complained about what he considered a "state ban" on access to media, claimed that he had been threatened by the President of the Republic to have his candidature withdrawn.

The Referendum

A referendum on four issues was held in conjunction with the parliamentary elections. The issues were:

1. *Should the Russian language be given an equal status with the Belorussian language?*
2. *Should the state symbols of the Soviet era be reinstated (without the text or hammer and sickle)?*
3. *Approving the President's policy on economic integration with Russia.*
4. *Should the President of the Republic have the right to dissolve the Parliament, if it was acting in contradiction to the Constitution?*

The authorities conducted extensive efforts to convince the voters to participate in the referendum. No similar attempts were made to encourage participation in the parliamentary

elections. The President of the Republic said on State Television (April 20) that he would vote in the referendum, but would not vote for anyone for Parliament.

Most official information appeared to encourage the electorate to vote in favor of all referendum questions: Official posters were displayed at nearly all polling sites, instructing voters to vote in the referendum, stating the referendum questions, and listing the choices ("for" printed in the only red letters on the poster, and "against" in black letters). Sample referendum ballots were also distributed to voters in advance of the elections and at many polling sites on the day of the elections, illustrating votes in favor of each of the questions [Annex 4].

Voting Procedures

The polls were required to be open between 6 a.m. and 10 p.m. local time. Polls in electoral wards in military units, sanatoriums, rest homes, hospitals and other in-patient medical institutions were allowed to close early, if all registered voters had voted. Polling stations were required to be equipped with secret ballot booths or rooms, ballot distribution points and ballot boxes. The ballot boxes were required to be arranged so that voters would pass through the booths or rooms to reach them.

Ballots were to be issued only upon the basis of the electoral roll, and the presentation of a passport or other proof of identification. If voters were unable to travel to the polling station, for health or other valid reasons, local election commissions were required to provide a portable ballot box on election day. Representatives from political parties and blocs, other associations, collectives and voter organizations were allowed to be present as monitors.

Ballots were required to be printed in the state language (Belarusian), to list the candidates in alphabetical order by their surnames and to include some basic details about the candidate. Voters were to cross out the surname of those candidates they wanted to vote *against*. The vote was casted in favor of the one candidate whose surname was not crossed out. Any doubt concerning the validity of a ballot was to be settled by a vote of the electoral commission.

Validity of Elections and the Election of Deputies

Elections in a constituency can only be declared legally valid if over half of voters on the electoral rolls participate. Candidates also needed to receive a majority of over 50% of the votes to be elected. In districts where no candidates received over half the votes, run-off elections between the top two candidates were scheduled to take place within two weeks. In the second round a turnout of half the voters was also required, and the candidate who received the most votes was elected.

Election results

In the first round of elections results were valid in 235 out of the 260 constituencies. In one constituency the results were declared invalid because of irregularities. The remaining 24 constituencies were invalid because of low voter turnout. Only 18 candidates were

elected outright during the first round.

The second round of elections was characterized by low voter turnout which resulted in only 101 candidates being elected. In Minsk, low turnouts resulted in no candidates being elected from any of the city's 42 constituencies.

VOTER TURNOUT

<u>Area</u>	<u>First round</u>	<u>Second round</u>
Minsk	52.4%	38.5%
Minsk region	69.7%	60.0%
Brest region	69.2%	56.4%
Vitebsk region	68.5%	59.1%
Homel region	67.0%	51.9%
Hrodno region	65.3%	58.9%
Mohilev region	64.3%	61.6%
<u>Total voter turnout</u>	<u>64.7%</u>	<u>56.6%</u>

A minimum of 174 out of 260 deputies are needed in Belarus for a legal quorum. The party breakdown of the 119 successfully elected deputies is as follows:

ELECTED CANDIDATES

<u>Affiliation</u>	<u>First round</u>	<u>Second round</u>	<u>Total Persons</u>	<u>Percentage</u>
Independent (Unaffiliated)	9	44	53	44%
Communist Party	3	24	27	23%
Belarusan Popular Front	0	0	0	0%
Agrarian Party	5	25	30	25%
Peoples' Concord Party	1	2	3	2%
Social-Democratic Gramada	0	1	1	1%
Green Party	0	1	1	1%
Labor and Fair Party	0	1	1	1%
Belarus Peasants Party	0	1	1	1%
Belarus Socialist Party	0	1	1	1%
Belarus Patriotic Movement	0	1	1	1%
<u>Total</u>	<u>18</u>	<u>101</u>	<u>119</u>	<u>100%</u>

5. OBSERVATIONS

In the observations, as well as in the recommendations, this report concentrates on the Parliamentary elections. Much of what is said also concerns the referendum.

5.1. LEGAL AND PRACTICAL CONDITIONS

The Electoral Law

- a) Efforts to provide equal funding for candidates resulted in serious limitations in the candidates' abilities to promote themselves and their platforms. The 600,000 BR (approximately \$50) allotted per candidate was reportedly enough to print approximately 5,000 leaflets. Eliminating political parties from using their resources to support candidates further reduced opportunities for political debate.
- b) Provisions in the law for equal access to the media were interpreted in a way which resulted in political parties or candidates having very limited coverage. Most parties and candidates complained of having "no access to the media whatsoever." This was corroborated by the official and opposition press, who complained in turn about official interference in press coverage. Some local press coverage of some candidates did take place, but this was by no means comprehensive. All candidates as a result did not receive equal treatment. Virtually no parties or candidates had any exposure on national media. The result was that most voters only had very poor information about parties, candidates and their platforms.
- c) Political party activity was drastically curtailed due to the interpretation of the election law. This concerned both financing, media coverage and possibilities to campaign in other means. Although political party activity and campaigning was guaranteed by the election law [Article 43], Presidential decrees and strict interpretations of Article 12 severely dampened the party involvement during the election campaign. Whereas concerns over campaign financing, how much political parties can spend in an election, and the balance between public and private campaign contributions have warranted limitations in some countries, the substantial reduction of party activity during a political campaign was regarded by the delegation as an impediment toward generating an informed electorate.
- d) Provisions in the election law guaranteed candidates the right to have their programs published and one appearance on the local state broadcasting station [Article 43]. According to several press sources, these provisions were apparently not implemented for the majority of candidates.

Presidential Decrees and Other Regulations

- a) Decree relating campaign activities to law on public meetings--The issuance of a Presidential decree on campaign activities (small rallies, in some cases door-to-door campaigning, etc.) required parties and candidates to submit applications and

request special permission from the authorities with a minimum of 10 days notice. Political parties complained that requests were often denied.

It has been questioned whether the decree may contradict some Constitutional provisions with respect to freedoms of speech and assembly and provisions for balance of power. One also needs to take note of the election law [Article 7] which states that only electoral commissions, political parties and other official civic organizations are responsible for the preparation and conduct of elections, and not the executive branch of government. The election law [Article 21] also states that only the CEC has the right to interpret and "supervise the enforcement of the present [electoral] law."

- b) Decree regulating media coverage of campaign--A Presidential decree which stated that only local and regional press could publish candidates' platforms, also seemed to violate the spirit and intent of the election law regarding equal access to the press, and seemed to observers an undue influence of the executive branch on the election process. Some political parties complained that in some regions only candidates supporting the President received any radio coverage, and that candidates in the Minsk region had no local press organs available for covering their campaigns.

5.2. THE MEDIA

- a) Insufficient press coverage due to governmental interference and restrictions resulted in significantly large numbers of voters being poorly informed about parties and candidates or their platforms.
- b) Numerous complaints were lodged against the authorities by representatives of the state and independent media regarding the firing of editors for covering the campaign and promotion of biased coverage against opposition parties and candidates. They also claimed that state publishing houses denied access to presses for some publications, that there was cancellation of some broadcast programs, and that there was some censorship of print media and broadcast programs.
- c) Broadcast of a state-sponsored documentary entitled "Hatred," and aired for the second time on the eve of elections, compared one opposition party to the invading Nazis of World War II. This appeared to be a governmental attempt to influence the outcome of the elections.
- d) Although each candidate was legally entitled to one radio slot and free publication of his or her campaign platform, journalists and some media officials claimed that they were told by government officials not to cover the elections. One radio director claimed to have been told to play music instead of a program featuring candidates. Both radio and television journalists complained of programs being censored and cancelled for covering events and people surrounding the election. Journalists in general admitted to having refrained from reporting on the election campaign for fear of retaliation from the executive branch of government. The

President of the Republic reportedly threatened in a public address severe penalties against publications in these matters.

The Delegation concludes that the limitations placed on the media severely restricted the dissemination of information to the electorate.

5.3. OBSERVATIONS AT POLLING STATIONS

In the first round the Delegation was divided into 5 groups which visited some 70 polling stations covering five out of six oblasts of Belarus. In the second round the Delegation visited as one group 14 polling station in two oblasts [Annex 5]. The first visits were made before the opening of the polling stations and the opening procedures were monitored. The last visits were made when the stations were closing and the closing procedures as well as the beginning of the counting of votes were monitored.

In most polling stations the conditions and practical arrangements were satisfactory and in accordance with the law. Good order was maintained, ballot papers were available, and the voting booths were safe. The ballot boxes were sealed and in most cases properly guarded.

Members of Delegation did, however, observe the following irregularities and breaches of proper procedures:

- a) **Interference from the authorities regarding the referendum was apparent through the distribution of biased sample ballots and other information displayed at polling sites. At numerous polling stations, members of the delegation observed examples of the sample-ballot leaflets available to voters, along with the ballots. The leaflets advised "Millions of Belorussian citizens who want to live in peace and harmony" on which choices they should choose in the referendum [Annex 4]. These leaflets were distributed by the authorities not only at many polling stations, but also by mail to some voters. The delegation finds this to be a highly inappropriate attempt to influence the outcome of the referendum.**

The authorities also interfered in the referendum by placing black-and-white posters in virtually all polling stations. They had the "yes" choice printed in bright red and "no" in black.

- b) **Election posters and leaflets for some, but not all, candidates running in a district were also observed in some polling stations.**
- c) **In a large number of polling stations several voters collected, marked and deposited multiple sets of ballots for both parliamentary and referendum questions. In the first round this generally happened when a voter presented several passports, assumably from members of the same family. During the second round, multiple ballots seemed to be handed out more frequently,**

and at times even without the presentation of passports. It appeared to be an exception for officials to refuse a voter ballots to vote on behalf of others. This kind of multiple voting is against the law, contrary to the one-man one-vote principle of democracy, but the pervasiveness of this procedure also places the overall fairness of the elections in question.

- d) In particular during the second round, voters' identities were frequently not checked by asking for an identification. In these cases, when asked, officials claimed this only happened when they knew the voter personally. However, the delegates were not convinced that this always was the case.
- e) In many polling stations it appeared to be common practice for two or more voters to enter the voting booth together. In most of these cases the persons seemed to be members of the same family. Voters were also witnessed marking their ballots outside the booth, sometimes consulting each other, or even the officials. The officials did not interfere in these cases, and did not advise the voters of the importance of secrecy. The frequency of this procedure demonstrates a general lack of regard for the principle of the secret ballot.
- g) In two instances during the second round of voting, election officials reported to observers that portable ballot boxes in rural areas had been dispatched and positioned in front of offices, stores, or other central areas so as to collect more votes. Although counter to the election law provisions for portable ballot boxes, the officials felt justified in these actions.
- h) In a district of Minsk, during the second round, two polling stations were reported closed because first round results had been declared invalid at those sites.

5.4. COUNTING OF VOTES

Members of Delegation only observed the beginning of the counting of votes in polling stations. No irregularities were observed.

6. RECOMMENDATIONS

It is essential that 1) the roles and duties of the legislative and executive branches of government be clarified. 2) The government must not attempt to influence the outcome of the electoral process.

3) The electoral law should be amended to abolish such requirements which may result in the present situation where the elections could produce no new Supreme Soviet. 4) The law and regulations should be made easily understandable, and all possible contradictions should be eliminated. 5) The electoral law and other

regulations on the one hand **should guarantee equal opportunities**, but at the same time **should not impose unnecessary restrictions on parties and candidates** regarding the conduct of their campaigns. This includes access to media, possibilities to distribute material, organizing rallies, regulations on financing campaigns, etc. Although regulations in these matters may be useful to ensure fairness and equality, they should not include limitations that would make it difficult for parties and candidates to inform the voters about their platforms, or establish a public debate.

6) The government must not interfere in the media coverage of the elections, candidates, or events surrounding the elections. The media must be able to carry out its duties in an impartial manner. Since little independent media exists in Belarus, this particularly refers to **the state owned media and printing houses.**

7) The officials in polling stations must be instructed to observe the law. Specifically, this refers to educating voters on matters concerning the **prevention of multiple voting and ballot secrecy.** In this respect it might be useful if the government would **8) carry out a voter information campaign** on these matters before the next election.

Willi Fuhrmann
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