



Human Rights Defenders – for Free Elections!

Election of the President of Belarus 2010: Weekly Analytical Review (October 11-17)

GENERAL CONCLUSIONS

1. Regulations governing access of the presidential candidates to state mass media adopted by the Central Election Commission (CEC) hardly improve the situation for opposition candidates from the 2006 election campaign when they were guaranteed only 60 minutes on the main national TV channel and 60 minutes on the main national radio channel for the whole campaign period.

2. Information about the work of Territorial Election Commissions (TECs) continues to be limited for observers, and local authorities control TEC activities to a considerable extent. The significant number of TECs that include members of the initiative group of Alyaksandr Lukashenka calls into question their neutrality.

3. Collection of signatures in support of opposition candidates for the Presidency proceeds without significant obstacles, and the initiative group of one opposition candidate has announced that it has already collected the necessary signatures. At the same time, initiative groups of the opposition candidates have minimal access to student and workers' hostels, educational establishments and state enterprises.

4. Observers note that signature collection in support of A. Lukashenka continues to rely on extensive administrative support. Observers have witnessed an increasing number of cases of signature collection in support of A. Lukashenka by those persons who do not formally belong to his initiative group.

5. The CEC has demonstrated unequal treatment of different initiative groups, issuing a warning to the initiative group of U. Nyaklyaeu for violating electoral legislation while complaints against the initiative group of A. Lukashenka are being re-directed to lower level commissions.

6. Virtually all complaints to the TECs, Prosecutor's Office and courts related to violations during signature collection remain unsatisfied. The only exception has been those complaints that relate to the determination of places where pickets for signature collection are prohibited by the authorities.

7. State mass media, especially at the local level, continue to cover the election campaign to a very limited extent. Agitation in favour of A. Lukashenka is being carried out, while other participants of the electoral campaign are almost fully ignored.

8. The "Human Rights Defenders for Free Elections" campaign continues to be the only monitoring structure which carries out systemic monitoring of the election. No other national or international structures have a functioning system of long-term observers in place to date.

I. WORK OF ELECTION COMMISSIONS

On October 14, a regular sitting of the Central Election Commission (CEC) took place to consider a number of issues: on use of mass media during preparations and conduct of the election; on interpreting the provisions of the Electoral Code, which include declaration of incomes and property; on participation of Belarusian citizens abroad in the election; on the Observation Board for monitoring the observance of the procedures and rules for election campaigning in media; on the Information Centre of the CEC for media and foreign (international) observers; on amending Decision No. 44 of September 15, 2010, and others.

The CEC made decisions on all the above, which made no essential changes in these aspects of the election process in comparison with 2006. Almost the only novelty is the possibility to hold TV debates, should at least two presidential candidates express the intention. The debates will be recorded prior to broadcast. As in 2006, each candidate will be guaranteed 60 minutes on National TV Channel 1 and 60 minutes on National Channel 1 of Belarusian Radio for the entire campaign period.

Since neither the Electoral Code nor the CEC demand to disclose information about the location of TEC proceedings and about the time and place of TEC sittings, many commissions continue hiding this information from observers. Cases were registered where observers were removed from TEC sittings under the pretext of considering certain "technical issues."

The available information allows one to conclude that the 2006 situation will be repeated. For example, in the leadership (chairs, deputy chairs and executive secretaries) of all the TECs of the Brest Region, employees of executive committees make more than 50 percent of members (32 out of 63). Also, it becomes known that certain TEC members are at the same time members of Lukashenka's initiative group. This is the case, for example, with Vera Shulzhenka, a member of the Brest Regional Election Commission, and Larysa Antonava and Leanid Chukha, members of the Baranavichi City TEC.

An example of the significant influence the executive power has on the work of election commissions is the "Plan of Organizational-Ideological Support of Presidential Election in Belarus on December 19, 2010, in the Territory of Salihorsk District", approved on September 23 by Alyaksandr Rymashevsky, chairman of the local executive committee. The committee plans, for example, to hold "a meeting with chairs and secretaries of election commissions for the election of the President of the Republic of Belarus" and "organize the work of observers from labour collectives, political parties and public associations in election commissions", carrying out functions not stipulated in the relevant legislation.

II. SIGNATURE COLLECTION

The election headquarters of Alyaksandr Lukashenka and Uladzimir Nyaklyaeu have both reported reaching the required 100,000 voters' signatures. Half of that number was reported by the headquarters of Andrei Sannikau, Yaraslau Ramanchuk, Viktor Tsyareschanka and Ryhor Kastusyou.

In formal terms, in the current election campaign, opportunities to collect signatures in support of nomination of presidential candidates have been significantly expanded. Signatures are collected not only at citizens' residences, as it was in the 2006 campaign, but also by pickets deployed at locations approved by local executive and administrative bodies. The CEC leaders emphasize that the election campaign progresses "calmly and in good order,"¹ and initiative groups are collecting signatures in a friendly environment.

In practice, as observers report, widespread use of administrative resources to counteract signature collection for opposition candidates continues. Many voters report that administrations of enterprises prohibit signing and participating in signature collection for anybody other than the incumbent president. This was stated, for example, by Tamara Zhenzheuskaya, director of the Amhovichy secondary school (Slutsk District, Minsk Region), Volha Birukova, head of nursery No. 76 of the city of Vitsebsk, and others.

Members of initiative groups of opposition candidates are not allowed in student hostels. Despite the presented documents, Alyaksandr Ermalaeu, a member of U. Nyaklyaeu's initiative group, was categorically forbidden, without explanation, to collect signatures in the hostel of the Orsha State Vocational-Technical College.

At the same time, members of the initiative groups of U. Nyaklyaeu, R. Kastusyou and A. Sannikau have noted that students of Belarusian State Agrarian Technical University and the Belarusian State Academy of Arts were recruited to collect signatures in support of the incumbent president. In the city of Hrodna, in apartment blocks in Tserashkova Street (Nos. 38, 40 and 42), collection of signatures was held by certain persons with filled-in printed subscription lists of all tenants. If any of them refused to sign, they put a note against the surname "refused".

Observers report a relatively free conduct of pickets in the capital and other cities. The positive trend of amending previous decisions of executive committees as to locations banned for collecting signatures – the decisions adopted by the Executive Committees of Baranavichy (Brest Region), Orsha, Pastavy, Rasony (Vitsebsk Region), Hrodna; and Slutsk (Minsk Region) – expanded the list of places allowed for collecting signatures by initiative groups.

At the same time, there are examples of violations of the principle of equal terms for the candidates. For example, on October 15 a picket to collect signatures for Lukashenka was deployed inside the Minsk railway station, while the station administration banned all other pickets in the building. In the regions, as evidenced by observers, holding pickets to collect signatures for opposition candidates is less efficient. Thus, on October 15, in Liozna settlement (Vitsebsk Region) pickets to collect signatures for Ales Mikhalevich and R. Kastusyou were visited by officials of the district executive committee; then, some unknown persons appeared and took all informational materials away from the picketers.

¹ Statement of CEC Chair Lidziya Yarmoshyna at a regional seminar on election issues (Mahilyou, October 8, 2010), BelaPAN.

III. APPLICATIONS AND COMPLAINTS RELATED TO THE ELECTION

On October 14, the CEC considered a violation of the electoral legislation by the initiative group of U. Nyaklyaeu. According to information announced by Nadzhezda Kisyalova, a CEC member, the CEC received information from the juvenile inspection of the Zavdaski RUUS (District Interior Department) of Minsk about detention of four minors who were collecting signatures for nomination of U. Nyaklyaeu. The detainees had with them samples on how to fill in subscription lists, instructions for signature collectors and filled-in and clean subscription lists. Besides, the minors had IDs of members of the initiative group of U. Nyaklyaeu issued to others' names and 50 leaflets, which, according to the fine print, were printed in Samara (Russian Federation). Allegedly, some unknown person offered that they collect signatures for monetary remuneration.

Andrei Dzmitryeu, head of U. Nyaklyaeu's initiative group, explained that the initiative group had nothing to do with the detained minors, and nobody from U. Nyaklyaeu's headquarters had ever asked them to collect signatures. According to Mr Dzmitryeu, some of the IDs issued by the CEC to the members of the initiative group had been lost; and they had given no orders to print leaflets in Russia. He called all the charges of breaking the electoral legislation to be a provocation.

Lidziya Yarmoshyna, Chair of the CEC, stated that all the above facts were obvious violations of the electoral legislation: attracting minors to collect signatures; delivery of IDs of members of the initiative group to other persons and collecting signatures by persons who are not members of the initiative group; printing of campaign materials outside Belarus; and dissemination thereof prior to the official start of campaigning. The CEC voted unanimously to warn the initiative group of U. Nyaklyaeu. Ms Yarmoshyna treated the measure as "too lenient" and explained that in making this particular decision the CEC was guided by the desire to make the election "most pluralistic and competitive."

The campaign "Human Rights Defenders for Free Elections" believes that if the facts as presented by the CEC are true, they indicate a violation by the initiative group of U. Nyaklyaeu of the electoral legislation, especially since the explanations given by the head of the group did not look convincing. However, observers also noted a significant number of complaints that the initiative group of Lukashenka violated the legislation. It should be noted that the CEC did not consider complaints about violations during signature collection in support of Lukashenka but re-directed them to lower TECs for "making checks and making decisions on the merits." For example, the complaint of Mikita Krasnou to the CEC (see details below) was sent to the Minsk City Election Commission. This demonstrates an unequal approach by the CEC to different initiative groups and an absence of impartiality and objectivity, since violations committed by the initiative group of Alyaksandr Lukashenka require no less legal evaluation than those of the initiative group of U. Nyaklyaeu.

In the city of Gomel, Larysa Shchyryakova claimed that students' signatures were collected by Galina Chayankova, Pro-Rector for Education at the Belarusian State University

of Transport, and at the same time – the head of the initiative group of Alyaksandr Lukashenka for the Chygunachny District of Homel. The complaint was sent to the CEC.

In the city of Ivatsevichi (Brest Region), Stanislau Khaladovich claimed that signatures for the incumbent president were collected by employees of administrations of the city educational institutions during their working hours. The complaint was sent to the CEC and the Brest Regional Election Commission.

The Belarusian United Left-Wing Party "Fair World" has also sent a complaint to the CEC on facts of collecting signatures in support of Alyaksandr Lukashenka's nomination by managers of enterprises at workplaces during working hours.

In Minsk, Mikita Krasnou has recorded that some signature collectors had no IDs of members of Lukashenka's initiative group. His complaint was submitted to the CEC. In a similar case, Aliaksei Kolchyn filed a complaint to the CEC and the Lenin District Commission of Mahilyou.

The lack of equality in the attitude of election commissions to different initiative groups becomes even more apparent when we take into account that territorial commissions, as a rule, find no confirmation of the facts indicated in complaints. Thus, the Lenin District Commission in Mahilyou failed to find confirmation of the claim that signatures were collected for nomination of Alyaksandr Lukashenka by a person who was not a member of his initiative group. According to the response received by Kolchyn, the person who was included in his complaint was present at the place of the picket in order to render "technical assistance", which is not a violation of the electoral legislation.

IV. MASS MEDIA

State-owned media are extremely inactive in covering the election campaign. Their local colleagues confine themselves, as a rule, to official reports of the BelTA state-owned news agency. Many state-owned media have still failed even to publish the list of applicants for candidate's certificates.

Independent media, both central and regional, are still actively and comprehensively covering the election campaign. Observers note a great demand for information about the election and voters' complaints of "information thirst". Citizens face difficulties to know about the campaign in general and the process of signature collection in their regions. At the same time, observers report that in many places news kiosks are receiving more copies of state newspapers than usual. For example, in Mazyr (Homel Region) many more copies of the newspapers "Sovietskaya Belorussiya" and "Homelskaya Pravda" were noticed on sale. Kiosk assistants were recommended to be persistent to recommend these papers to every buyer.

V. ELECTION OBSERVATION

According to the CEC, as of October 11, 145 observers were accredited at TECs. A considerable number of them are the long-term observers of the campaign "Human Rights Defenders for Free Elections." The activities of other accredited observers remain hardly noticeable.

On October 14, the OSCE/ODIHR requested the member-states of the OSCE to send a total of 40 long-term and 400 short-term observers to Belarus to monitor the presidential election.

The aim of the campaign "Human Rights Defenders for Free Elections" is observation of the election of the President of the Republic of Belarus, assessment of the electoral process from the viewpoint of Belarusian electoral legislation and international standards of free and democratic elections, and keeping the Belarusian public and international community duly informed about our conclusions. The campaign is independent and politically non-engaged. More information about the campaign may be found in the websites of the Human Rights Centre "Viasna" (<http://spring96.org>) and Belarusian Helsinki Committee (<http://www.belhelcom.org>).