



Office for Democratic Institutions and Human Rights

**REPUBLIC OF BELARUS**

**PARLIAMENTARY ELECTIONS**

**17 October 2004**

**OSCE/ODIHR Election Observation Mission  
Final Report**



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**REPUBLIC OF BELARUS**  
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**OSCE/ODIHR Election Observation Mission**  
**Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

In response to a timely invitation from the Minister of Foreign Affairs of the Republic of Belarus, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) observed the 17 October 2004 elections to the House of Representatives of the National Assembly of the Republic of Belarus. The OSCE/ODIHR assessed the elections in terms of their compliance with the 1990 OSCE Copenhagen Document, national legislation, and other election-related commitments.

A Republican Referendum on Constitutional amendments proposing the removal of the two-term limit on holding the office of president was announced subsequent to the calling of the parliamentary election and also took place on 17 October. Although the OSCE/ODIHR was invited to observe the Referendum, it determined only to take note of the Referendum to the extent that it impacted on the parliamentary election process. Consequently, while the OSCE/ODIHR presents no direct conclusions specifically about the Referendum, reference is made to it in this report. The Referendum largely overshadowed the parliamentary election campaign, and there was a fundamental interconnection between the organization of the parliamentary elections and the Referendum. Issues of concern arising from one contest inevitably apply to the other.

The 17 October parliamentary elections in the Republic of Belarus fell significantly short of OSCE commitments. Universal principles and constitutionally guaranteed rights of expression, association and assembly were seriously challenged, calling into question the Belarusian authorities' willingness to respect the concept of political competition on a basis of equal treatment. It is also of concern that during the election campaign, President Lukashenko affirmed that the Constitution and laws of the Republic of Belarus have "elements of authoritarianism". The Belarusian authorities failed to create the conditions to ensure that the will of the people serves as the basis of the authority of government, a fundamental commitment of the 1990 Copenhagen Document.

Although voting procedures on election day were generally carried out in accordance with the applicable legislation, there were serious irregularities related to voting, particularly during the vote count and the five-day early voting period. Deficiencies in the legislative framework were compounded by the restrictive and arbitrary application of the law, and the failure of the Central Commission on Elections and National Referenda (CEC) to ensure uniform procedure. Principles of an inclusive democratic process, whereby citizens have the right to seek political office without discrimination, candidates to present their views without obstruction, and voters to learn about them and discuss them freely, were largely ignored.

The legal requirement for the election administration to operate independently of the State and local administration was not respected, and consequently, the roles of the election commissions at all levels, and the State administration, became closely interconnected. The Electoral Code failed to ensure a balanced representation of both pro-governmental and opposition political interests in the composition of election commissions. Political party involvement in the work of electoral commissions, critical for transparency and confidence in the process, was therefore very limited.

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<sup>1</sup> This report is also available in Russian, but the English version remains the only official version.

The marginalization of political parties in the election process was also reflected in the administration of the elections in a manner that sought to actively exclude candidates representing a diversity of interests. While pro-government parties were barely visible and did not put forward candidates in significant numbers, opposition parties were undermined by the arbitrary non-registration of prospective candidates, and at times by groundless de-registrations, thereby diminishing the voters' choice. Most pro-government candidates were proposed by labour collectives or self-nominated, further exacerbating an election process focused on individuals rather than parties with respective and distinct platforms.

Restrictive rules on campaigning were further compounded by instances of discrimination in favour of selected candidates and against candidates of the opposition. The election campaign in the media did not permit a genuine debate. A fixed amount of free television and radio airtime for each candidate, and the possibility to print a statement free of charge in the State press, was not sufficient to address the strong bias demonstrated by the State media, which portrayed the opposition in overwhelmingly negative terms, and conducted an extensive campaign in favour of the incumbent political forces and the "yes" campaign in favour of the Republican Referendum.

The unrestrained bias in favour of the Referendum campaign, and its unregulated intrusion even into the polling stations, contributed to a highly distorted campaign environment. As election day approached, police raids on campaign offices, the detention of a candidate, detention or harassment of campaign workers and domestic observers, as well as widely reported coercion applied to certain groups, particularly students, to take part in the election, produced a climate of intimidation.

The voting and counting processes confirmed concerns about the absence of well-defined procedures and transparency safeguards, and was conducive to procedural lapses and intentional abuse. The five-day early voting period was conducted in the absence of separate accounting of the turnout for the early voting results and lack of provisions for safeguarding the ballot boxes and other voting materials in a manner in which voters could have full confidence. Pressure was put on certain groups of voters to vote early, including students, the military, and labour collectives.

At the close of polling on 17 October, counting proved problematic: at the majority of polling stations observed, transparency was lacking and procedures for compilation of protocols were not followed. A meaningful assessment of the tabulation process was rendered impossible by the very high degree of obstruction towards international observers by District Election Commissions (DECs).

In the immediate aftermath of the parliamentary elections and Republican Referendum, opposition protest manifestations in Minsk were forcibly suppressed, confirming that an environment in which fundamental rights such as freedom of expression and assembly were restricted continued to prevail.

The OSCE/ODIHR remains committed to assist the authorities and civil society of Belarus to overcome the impediments to the conduct of democratic elections. The OSCE/ODIHR calls upon the Belarusian authorities to respond positively, and create the conditions for a meaningful democratic electoral process in the Republic of Belarus.

## II. INTRODUCTION AND ACKNOWLEDGEMENTS

The Elections to the House of Representatives of the National Assembly of the Republic of Belarus were held on 17 October 2004, with five days of early voting also taking place during 12 to 16 October.<sup>2</sup> The OSCE/ODIHR established an Election Observation Mission (EOM) on 2 September 2004. The OSCE/ODIHR would like to recognise the timely invitation from the Belarusian authorities, which permitted the first standard full-scale OSCE/ODIHR EOM to the Republic of Belarus. The

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<sup>2</sup> Early voting was available daily from 10:00 to 14:00 hrs and 16:00 to 19:00 hrs. Additionally, a second-round election was held in one constituency in Vityebsk region on 27 October (see Section XIII, below). This was not observed by the OSCE/ODIHR.

OSCE/ODIHR EOM was headed by Ambassador Audrey Glover (United Kingdom), and consisted of 12 core team members and 22 long-term observers from 17 OSCE participating States, based in Minsk and eight other cities and covering all 110 constituencies.

Ahead of election day, the OSCE/ODIHR EOM was joined by short-term observers, including a delegation of some 50 observers from the OSCE Parliamentary Assembly (OSCE PA), invited by the Chairman of the National Assembly of the Republic of Belarus and led by Ms Tone Tinggaard (Sweden), Vice-President of the OSCE Parliamentary Assembly, who was appointed by the OSCE Chairman-in-Office as a Special Coordinator for the OSCE short-term observation. The OSCE/ODIHR and the OSCE PA deployed 270 observers from 37 OSCE participating States to follow early voting and election day proceedings, in a joint International Election Observation Mission.

The OSCE/ODIHR wishes to express its appreciation to the Ministry of Foreign Affairs, the Central Commission on Elections and National Referenda and other authorities of the Republic of Belarus for their co-operation and assistance.

### III. POLITICAL BACKGROUND

The 17 October 2004 elections to the House of Representatives were the second parliamentary elections to be held under the Constitution of 1996. Deputies were elected from 110 single-mandate constituencies, on the basis of a majoritarian system, for a four-year term of office. Candidates securing more than 50 per cent of the vote in a valid first round (defined as having a turnout exceeding 50 per cent) were elected. In constituencies where there was no outright winner in a valid first round, the two highest placed candidates went forward to a second round to be held within two weeks.

The elections took place in a charged political atmosphere. President Lukashenko announced on 7 September that a Republican Referendum would be held simultaneously with the parliamentary elections. Citizens voted on whether to allow the incumbent President to participate in future presidential elections and on eliminating the existing constitutional limit on two presidential terms in office. The Referendum clearly overshadowed the parliamentary elections, both in terms of the visibility of the respective campaigning, and in terms of the relative importance that political actors across the spectrum attached to the two events.

### IV. LEGISLATIVE FRAMEWORK

Apart from general provisions on elections in the Constitution of the Republic of Belarus, the main law for the conduct of the elections to the House of Representatives is the Electoral Code adopted by the Parliament on 24 January 2000, with amendments of 22 June 2000. The Law on Political Parties of 5 October 1994 and the Law on Mass Media of 13 January 1995 are also of relevance, as is the Code on Civil Procedures of 11 January 1999 in respect of appeals and complaints connected with the registration procedures of political parties and candidates.

In summary, the legal framework failed to provide a sufficient basis for a meaningful democratic election process. As has been previously identified by the OSCE/ODIHR, the Electoral Code limits civil and political rights, and lacks sufficient safeguards for political pluralism and transparency, thus failing to guarantee the integrity of electoral processes. The OSCE/ODIHR has made recommendations and extended its assistance to bring the Electoral Code more closely into line with OSCE commitments,<sup>3</sup> but the Belarusian authorities have failed to pursue these recommendations.

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<sup>3</sup> Particularly with regard to: providing for independence and inclusiveness of electoral commissions; lifting restrictions on campaigning; transparent regulation and accounting of the early voting period, ensuring the integrity of the voting and transparency during the tabulation of results; guaranteeing rights of observers; and allowing sufficient opportunities to challenge CEC decisions.

Prior to the 2004 parliamentary elections, the OSCE/ODIHR further recommended that supplementary regulations issued by the CEC could partially address outstanding issues. However, specified regulations were not passed to institute the necessary safeguards, and regulations that the CEC did pass were insufficient to clarify fundamental aspects of the election process, and therefore did not ensure a uniform procedure (see Section V: Election Administration).

Several legal provisions were used to limit political participation in the election process. These provisions were generally applied in an arbitrary fashion, rather than to safeguard the political rights of prospective candidates.

Article 67 of the Electoral Code regulates the verification of signatures collected by self-nominated prospective candidates to support their registration. Fifty-three prospective candidates were rejected by DEC's on the grounds of too many invalid signatures, even though in some instances, evidence suggested that DEC's arbitrarily applied criteria for signature validity and procedures for sampling. This entailed scouring lists to produce the requisite number of invalid signatures, even if the candidate collected many more signatures than necessary.

Articles 100 and 101 of the Electoral Code require prospective candidates to submit a declaration of income and property. In some cases, discrepancies between the figures submitted by a candidate and the figures the DEC collected from employers and other sources were used to disqualify a candidate, even if the candidate was not responsible for the mistake, with no further opportunity to correct the applications.

Political parties in Belarus are required to have a registered party office ("primary organization") in the respective constituency where they wish to nominate a candidate. On the last day for registration, 16 September 2004, several local branches of the Ministry of Justice deregistered a number of "primary organizations," denying the right to nominate a candidate in that district. There was no chance to appeal the decision in time before the registration period closed.

Article 47 regulates sanctions in the case of violations of campaign rules related to insulting the President and other State officials, or bribing of voters. On these grounds, a number of registered candidates were anonymously denounced, and were subsequently deregistered in the last days prior to the election. This included de-registrations for minor actions such as distributing newspapers or leaflets, allegedly with insulting content. The CEC rejected all appeals against these de-registrations.

## **V. ELECTION ADMINISTRATION**

### **A. ELECTION COMMISSIONS**

The election administration for the parliamentary elections is established in line with the provisions of Chapter 7 of the Electoral Code and the Law on the Central Commission for Elections and National Referenda. The system of commissions consists of the CEC, 110 District Election Commissions (DECs – one for every single-member district) and 6, 659 Precinct Election Commissions (PECs), of which 40 were serving in the diplomatic missions of the Republic for voters casting votes abroad.<sup>4</sup>

The CEC has 12 members appointed for a five-year term of office<sup>5</sup>. The current members were appointed in January 2002. The Chair and the Secretary are permanently employed administrators while most of the members come from the seven administrative regions and are often employed in the regional offices of

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<sup>4</sup> A parallel level of Territorial Election Commissions (TECs) was appointed in every administrative unit for administering the National Referendum. The PECs were submitting protocols on results of referendum voting to the respective TEC.

<sup>5</sup> The Law on the Central Election Commission was adopted in April 1988. It provides that six of the members are appointed by the President and six by the upper house of the National Assembly.

the Ministry of Justice<sup>6</sup>. On 3 September, the President issued a decree permitting political parties that had nominated candidates for the parliamentary elections to appoint advisory (non-voting) members to the CEC.

Sessions of the CEC are open and attended by accredited journalists and observers. Though non-voting members actively debated in all sessions considering registration/deregistration appeals, their positions had no influence on the decisions related to particular cases. With rare and minor exceptions, decisions of the CEC were taken unanimously. Members based in regions were not involved in debates and were largely silent.

DECs and PECs are temporary bodies appointed for each election<sup>7</sup>. Art. 35 of the Electoral Code provides that political parties, other public associations, labour collectives as well as groups of citizens, may nominate one representative for the respective district and precinct commission. Members of DEC members are appointed in a joint session of the presidiums of the Oblast and the Minsk City Council of Deputies and the Oblast and the Minsk City executive committees. The PEC members are appointed by the regional and town executive committees. An additional provision also allows bodies that form the commissions to include their representatives as members of these commissions. However, there is no obligatory or advisory norm of representation of different classes of nominees.

This mode of appointment of commission members, which is highly controlled by the administration, results in the almost total exclusion of party nominees from the administration of elections. The CEC reported that only 7 per cent of the total number of DEC members were appointed by political parties, including those aligned with the government.<sup>8</sup> The participation of party nominees among PEC members was nearly anecdotal.<sup>9</sup> Most PEC members are appointees of groups of citizens and labour collectives, usually from the same institution or workplace (a school or other institute/enterprise) and often in hierarchical employment relationships.

## **B. ADMINISTRATION OF THE ELECTIONS**

Election commissions at all levels functioned efficiently in terms of meeting deadlines foreseen by law. The CEC issued very early in May, June and July the instructions and samples of election documents and materials as proscribed by the Electoral Code.<sup>10</sup> These include the usual samples of the voter list, ballots, protocols, stamps, boxes, various certificates for handover of election materials and documents, as well as samples of documents related to registration of candidates and archiving of the election material and documents. It also established the boundaries of the single-mandate districts, and issued separate regulations for the observation of elections for domestic and foreign observers. All instructions and excerpts of the law were published in separate manuals for the work of the DEC members and PECs, and a booklet containing a collection of approved official samples of documents and certificates. The election day procedural instructions were included in the PEC booklet.

However, the performance of the election administration was marked by a lack of reliable and uniform procedure, as the administration failed to address several crucial issues, and regulated others in the least stringent manner. Examples include the following:

<sup>6</sup> Seven of the members are based in the regions and travel to Minsk for the sessions. One of the members, Mrs. Kiseliyova, is also a professional administrator as she is heading the Legal and Organizational Department of the CEC. There is also a Deputy Minister of Justice among the CEC members – Mr. Mickevich.

<sup>7</sup> All DEC members had 13 members while the number of members of PECs varied from 5 to 19 depending on the number of voters registered in the precinct (art.34).

<sup>8</sup> Official information published on the CEC website.

<sup>9</sup> As parties often complained that their nominations for PEC members were disregarded, the OSCE/ODIHR EOM attempted to estimate independently the structure of PEC membership by type of nomination of members. In a sample of 404 PECs with 3388 members, only 2 PEC members were reported as party-nominated. Full lists of PEC members are announced in the local press and these were used as a source of information. (The sample consists of the following election districts – 16, 24, 30, 43, 61 (PECs 46-86), 87, 91. Unfortunately in most of the cases, the published lists of appointed PEC members do not indicate where the nomination comes from. Instead the current employment position is reported).

<sup>10</sup> The competences of the CEC are listed in art.33.

- Lack of any regulation for the printing of ballots. In the DEC manual, the printing, distribution and storage of the ballots are outlined in four sentences and a handover form. Security measures are not mentioned;
- Lack of consistent and stringent criteria for identification and processing of voters. In the approved form of voters list, the number of the identification document presented by a voter to PEC members on election day is not included. The name and the address of the voter is the least stringent set of identification variables, and excludes ex-post checks for possible multiple voting;
- The lack of stringent counting regulations. It was suggested that counting could be performed first in an unofficial manner (by boxes for early/mobile/stationary voting, results of which should be kept in the unofficial record of the work of the PEC) while only total figures would be entered in the official form of the protocol;
- The sample of the protocol does not provide any information on the voter list modifications after opening of polls for early voting. It fails to establish a reliable link between the number of the signatures on the voter list and the number of ballots found in the boxes;<sup>11</sup>
- The lack of separate procedures for the early voting. This raises issues both in terms of security for already cast votes, and in terms of handover documents between the ten different shifts necessary to administer early voting. At the end of the election day, PEC members sign a protocol to certify the regulation of the entire process, even through they are not necessarily present throughout the entire voting period;
- Insufficient regulation on voting inside military units, whereby the criteria for the military to vote separately in their units, as opposed to voting with the general public in regular polling stations, are not expressly established.

### C. VOTER LISTS<sup>12</sup>

The OSCE/ODIHR is concerned that the registration of voters and the maintenance and format of voter lists lack essential transparency measures and safeguards against multiple registrations, multiple voting, and voter impersonation.

The Electoral Code (art. 20) requires that a voter may be included in the voter list in one precinct only, but in this regard, the election administration relies solely on the effective performance of the local administration and the address registration offices. The absence of a centralized voter list means that there is no possibility for independent assessment of the integrity of the voter registration process.

Voter lists are drawn up for each electoral precinct, and there is no consolidated or centralized list at any level above the individual precinct. Each PEC, shortly after its appointment, receives a draft of the precinct voter list from the local administration. The list is based on the data supplied by the local civil register departments of the Ministry of Internal Affairs. It may also be simply the precinct voter list used in the most recent previous elections.

With a deadline of 15 days before election day, PECs are required to check and update the list. There is no mandatory and uniform manner in which this should be done, but the CEC recommended door-to-door checks.<sup>13</sup> Thereafter, the updated list is opened for public inspection at the premises of the commission. According to the regulations established by the CEC, a voter can only check whether his/her own entry, or that of family members, is in the voter list, and correct if necessary. Review of other data is explicitly

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<sup>11</sup> Comparison between the protocol used in the similar Russian election day procedures reveals that in the Belarusian protocol the following figures are missing “number of ballot that went missing in the process”, “number of ballot not accounted for at delivery”, “number of voters that voted in a mobile box”, “number of voters that were added to the voter list on election day”.

<sup>12</sup> Voter lists are covered by art.19, art. 21, art. 38, and art. 44 of the Electoral Code.

<sup>13</sup> “Organizational-legal questions of the work of Precinct Electoral Commissions for the Elections of Deputies to the House of Representatives”, instructional booklet of the CEC, pp. 17-18.



forbidden, although IEOM observers did encounter instances where PECs had put the full precinct voter list on public display.<sup>14</sup>

A voter whose name was not on the list could be added by a PEC as late as the closure of the polls on 17 October, provided that the voter was able to present an acceptable identity document and certification of residence on the territory of the precinct. Nearly 74,000 voters were added when they presented themselves to vote on election day.

Of particular concern was the CEC's decision, taken only on 12 October (i.e. after early voting had already started) to substantially broaden the range of identity documents that would be acceptable to prove the right to vote. Instead of allowing only a valid Belarusian passport or the two types of documents that were acceptable substitutes for a passport,<sup>15</sup> the CEC decision also authorized the presentation of a student card (on which citizenship is not indicated, creating the possibility that foreign nationals might gain inclusion in the voter list), pensioners' cards, and passports of previous issue that are in other respects not considered valid (the previous Republic of Belarus passports, and USSR passports). There was no provision for recording against the voter's name in the voter list the number or type of the identity document presented.

## VI. REGISTRATION OF CANDIDATES

### A. NOMINATION

Prospective candidates for the 17 October 2004 parliamentary elections were nominated by labour collectives that included a minimum of 300 people, by one of the 17 political parties registered with the Ministry of Justice, or through self-nomination. Political parties were required to have a registered party cell ("primary organization") in a given constituency in order to nominate candidates in that constituency. Political parties and labour collectives nominated candidates at congresses and meetings respectively, while candidates seeking self-nomination had to register initiative groups of at least 10 persons who then were tasked with collecting a minimum of 1,000 signatures from voters in a constituency.

Aspiring self-nominated candidates submitted 635 applications to form initiative groups to the respective DEC by the 12 August deadline. The DEC registered 555 initiative groups and rejected 74 (or 12 per cent); the remaining six applications were withdrawn. The CEC overturned six DEC decisions on non-registration of an initiative group. The DEC most often cited the inclusion of minors or non-Belarusian citizens in the groups, or coercion,<sup>16</sup> as reasons for denying registration. Instead of excluding specific individuals in question, DEC chose not to register entire initiative groups, which may have included 20 or more people, on such grounds. This unconstructive stance represented the first of a series of administrative obstacles that potential candidates confronted.

At the end of the candidate nomination phase on 6 September, there were 692 applicants,<sup>17</sup> including 316 individuals put forward by 11 political parties. Those parties affiliated with the pro-government Republican Coordinating Council of Leaders of Political Parties and Public Associations<sup>18</sup> put forward 29

<sup>14</sup> Observers saw the voter list displayed for full public scrutiny at PECs in DEC 67 (Goretskiy, Mogilyov region), DEC 71 (Mogilyovskiy-Leninskiy) and DEC 73 (Mogilyovskiy-Oktyabrskiy).

<sup>15</sup> A military service card, or a temporary identity document issued by the police in place of a passport which was in the process of being replaced.

<sup>16</sup> In many instances, DEC referred to violation of the "principle of voluntary participation" in the work of the initiative groups, citing Article 5 of the Electoral Code, which states that each voter is free to decide whether to take part in elections.

<sup>17</sup> Because the Electoral Code allows prospective candidates to be nominated in several constituencies and through more than one form of nomination, but mandates that candidates can be registered only in one constituency, there actually was a total of 966 candidacy applications from the 692 applicants. Some prospective candidates pursued multiple nominations in order to increase the likelihood of registration, while others decided to seek political party or labour collective nomination after initially planning to collect the signatures required for self-nomination.

<sup>18</sup> The Agrarian Party, the Belarusian Social-Sport Party, the Communist Party of Belarussia, and the Republican Party.

candidates. Opposition political parties associated with two informal unregistered electoral blocs,<sup>19</sup> the Coalition Five Plus<sup>20</sup> and the Democratic Centrist Coalition<sup>21</sup>, were represented by a total of 232 applicants (165 party nominees, plus self-nominees affiliated with the parties). The Liberal Democratic Party, a government-leaning separate political force which is the largest party in Belarus, advanced 107 nominees at its congress. One hundred and eighteen women (17.1 per cent of the total applicants) sought to become deputies, as did 66 sitting parliamentarians.

## B. REGISTRATION

Of the 692 applicants, 359 (51.9 per cent) were registered as candidates by the respective DEC<sup>22</sup>. This included 151 individuals nominated by political parties; 137 individuals nominated by labour collectives; and 71 self-nominees. Twenty-one applicants withdrew prior to the DEC taking a decision on registration. In general, these figures accurately reflect the fact that prospective candidates found it considerably easier to gain registration as a labour collective or political party nominee than as a self-nominee. However, the 312 applicants who were denied registration included slightly fewer than 200 representatives of political parties across the political spectrum (both official nominees and self-nominated applicants who had a party affiliation). There were 79 women registered as candidates, and 57 current deputies were registered.

Eight of the 29 candidates put forward by the Republican Coordinating Council of Leaders of Political Parties and Public Associations were registered (27.6 per cent). The Communist Party of Belarussia (CPB) had six of its 20 applicants registered (30 per cent); all of them were from among the 15 official nominees of the party. Three of the seven official nominees proposed by the Republican Party gained registration, while the only nominee of the Belarusian Social-Sport Party was not registered. The Agrarian Party did not make any official party nominations.

A total of 122 of the 232 applicants aligned with the Coalition Five Plus and the Democratic Centrist Coalition were registered by the DEC<sup>23</sup> (52.6 per cent). The leaders of the Belarusian Party of Communists, the Belarusian Popular Front (BPF), the Belarusian Social Democratic Party (Narodnaya Gramada), and the United Civic Party (UCP) were registered as candidates. Five of the six members of the “Respublika” parliamentary grouping sought registration, of whom the DEC<sup>23</sup> registered two. Eight self-nominated applicants associated with the BPF and Narodnaya Gramada withdrew before a DEC registration decision had been taken, citing pressure exerted on themselves or on their initiative groups by employers and/or local authorities.

The Liberal Democratic Party (LDP) had 38 of 107 nominees registered as candidates (35.5 per cent).

One minor political actor, the Conservative-Christian Party of the BPF, chose to boycott the elections, and actively appealed to candidates and voters to do likewise for both the elections and Referendum.

Registration of candidates officially ran from 7 to 16 September. However, although the Electoral Code states that individual candidates may begin campaigning upon receipt of registration, the Secretary of the CEC announced on 13 September that the CEC had told DEC<sup>23</sup> to complete all registration procedures on 15 and 16 September. While the stated reason was that this would ensure that registered candidates began campaigning approximately at the same time, this could have been achieved through having a fixed date

<sup>19</sup> The Law on Political Parties allows parties to form electoral blocs for the election campaign, but such blocs are not able to nominate candidates.

<sup>20</sup> The Belarusian Party of Communists, the Belarusian Popular Front, the Belarusian Social Democratic Gramada, the United Civic Party, and the liquidated Belarusian Party of Labour are linked to the Coalition Five Plus.

<sup>21</sup> The Democratic Centrist Coalition was an agreement by the “Respublika” parliamentary grouping, the “Young Belarus” Coalition, and the European Coalition “Free Belarus”, including the Belarusian Social Democratic Party (Narodnaya Gramada) and the Belarusian Women’s Party “Nadzeya,” to work together during the elections.

<sup>22</sup> In comparison, in 2000, 71.7 per cent of applicants (551 out of 769) were registered.

<sup>23</sup> One of the three “Respublika” deputies refused registration by the DEC<sup>23</sup>, Valeriy Frolov, was subsequently successful in his appeal to the CEC and participated in the elections.

for the commencement of the campaign, rather than having it tied to the registration date of each particular candidate.

There were three main grounds for rejection by the DEC: (i) inaccurate data in the income and property declaration every applicant is required to submit; (ii) for self-nominated applicants, the candidate signature list is scrutinised for invalid data, and if more than 15% of the sample is found to be invalid, the entire list is not accepted according to the Electoral Code; and (iii) for political party nominees, an invalid registered address of the local party office (“primary organization”). In some cases there was more than one basis for rejection of an applicant. At least 10 applicants, including the Chairman of the Belarusian Social Democratic Gramada, Stanislav Shushkevich, conceded that the DEC decision to deny them registration resulted from errors committed by the applicants or by their initiative groups. The OSCE/ODIHR EOM was able to analyse the DEC decisions on rejection through core team observation of the CEC and Supreme Court appeal hearings against non-registration, and the countrywide observations of its LTO teams.

A number of rejections relating to incorrect income and property declarations were made by DEC on trivial or formalistic grounds. There were rejections because of undeclared earnings in very small sums (in at least four cases the amount was equivalent to under US\$10; in one – successfully appealed to the CEC – the amount was less than a cent). At least some of the investigations conducted by DEC were wide-ranging (e.g. in one case an applicant’s income declaration was called into question on the basis of a determination that on the declared income he would not have been able to sustain the costs of his mobile phone bills, which the DEC had obtained from the State telephone company), and involved co-opting the services of a very broad range of other State agencies. Several applicants, including two current parliamentarians, reported that the information their employers provided to the DEC about their wages differed from the information provided to the candidates themselves, thereby leading to non-registration by the DEC.<sup>24</sup>

DEC decisions to register only a small proportion of applicants by signature collection highlighted that the relevant regulations were, at the very least, excessively complex. Moreover, the grounds for some of the rejections suggested that the regulations were inconsistently, and even arbitrarily, applied. DEC were required to take a sample of entries on the signature sheets to confirm their validity. In one case, applicant Tatyana Shved presented evidence on appeal that DEC 63 (Bobruiskiy-Leninskiy) had not conducted the proper random sampling but had searched through all of the 1,488 signatures she had submitted and had selected specific sheets to construct a sample with enough invalid signatures to reject her.

Methods used by DEC to check signatures variously included graphological analysis and approaches to persons named in the lists asking that they testify as to the authenticity of signatures and dates. Such approaches resulted in signatures being declared inauthentic for a number of applicants. This process was marked by allegations that some of these approaches had an intimidatory character and that repudiation of signatures was made under duress or by deception. The deputy chairperson of DEC 109 (Uruchskiy, Minsk city) admitted at the Supreme Court appeal hearing of applicant Vladimir Goncharik (an opposition presidential candidate in 2001) that scrutiny involving graphological analysis had been selectively applied to the signatures for only some of the self-nominated applicants in that constituency.

Some political party nominees were denied registration due to the absence of a primary organization (a registered branch address of their political party) in a given constituency, as required by Article 62 of the Electoral Code. It is of concern that in at least a dozen cases that absence came about by the branch’s deregistration by local offices of the Ministry of Justice on 15 or 16 September (i.e. the actual days when DEC were taking registration decisions). There was no chance to appeal the decision in time before the end of the registration period.

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<sup>24</sup> Sergey Skrebets and Valeriy Frolov from “Respublika”, Vladimir Chervonenko of the UCP in DEC 50 (Volkovysskiy, Grodno region), and Dmitriy Shkulkov of the UCP in DEC 47 (Rogachevskiy, Gomel region) were not registered by the DEC on these grounds, although Frolov and Chervonenko were reinstated by the CEC on appeal.

The exceedingly high number and questionable nature of rejections suggests that the discretion afforded the DEC's in the current legal framework permitted exclusive rather than inclusive interpretations of procedures for candidate registration. A selective treatment was conferred upon certain candidates, involving the active pursuit of grounds not to grant registration.

### C. APPEALS, WITHDRAWALS, AND DE-REGISTRATION

The CEC considered 166 appeals from prospective candidates whose registration was denied by the DEC's. In over a quarter of these cases, the CEC ruled in favour of the appellant, including 29 cases brought by candidates from the opposition. Of the approximately 120 rejected cases, 74 were appealed to the Supreme Court, which overturned only two of the rejections. The hearings in the CEC, as well as in the Supreme Court, were conducted in a very formalistic manner. In general, the decisions of the first instances were upheld without taking new evidence submitted by the appellants into consideration.

Following the completion of registration, more than 50 candidates withdrew their registration. Some candidates withdrew in order to bolster support for another candidate; this in particular applied to candidates nominated by labour collectives who withdrew in support of another pro-government candidate. There were, however, a few instances in which opposition candidates withdrew in favour of another opposition candidate. A significant portion of withdrawals concerned candidates who cited "family, health, or personal reasons" or did not provide a reason. The OSCE/ODIHR EOM was not able to verify reports that in some instances candidates and their supporters were pressured to withdraw.

DECs also de-registered at least 20 candidates in the run-up to election day, including 10 de-registrations after the start of early voting on 12 October.<sup>25</sup> De-registration largely resulted from violations related to campaigning, including some cases in which candidates were anonymously denounced and subsequently de-registered for such minor actions as distributing newspapers or leaflets, allegedly with content insulting to the President or other State officials. However, in DEC 2 (Brestkiy-Tsentrlniy) the DEC de-registered candidate Andrey Sumar during the early voting period after discovering deficiencies in his income declaration, having evidently persisted in investigating this beyond the candidate registration period.<sup>26</sup> De-registration at such a late stage in the process effectively disenfranchised those citizens that had cast votes for candidates who were later de-registered. In addition, in DEC 97 (Kupalovskiy, Minsk city) PECs removed the name of a de-registered candidate from the ballot during early voting before an appeal had been heard, thereby denying voters the opportunity to vote for a candidate who might have been reinstated.

Consequently, on election day, there remained a total of 330 candidates, or an average of three per constituency. There were 77 constituencies in which there were three candidates or fewer, including 10 constituencies in which the elections were non-competitive, with only one candidate on the ballot. Therefore, although the CEC and the Supreme Court provided some measure of redress by registering candidates on appeal, the formalistic and adversarial approach to candidate registration adopted by the DEC's throughout the process, compounded by the large number of withdrawals, effectively limited the choice available to voters on election day.

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<sup>25</sup> Andrey Sumar and Dmitriy Shimanskiy (DEC 2, Brestkiy-Tsentrlniy), Marina Bogdanovich (DEC 56, Lidskiy gorodskoy), Viktor Sivokhin (DEC 82, Logoyskiy, Minsk region), Aleksey Yanukevich (DEC 94, Avtozavodskiy, Minsk city), Ivan Antashkevich (DEC 103 Pushkinskiy, Minsk city), Aleksandr Tsynkevich and Oleg Volchek (DEC 105 Starovilenskiy, Minsk city), Susanna Fursa and Aleksey Mikhalevich (DEC 109, Uruchskiy, Minsk city).

<sup>26</sup> The DEC reportedly sent a request for information to Kiev, Ukraine, where Mr Sumar has a business. He was deregistered on 12 October on the basis of a response from a business court in Kiev that evidently indicated that the firm had been closed. As a result, the DEC considered the income and property declaration submitted by Mr. Sumar to be incorrect.

## D. “AGAINST ALL”

In constituencies with two or more competing candidates, in addition to the choice between candidates on the ballot paper, voters were also offered the option to vote “against all”.

Since elections are about representation, the “against all” option is difficult to reconcile with a standard definition of representative democracy: “Against all” implies that voters may choose not to be represented at all. Choosing not to participate in the election, or choosing to cast an invalid ballot, should be considered indication enough of a voter’s discontent with the choice of candidates offered.

## VII. THE ELECTION CAMPAIGN

Slightly more than half of all applicants for registration were identifiably political party representatives (either party nominees or self-nominated, but with clear party affiliation). The role of party platforms in the election campaign was consequently not fully evident. In the vast majority of constituency contests, local issues, such as access to education and health care or increased public funding for roads, received limited attention. The announcement of the Republican Referendum greatly overshadowed the parliamentary election campaign. Candidates from across the political spectrum sought to define their campaigns through support for or opposition to the Referendum, although this observation applies particularly to the opposition.

The Electoral Code allotted each registered candidate 975,000 Belarusian Rubles (approximately US\$ 450) for printing leaflets and brochures. However, there were complaints from Minsk city, Minsk region and Gomel by opposition candidates concerning the refusal of both State-owned facilities, and the reluctance of private firms, to print campaign materials. For example, the “Pobeda” State printing house in Molodechno (Minsk region) refused to print campaign materials for an independent candidate, although it reportedly printed materials for a number of others. Candidates also reported delays in the receipt of campaign materials due to police or tax inspections initiated at printing houses.<sup>27</sup> In a number of instances, police seized campaign materials as part of these investigations. The materials were later returned, but only after a delay of several days. Given the limited amount of time foreseen in the law for candidates to campaign, these delays represented a significant obstacle.

Of particular concern were incidents in which candidates, their activists and voters were subject to pressure and intimidation. In at least two instances, police raided the headquarters of opposition party candidates. During one of these raids, late in the evening of 1 October at the campaign headquarters in Minsk shared by UCP candidates Aleksandr Dobrovolskiy and Valentina Polevikova, the OSCE/ODIHR EOM directly observed officers from the Leninskiy District police department presenting an unlawfully compiled order to confiscate campaign literature for Mr. Dobrovolskiy previously cleared for publication by DEC 96 (Svislochskiy, Minsk city).<sup>28</sup>

OSCE/ODIHR observers reported the detention of candidate Nina Kovaleva of the BPF in Vityebsk on 10 October while distributing campaign materials; the detaining officer believed that the campaign material, which contained a phrase critical of President Lukashenko, was in violation of the Electoral Code. Twelve activists from Narodnaya Gramada were detained and held for several hours by the police in Brest region (DEC 7, Belovezhskiy) on 7 October. Campaign activists for UCP candidate Zinaida

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<sup>27</sup> Campaign leaflets prepared for Svetlana Koroleva (DEC 94, Avtozavodskiy, Minsk city) by the “Top Type” printing house were confiscated by representatives of the Minsk Economic Police and were returned only after three days. Three other candidates (Aleksy Korol, Oleg Volchek, and Gennadiy Ananiyev) also were affected by this decision. Several candidates from the UCP (Anatoliy Lebedko, Yevgeniy Lobanovich, and Aleksandr Tsynkevich) appealed to the CEC after the tax authorities and Economic Police started an investigation into the “Art Print” facility where the candidates intended to print campaign materials.

<sup>28</sup> The other raid was by the officers of the Frunzenskiy District police department on the campaign headquarters of another UCP candidate in Minsk, Ivan Antashkevich, on 13 October.

Bondarenko (DEC 61, Smorgonskiy, Grodno region) also were detained on 7 October while distributing campaign literature; the police seized the materials, claiming that they had not been prepared at a printing house, and issued administrative penalties to the activists. Supporters of BPF candidate Yuriy Khodyko (DEC 108, Kalinovskiy, Minsk city) were detained by police for two hours following a sanctioned campaign rally on 7 October. Campaign activists for independent candidate Nikolay Kozel (DEC 80, Dzherzhinskiy, Minsk region) and BPF candidate Vladimir Maley (DEC 13, Mukhavetskiy, Brest region) were subject to pressure and harassment, as was Kozel himself.

Candidates in Brest, Lyuban, Minsk, Slutsk, Shchuchin and Volkovyssk encountered difficulties in conducting meetings with voters, even though the Electoral Code requires the local authorities to facilitate this process.<sup>29</sup> In what appeared to be concerted efforts to hamper the ability of candidates to reach voters, at least 25 warnings were issued to candidates by DEC's concerning campaign violations. In at least 16 cases candidates were deregistered as a result of questionable violations of Electoral Code provisions on campaigning. By contrast, in at least one case directly observed by the OSCE/ODIHR EOM, a blatant and repeated campaign violation by a pro-government candidate in DEC 105 (Starovilenskiy, Minsk city), in the form of poster displays in non-authorized locations, went unchallenged by the DEC. In a second case, a candidate in DEC 110 (Partizanskiy, Minsk city) was not sanctioned by the DEC or CEC for distributing 20,000 newspapers containing a campaign leaflet, although the non-voting member of the CEC from Narodnaya Gramada brought this issue to the attention of the CEC. In both these cases the candidate concerned was the eventual winner.

Some candidates stated that the venues approved by local authorities for campaigning did not enable them to reach a significant portion of the electorate in a given constituency, due to their limited number or their location. For example, in Minsk, the City Executive Committee approved 122 venues for campaigning and for posting campaign materials. As a result, in one constituency (106, Kolasovski) there were only four approved venues.<sup>30</sup> Requests for additional meeting spaces reportedly were denied in many instances. However, the DEC's in many constituencies did provide considerable support in organizing "candidate forums" during which voters familiarized themselves with candidates' platforms.

Limitations on candidates' ability to campaign were particularly egregious in light of the massive, nationwide, and apparently State-funded campaign in support of a "yes" vote on the referendum. The Republican Referendum campaign created an atmosphere in which it was suggested that the opposition was against the interests of the nation. For example, the campaign in support of a "yes" vote on the referendum went to great lengths to equate a "no" vote ("protiv" or literally "against" in Russian) on the referendum, and by extension a vote for a candidate who opposed the referendum, with voting against the future of Belarus itself.

President Lukashenko made a series of public statements about the elections. The President repeatedly referred publicly to the desirability of having only one round of elections in order to save the public funds that would be required to conduct a second round. On 6 October he reiterated that government-backed candidates should win all 110 seats in the House of Representatives in the first round, stating that "we have enough powers and techniques to win these elections by a landslide."<sup>31</sup>

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<sup>29</sup> Article 45 of the Electoral Code states that the local authorities are required to create the conditions for holding meetings between candidates and the electorate and that State bodies are to provide premises for such meetings free of charge.

<sup>30</sup> The median constituency size was 64,585, variable by no more than 10 per cent.

<sup>31</sup> Previously, President Lukashenko had told a 20 July 2004 press conference that he had issued a "directive" that 30 per cent of current parliamentarians should be re-elected, and that the representation of women should be increased to 30 to 40 per cent of the Parliament.

## VIII. THE MEDIA

### A. BACKGROUND TO THE MEDIA IN THE REPUBLIC OF BELARUS

All nationwide Belarusian electronic media, namely the TV channels BT1 (First National TV Channel), ONT (Nationwide TV) and radio BR1 (first channel of Belarusian National Radio), are State controlled. So are two other TV channels with large coverage of Belarusian territory – TV Lad, and STV (the latter available in Minsk, in the regional capitals and in some other areas). The Russian Federation TV channels NTV and RTR are available in Belarus, but generally do not provide any significant coverage of Belarusian political developments, and there has been an overall decrease in the audience share of Russian TV broadcast in Belarus. Local TV and FM radio stations do not serve as a significant source of information about politics, since their news coverage is limited.

Alternative political information is available mostly through non-state print media and the Internet. However, the Belarusian newspaper market is similar to the broadcast media scene, with the State press dominant. Non-state media outlets complain of obstacles created by the State that decrease the influence of non-state mass media, such as denying information to non-state journalists, introducing restrictions on printing and distribution of newspapers, and imposing financial restrictions.

Around a dozen print media outlets were suspended within the two months prior to the 17 October 2004 elections. Most of these newspapers were suspended by the Ministry of Information, for a limited period (usually three months), because of violations of the formal requirements concerning the registration procedures of the newspaper's status (such as failure of the newspaper to inform about a change of its registered address, failure to inform about the change of the frequency of publication, failure to inform about the change of the content or variations in format, or failure to send an obligatory library issue). While the Ministry of Information claimed that there was no connection between the elections and the suspensions, this was disputed by representatives of many of the suspended newspapers.

### B. LEGAL FRAMEWORK FOR THE MEDIA

While the basic legal framework for the electoral campaign in the media is governed by the Electoral Code,<sup>32</sup> the particular rules stipulating candidates' access to the State media for the 2004 parliamentary elections were set out in Resolution 71 of the CEC issued on 8 September.<sup>33</sup> Based on the principle of equal access to the State media, each candidate had the entitlement to publish two typewritten pages of campaign material in a State-funded national or regional newspaper, and each candidate was entitled to one TV and one radio presentation, pre-recorded and not exceeding five minutes. Most candidates sought to make full use of these entitlements.

Broadcasting of the candidate presentations took place on the TV channels Lad and BT1, and on the first channel of State radio and on the radio channel Stalitsa from 20 September to 11 October<sup>34</sup> (between 18:00 and 19:00 hrs on TV, and between 17:00 and 18:00 on radio). Presentations by candidates in the regions were recorded and aired by one of the five regional offices of the State TV and Radio. The order in which each constituency contest was presented had been determined by the CEC; the order in which the candidates in each constituency had their presentations broadcast was then determined by lottery by the relevant DEC. Some candidates complained that voters were deprived of access to information because the times when free TV presentations were aired were inconvenient for viewers and well outside prime time. It was up to the candidates to inform voters about the time when their free media presentation would be broadcast, since media outlets did not promote this information.

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<sup>32</sup> Articles 45, 46, 47, 49 and 74.

<sup>33</sup> The resolution was issued in accordance with Article 33 of the Electoral Code.

<sup>34</sup> There was at least one case of a broadcast after 11 October because of a technical problem with the original transmission.

There were no candidates' paid advertisements in electronic or print media outlets and no debates between the contestants were transmitted in the media. The free five-minute presentations were thus the only opportunity for candidates to address their message to voters through the broadcast mass media, but the length of the presentation did not allow candidates to provide much detail of their programs.

There were instances where candidates' presentations were subject to censorship, and one presentation was refused broadcast altogether. In Gomel region the TV presentation of Yevgeny Furseev (DEC 33, Gomelskiy-Yubileyniy) was recorded on 20 September but when aired by the local branch of TV Lad, its content had been changed by the censoring of the candidate's expressed opinion on the Republican Referendum. A complaint by Mr. Furseev to the local office of the State prosecutor was upheld and his presentation as originally recorded was then broadcast. The Gomel regional branch of TV Lad also objected to the content of the TV presentation of Tatyana Marchenko (DEC 36, Gomelskiy-Sovetskiy) on grounds that it violated the Electoral Code, and refused to broadcast it. Ms. Marchenko's appeals to the CEC and the office of the prosecutor were rejected, but the CEC recommended that the candidate amend her presentation, which she did, and the presentation was broadcast on October 4. The TV presentation of Nikolay Voron (DEC 51, Grodnenskiy-Zanemansky) was not aired on TV Lad in Grodno at all since the station director objected to the content (which allegedly violated the Electoral Code), and the candidate refused to make changes. Self-censorship by candidates, in order to avoid any potential for breach of the Electoral Code provision against insult or slander in relation to officials,<sup>35</sup> was also reported to the OSCE/ODIHR EOM.

A Supervisory Council consisting of seven members representing only State-controlled institutions, including State broadcast and print media outlets, was established on 17 August 2004 by the CEC<sup>36</sup> to assist the CEC in dealing with media-related complaints. The Supervisory Council considered and gave an opinion in four cases referred to it by the CEC. These were the case of candidate Yevgeny Furseev, mentioned above; two cases where content of the free radio presentations of candidates had been deemed by the relevant DEC to breach the Electoral Code and had consequently caused their deregistration; and one appeal of the State newspaper *Respublika*, which was objecting to the content of campaign materials some candidates were seeking to publish under their entitlement to free newspaper space.

### C. MEDIA MONITORING

Beginning on 6 September, the OSCE/ODIHR conducted qualitative and quantitative analyses of primetime programs (18:00 to 24:00) of four TV stations – the State-owned channels BT1, ONT and STV and the Russian Federation channel RTR – and morning news programs of the State-owned radio channel BR1. Additionally, three State-owned newspapers, *Sovetskaya Belorussiya*, *Zviazda* and *Narodnaya Gazeta*, and three non-state newspapers, *Narodnaya Volya*, *Belorusskaya Gazeta* and *Komsomolskaya Pravda v Belorussii*, were also monitored.

With the exception of approximately two weeks immediately preceding election day the State electronic media in their news and current affairs programs provided only limited information about election-related developments; when presented, this information was almost exclusively related to coverage of CEC activities. Aside from free presentations (see above), candidates did not have direct broadcast media access except for some current members of the House of Representatives who were running for re-election and who were presented in their official capacities. Broadcast media presented only limited information about particular parties' activities.

The main attention of all monitored electronic media during the entire period of monitoring was given to presentation of the President. The total time given to coverage of the President and Government in newscasts of all monitored electronic media originating in Belarus was more than 90 per cent. Of the time allocated to presentation of political actors and election protagonists, BT1 newscasts dedicated 82 per cent to President Lukashenko, ONT 79 per cent and STV 74 per cent. The President's portrayal was

<sup>35</sup> Article 47 of the Electoral Code.

<sup>36</sup> CEC Resolution 39 of 17 August 2004.



overwhelmingly positive in all monitored electronic media originating in Belarus. The time dedicated to the President in the State media increased during the two weeks prior to election. With the Republican Referendum clearly in view, the presentation of the President was akin to a political campaign, with news and current affairs programs of the State broadcast media airing on a daily basis positive reports about the success of the economy under Mr. Lukashenko.

State media demonstrated clear bias in their presentation of political alternatives. Overall, there was a lack of genuine debate about political developments, and a lack of balance in the presentation of political options. The coverage specifically about political parties, taken in total, was exceeded by the amount of time given to a generically defined “opposition”. This was presented mostly in an indirect way, especially in analytical and special programs of the monitored TV channels: the tone of their coverage was extremely negative and at times offensive. Some opposition figures were presented as enemies of the State, and accused of incompetence, radical nationalism, and criminal activities. Particularly noteworthy was a series of programs under the title *Konspirologia* (Conspirology) broadcast on BT1 and STV. Stanislav Shushkevich, leader of the Belarusian Social Democratic Gramada, was accused in an edition aired on 18 September of being a State criminal and terrorist sympathizer. Valeriy Frolov of the “Respublika” parliamentary grouping was portrayed in a very negative light in various editions of the program, notably on 29 September, when he and others were accused of activities supporting terrorism.

A 25-minute program portraying in negative terms certain Belarusian nongovernmental organizations as well as various international and donor organizations, allegedly supporting them, was aired in Belarus on RTR’s frequency on 10 September. The program was inserted by STV, which rebroadcasts RTR in Belarus, in substitution for what was then being broadcast by RTR in Russia, but, misleadingly, RTR’s logo was left on screen. An STV representative later explained this as a technical error.

Print media outlets, in contrast to the broadcast media, provided a greater variety of information about different political alternatives. All monitored print media dedicated the biggest amount of time to the President. In the case of the highest circulation newspaper, *Sovietskaya Belorussia*, the President had 89 per cent of the space allocated to political and election-related actors during the monitored period.<sup>37</sup> The other two monitored State newspapers, *Zvyazda* and *Narodnaya Gazeta*, gave the President two-thirds of the equivalent space. The President’s portrayal in all three monitored State newspapers was overwhelmingly positive. The three monitored non-state print media portrayed him in negative terms. *Narodnaya Volya* and *Komsomolskaya Pravda v Belarussii* dedicated a significant amount of the space to the parliamentary grouping “Respublika.”<sup>38</sup> They portrayed this grouping, and other opposition parties and blocs, in a neutral or positive light.

There was a significantly disproportionate amount of time given in the media to coverage of the Republican Referendum, as compared to the parliamentary elections. For instance, voter education clips dealing with the parliamentary elections were aired on only one monitored TV channel, BT1, and the total time dedicated to these clips in the monitored period was less than 16 minutes. In contrast, spots that instructed voters how to fill out the Referendum ballot, providing instructions on how to tick the box “for”, but failing to mention the possibility of voting “against”, were aired on all monitored TV channels; the total airtime given to coverage of these spots in the monitored period was almost five times greater (75 minutes). Moreover, on 8 September, one day after the President’s calling of the Republican Referendum, ONT started to air various clips under the slogan “For a strong and prosperous Belarus”, with contents supporting the President and people’s participation in the Referendum. These clips were broadcasted on ONT for five days.

On 30 September, a court in Grodno fined Alena Raubieckaya, editor-in-chief of the Grodno-based newspaper *Birzha Informacyi*, 1.2 million Belarusian roubles (approximately US\$600) for distributing false information offending the honour and dignity of the President in the mass media. Her offence was to have included, in an article on 9 September, the following: “The referendum announced by Mr. President

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<sup>37</sup> This very high figure was due in part to one special edition of the newspaper on 14 October, distributed for free in post boxes, which was exclusively dedicated to President Lukashenko.

<sup>38</sup> *Narodnaya Volya* – 20.5 per cent; *Komsomolskaya Pravda v Belarussii* – 6.3 per cent.

(he can't get a third term without holding it) is a challenge to society. One should have no shame and treat the people as the mob..."

The OSCE/ODIHR itself came under unprecedented verbal attack and public accusation from senior State officials and the State media, with unfounded accusations of bias and preconceived conclusions about the elections. State TV BT1 repeatedly aired in its broadcasts false information about the OSCE/ODIHR and its activities in Belarus. Insinuations, and a lack of any effort to receive direct information from EOM representatives, suggested a deliberate attempt to discredit the OSCE/ODIHR EOM.

## **IX. PARTICIPATION OF WOMEN<sup>39</sup>**

The outgoing House of Representatives had 14 women deputies (12.7 per cent). One hundred and eighteen women applied for registration, of whom 83 were registered, including four on appeal to the CEC. As a result of withdrawals and four de-registrations of women candidates, there were 70 women on the ballot on 17 October (21.2 per cent of the total – out of 330). Women were elected to just under 30 per cent of the seats in the new House of Representatives, which is a more than twofold increase in representation compared to the last Parliament.

It is of note that the Belarusian Women's Party "Nadzeya" chose not to nominate any candidates for the elections.

Women were well represented in the election administration, including in positions of leadership. The Chair of the CEC is a woman.

## **X. ISSUES RELATING TO MINORITIES IN THE ELECTORAL PROCESS**

There are more than 130 nationalities that currently reside in Belarus according to census results. Overall, 81.2 per cent of the population is Belarusian, and the three largest minority groups are Russians (11.4 per cent), Poles (3.9 per cent), and Ukrainians (2.4 per cent). There also are Roma communities in Minsk, Gomel, and Vityebsk regions. Although two candidates of Polish descent were not registered, including on appeals to the CEC and Supreme Court, it does not appear that these cases were linked to their national origin.

In general, issues related to national minorities were not evident in the electoral process.

## **XI. DOMESTIC OBSERVERS**

A CEC resolution of 15 July 2004 clarifies the Electoral Code provisions regarding the rights and responsibilities of domestic observers. A large number of categories of persons qualify to be domestic observers. Observation of the work of specific PECs and DEC's is on the basis of accreditation given by those bodies.

Persons identified as domestic observers were present in over two-thirds of polling stations visited by IEOM observers during election day voting, and in 94 per cent of polling stations where the IEOM observed the vote count. Many domestic observers represented civic organizations closely affiliated to the State, such as veterans' groups, State-sponsored youth organizations and trade unions. OSCE

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<sup>39</sup> OSCE gender policy is guided by the principles put forward in the Copenhagen Document (1990), which outlines key non-discrimination provisions and commitments to political rights and the rule of law. The principal OSCE standards on gender equality are included in the Moscow Document (1991) and the Charter for European Security (1999), both of which commit participating States to promote equality between men and women.

observers noted that in a high number of polling stations where they encountered persons identifying themselves as domestic observers, these persons were passive (e.g. taking no notes or making no record of the observation). In other instances domestic observers were assessed by OSCE observers as representing an additional control measure on behalf of the State: in PEC 35 of DEC 58 (Mostovskiy, Grodno region), a domestic observer was directly involved in the obstruction of an OSCE observer team.

The unregistered civic initiative “Partnership”, engaged in credible non-partisan domestic observation beginning on 1 July 2004. It registered long-term observers in 98 constituencies through provisions in the Electoral Code that allow citizens to become observers by collecting 10 signatures from voters in a constituency. The group managed to accredit over 3,000 STOs to observe both the five days of early voting and election day. Due to its lack of official status as a registered organisation, Partnership accredited STOs through alternative means such as signature collection or through local civic organizations. The STO teams sought to cover 25 per cent of the polling stations in every constituency. The IEOM received several reports of harassment of domestic such observers, for instance in Gomel, Grodno, Mogilyov and Novopolotsk.

## **XII. OBSERVATION OF VOTING AND COUNTING**

### **A. EARLY VOTING**

During the five-day period of early voting the IEOM undertook 1,030 observations in polling stations. Although there are some fundamental concerns about the transparent regulation of early voting, such as the lack of basic security for election materials and the lack of a daily record of voter turnout clearly reflected in the results protocol, observers positively assessed the actual voting procedures in almost 90 per cent of observation visits. The main observed problem involved breaches of the secrecy of the vote (9 per cent of all observations), mainly caused by the absence of voting booths (attributable in many cases to the fact that the early voting took place in a different room to the one designated as the election day voting room) and instances of group voting. Although some of the other observed problems, such as instances of voters being allowed to vote without presenting identity documents, appeared to be procedural lapses, there were also occasions when persons were seen in possession of multiple ballot papers. Parliamentary election campaign materials were observed inside the voting room in 12 per cent of all observations, while materials promoting a “yes” vote in the referendum were present in many polling station voting rooms.

There was no instruction from the CEC that ballot boxes should be entirely sealed in the period between the twice-daily voting sessions and overnight (when the box would be under guard by a police officer), and consequently only in very few instances did IEOM observers note that PECs had put in place measures to seal the slot in the top of the box when it was not in use. A daily record by official protocol of participation in early voting continued to be absent from the procedures. There was, however, specific provision for the sealing of the slot in the box at the close of the final session of early voting, so it is of concern that at the start of election day proceedings on 17 October early voting ballot boxes were observed to be without such a seal in 21 per cent of cases where the box was in view.<sup>40</sup>

There were widespread reports that certain groups of voters were pressured to participate in early voting. The OSCE/ODIHR EOM was able to confirm a report that students at Brest State University were pressured to vote early. There also were allegations that students in Minsk (Belarusian State University, Belarusian National Technical University, Belarusian State Medical Institute), Mogilyov, and other cities were instructed to vote early. Parents of school children in Baranovichy, employees of Territorial Medical Unit-4 in Vityebsk, and employees of the Khimvolokno factory in Mogilyov were summoned to meetings and told to vote early.

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<sup>40</sup> CEC regulations require that the early voting ballot box should be in plain view at the opening of the Polling Station on election day and throughout the day. This was observed to be the case in only 57 percent of the 112 polling stations where the election day opening procedures were observed.

## B. VOTING ON ELECTION DAY<sup>41</sup>

Although the overall conduct of voting was positively assessed in almost 90 per cent of polling stations observed by the IEOM, and PEC members were generally credited for the efficiency of their performance, certain serious problems were prevalent: unauthorized persons were present in 13 per cent of polling stations (and seen to be directing the work of the PEC in 2 per cent of polling stations); there were instances of voters being allowed to vote without identity documents at 6 per cent of polling stations; and ballot boxes were observed to be not properly sealed or intact in 7 per cent of polling stations. Instances where secrecy of the ballot was violated by more than one person being in the voting booth at the same time (in circumstances other than approved assisted voting) were seen in 30 per cent of polling stations. Multiple voting was also observed in a few instances.<sup>42</sup> The prevalence of campaign materials inside the voting rooms was much diminished compared to the early voting period.

There were disturbing instances of people voting under compulsion. In the most egregious example, at PEC 21 of DEC 81 (Zhodinskiy, Minsk region), a special polling station set up in a hospital, IEOM observers described elderly patients – some of them visibly infirm and having difficulty walking – being marshalled from their beds to the voting room by nurses, and even a woman being brought into the voting room on a stretcher straight from having given birth. The observers also noted that no voting took place in secret as this polling station had no voting booths. In PEC 432 of DEC 105 (Starovilenskiy, Minsk city) observers saw two voters who expressed the wish only to participate in the parliamentary elections being refused the possibility to decline to take the Referendum ballot paper. In PEC 43 of DEC 4 (Baranovichy-Zapadniy) soldiers were observed voting with their commanding officer present.

Mobile voting caused some concerns. In 15 per cent of the cases where election day opening of a polling station was observed, the mobile box was not shown to be empty and sealed as part of the opening procedures. At seven PECs observers were either informed by PEC officials or directly observed that the mobile ballot box was being dispatched without a corresponding request from voters, which is the requirement in law.<sup>43</sup>

## C. COUNTING

IEOM observers gave a negative assessment of counting in 62 per cent of the 120 polling station vote counts observed. Overwhelmingly, there was an absence of transparency in the establishment of results and the compilation of the protocol: in only ten observed instances did the PEC, before opening the ballot boxes, follow the established procedure for entering the number of eligible voters and the number of voters who had received ballot papers. Counting of ballots was done generally in silence, even furtively: in only one observed vote count was the voters' choice as indicated on the ballot announced aloud, and in barely 20 per cent of cases was the total number of votes cast for each candidate stated aloud before the protocol was compiled.

There were eight observed instances where protocols were being filled out initially using pencils and erasers, or the PEC made an initial draft copy, which is a violation of an explicit provision in the rules of procedure established by the CEC. In PEC 2 of DEC 50 (Volkovysskiy, Grodno region) the protocol was compiled by the PEC chairman in a separate office, receiving numbers on slips of paper from other commission members in the counting room. In PEC 21 of DEC 9 (Drogichinskiy, Brest region), the protocol was compiled by a PEC member outside the counting room, apparently on the basis of a telephone conversation with an unknown person, without a proper vote count. Also in PEC 40 of DEC 72

<sup>41</sup> Voting was observed by the IEOM at approximately 1,100 polling stations.

<sup>42</sup> At PEC 8 of DEC 7 (Belovezhskiy); PEC 50 of DEC 48 (Svetlogorskiy); PEC 36 of DEC 80 (Dzerzhinskiy); PECs 25 and 26 of DEC 84 (Minskiy selskiy).

<sup>43</sup> PEC 59 of DEC 15, PEC 50 of DEC 48; PEC 44 of DEC 50; PEC 40 of DEC 56 (a hospital); PEC 8 of DEC 79 (a hospital); PEC 4 of DEC 84; PEC 12 of DEC 85 (a hospital).

(Mogilyovsky-Tsentralnyy) the protocol was filled out apparently without the PEC having conducted a vote count.

In barely half of observed polling stations did the PEC post a copy of the results protocols for observers to note the results.

In four PECs, all of them in Brest region,<sup>44</sup> observers who were able to view ballot boxes closely enough reported multiple ballots emerging from ballot boxes folded together in wads, suggesting ballot stuffing.

#### **D. TABULATION OF RESULTS**

A full assessment of the tabulation process was made difficult by the high number of refusals to allow IEOM observers full access at DEC. Only eight out of 26 teams who reported observing the results tabulation process were able to see spreadsheet data entry closely enough to view the figures from PEC protocols being entered. In at least 39 other cases IEOM observer teams were physically kept apart from the work of the DEC; in at least 26 of these this entailed outright refusal to allow them entry to the DEC premises.

IEOM observers directly observed DEC 101 (Yeseninskiy, Minsk city) falsify results after they had been delivered from PEC 274. The results as announced by the DEC were queried by the observers with reference to the observers' own Belarusian-language copy of the PEC results, which had been signed by the PEC chairman to certify it as a true copy and which showed that the winning candidate had 225 votes fewer than the DEC recorded; the results for the other three candidates were unchanged. The DEC responded that, as it contained only the PEC chairperson's signature, the observers' copy of the PEC protocol was not valid.<sup>45</sup> Given the importance attached generally by DEC to the veracity of individual signatures in other parts of the electoral process (such as during nomination and registration of prospective candidates), the EOM finds this response to be remarkably frustrating. The IEOM observers' copy of the protocol from PEC 429 of DEC 105 (Starovilenskiy, Minsk city), signed by the PEC chairwoman, showed the eventual winner in the constituency placing second at this PEC, with 447 votes, but the EOM was presented with evidence indicating that this was inflated by the DEC to 656 votes, putting him in first place at PEC 429.<sup>46</sup>

#### **E. OBSTRUCTION OF OSCE OBSERVERS**

Of serious concern was the prevention of IEOM observers from carrying out their observation duties with sufficient freedom of movement and access to information. The refusal of PEC members to provide basic data in response to questions that are a standard part of OSCE observation methodology and not in conflict with the rights of international observers as defined in CEC regulations, such as the number of voters on the voter list, was consistent and widespread.<sup>47</sup> IEOM observers were regularly ordered not to approach voting materials, and confined to one part of the voting room. The problem became particularly acute during counting and at DEC during the results tabulation.

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<sup>44</sup> PEC 17 of DEC 3 (Brest-Vostochniy), PEC 14 of DEC 7 (Baranovichy-Zapadny) and PECs 15 and 27 of DEC 5 (Baranovichy-Vostochniy).

<sup>45</sup> The rules of procedure require that PECs, immediately on completion of the vote count, post a copy of the results protocol from which observers may "familiarize themselves" with the results and make copies "using their own means". The PECs are not required to certify the copies that observers may make as true copies. However, the chairman of PEC 274 in DEC 101 was among 34 PEC chairpersons who exercised their discretion and signed the copies of the protocols that IEOM observers compiled based on the posted copy of the protocol.

<sup>46</sup> The evidence is in the form of figures verbally disclosed by this DEC, disaggregated by PEC, and noted by partisan observers.

<sup>47</sup> In PEC 1 of DEC 56 (Lidsky gorodsky) a DEC member present was overheard by observers telling members of the PEC to "hide the voter list" when the observers entered.

In nine cases, obstruction of observers involved outright refusal to allow entry to polling stations on military bases or in border zones,<sup>48</sup> despite assurances having been given by the central authorities to the OSCE/ODIHR EOM that its standard operating principle of full access to all polling stations would be respected. Some observers encountered hostility from PEC members and police at polling stations; in eight instances PECs at regular polling stations threatened that they would have IEOM observer teams (two of them teams of parliamentarians of the OSCE PA), removed by police for seeking basic information relating to the voter list or vote count.<sup>49</sup> In PEC 63 of DEC 32 (Shumilinskiy, Vityebsk region) and PEC 568 of DEC 108 (Kalinovskiy, Minsk city) the IEOM observer team was ejected from the vote count. As noted above, in at least 26 cases IEOM observers were not permitted to enter DECs to observe results tabulation.

### XIII. ELECTION RESULTS

Provisional results of the parliamentary elections were announced on the morning of 18 October, approximately 13 hours after the end of voting. The CEC confirmed the final results at its meeting on 22 October after considering a number of appeals contesting the election results. The CEC dismissed all such complaints on the grounds that the alleged violations were of an insignificant nature and would not have influenced the election results even if proven to be true.

Unsanctioned political demonstrations to protest the results were held by the opposition nightly in Minsk for several days following the elections. On 19 October, special police broke up a demonstration, detaining approximately 40 persons, including several prominent opposition figures. UCP leader Anatoly Lebedko was severely beaten by special police in the process of his arrest, and was hospitalized for several days.

According to the final results, a total of 6,297,600 voters participated in the elections, representing a turnout of 90.14 per cent, an increase on the 83.86 per cent turnout recorded during the 2001 presidential election. In comparison, the turnout during the 2000 parliamentary elections had been 60.90 per cent, which perhaps is indicative of one aspect of the impact that the concurrent staging of the Republican Referendum had upon the parliamentary elections.

The overall turnout figure for the 2004 parliamentary elections includes 17.39 per cent of voters who took part in early voting from 12 to 16 October. According to statistics published on the CEC website, almost 10 per cent of the registered voters in Minsk city took part in early voting on Saturday 16 October alone. The early voting turnout in Minsk city was the highest across the country, which contrasts markedly with the fact that overall voter turnout in Minsk city (at 81.62 per cent) was the lowest nationwide. This would appear to reinforce reports received by the EOM that there were concerted efforts to compel certain segments of the population, in particular students, the military, and labour collectives, to participate in early voting.

As a result of the first round of elections, deputies were elected in 108 of the 110 constituencies. A second round was held on 27 October in DEC 25 (Novopolotskiy, Vityebsk region) between the two candidates who had placed highest in the first round. New elections were to be held in DEC 52 (Grodnenskiy-Tsentralniy) where there had only been two candidates on 17 October, neither of whom had received the 50 per cent of the vote required to be elected.

<sup>48</sup> Access to the polling station was refused by PEC 30 of DEC 4 (Baranovichy-Zapadniy), PEC 31 of DEC 5 (Baranovichy-Vostochniy), PEC 30 of DEC 25 (Novopolotskiy), PEC 118 OF DEC 74 (Mogilyovskiy-Promyshlenniyy), PEC 114 of DEC 96 (Svislochskiy) and PEC 603 of DEC 109 (Uruchskiy). Denial of access in border zones occurred in DEC 9 (Drogichinskiy), DEC 45 (Polesskiy) and DEC 58 (Mostovskiy).

<sup>49</sup> Threats to expel observers occurred at PEC 37 of DEC 27 (Orshanskiy-Dneprovskiy), PEC 122 of DEC 24 (Skhlovskiy), PEC 1 of DEC 66 (Bykhovskiy), PEC 53 of DEC 79 (Vileyskiy), PEC 311 of DEC 102 (Sukharevskiy), PECs 556 and 571 of DEC 108 (Kalinovskiy), and PEC 613 of DEC 110 (Partizanskiy).

There are 12 representatives of political parties in the new House of Representatives, whose first session took place on 16 November. All of these deputies come from parties that support the policies of the current government; there are no representatives of the opposition. Forty-six incumbent deputies who sought re-election were successful. The overwhelming majority of elected deputies received the endorsement of a labour collective; 100 elected deputies were nominated either solely by a labour collective or by a labour collective and through signature collection. Overall, there were only 14 individuals who managed to become parliamentarians on the basis of a single form of nomination.

Table 1: Composition of the new House of Representatives

Number Elected	Gender		Incumbents		Deputies with Party Affiliations		
	Male	Female	Participated	Elected	AP	CPB	LDP
109	77	32	56	46	3	8	1

#### XIV. RECOMMENDATIONS

The following recommendations are offered to the Belarusian authorities in support of future efforts to improve the conduct of elections. They include a number of recommendations first made following the 2000 parliamentary elections in the Republic of Belarus, which remain valid pending action by the authorities. At the time those recommendations were first made, the OSCE/ODIHR stated that without a political will to improve the overall environment in which elections take place in Belarus, technical improvements will have very little impact. That comment remains valid after the 2004 elections. The OSCE/ODIHR strongly urges the government of Belarus to implement these recommendations if the elections in Belarus are to comply with OSCE commitments.

##### A. LEGAL FRAMEWORK

1. Unjustifiable restrictions on the fundamental freedoms of expression, assembly and association should be abolished, and the Electoral Code, as well as other legislation, should be amended accordingly. In particular, Article 47 of the Electoral Code that prohibits campaign materials from containing “insults or slander in relation to official persons of the Republic of Belarus and other candidates”, and Article 49 that allows a person to be prosecuted for spreading unverified data defaming a candidate and imposes liability on candidates for violations committed by supporters, should be removed or considerably narrowed.
2. All legislation related to elections, including all relevant public order legislation, should be amended, in order to ensure harmonization with the Electoral Code. Should there be a conflict between various legislation during the election period, the Electoral Code should prevail.
3. A wide-ranging review of the Electoral Code should be undertaken, with a view to introducing greater clarity, transparency and uniformity of procedure.
4. The Electoral Code should be amended to ensure inclusive pluralistic representation on election commissions at all levels, not merely the right to nomination, and preference should be given to party and candidate nominees. Representatives of any labour collectives should have no role in administering elections.
5. Revision of the electoral legislation should ensure independence of the election administration from the executive authorities, including ending the exclusive role of the state administration in appointing the election administration bodies at corresponding levels.

6. A uniform appeals process to the Supreme Court of Belarus should be established for review of all decisions and actions of the CEC, and election stakeholders given the opportunity to take their grievances to the highest judicial level.
7. The Electoral Code should be amended to guarantee a minimum monetary amount sufficient to convey a candidate's campaign message that must be provided to each candidate. It should further be amended to include a transparent and accountable system for candidates to receive campaign contributions directly, including from private sources.
8. The voter turnout threshold for elections should be reduced to a more reasonable level, such as 25 per cent in the first round, and eliminated from the second round.
9. Consideration should be given to removing provisions allowing a vote "against all", as elections are about representation, and the "against all" option is therefore difficult to reconcile with a standard definition of representative democracy.
10. A central nationwide registration of political parties should be considered sufficient, with the need for an additional registration in each constituency abolished.
11. The reasons for a de-registration of a political party should be clearly defined and limited to criminal activities. Only a court should be authorized to decide on de-registration.

## **B. ELECTION ADMINISTRATION**

12. All CEC decisions should be made public and available to interested parties immediately. All CEC decisions should remain posted on the CEC website for a reasonably long period after elections, at least until the expiry of the appeals deadlines.
13. All important electoral documents should be published in a timely manner to allow for public inspection and examination at all levels of election administration. In particular, PECs should be obliged to submit copies of the election results protocol signed by all PEC members immediately after its completion on request to any observer. Aggregated election results at the constituency level (and at the regional and national levels for presidential elections) should be supported by worksheets detailing the results at the polling station level, thus permitting any citizen or international observer to audit the results of an election from polling station level upwards.
14. The form of the results protocol should be carefully revised. In the results protocol, a direct connection between the number of signatures of voters and the number of ballots should be established.
15. The electoral code should be amended to require that discrepancies become a routine matter for PEC scrutiny, and PEC's be obliged to conduct a recount of the ballots when an imbalance in the figures cannot be reasonably explained or serious mistakes in completion of the PEC protocols have been established. Such a recount should be executed in the presence of all PEC members, and observers should also have the right to be present.
16. Complaints of deliberate violation of the Electoral Code by election officials should be investigated seriously, and criminal sanctions enforced.
17. Commissions should be constituted on the basis of an inclusive and diverse balance of interests, and in such a manner as to provide a functional separation from State bodies. Simultaneous service in the State Administration should not be admissible. Situations where commissions comprise people with pre-existing professional relationships, especially hierarchical relationships, should be avoided. Collegiality as a working principle of election commissions should be based on a shared commitment to abiding by the Electoral Code and other rules of procedure, not on a



shared commitment to delivering a given outcome as determined by the incumbent's political interests.

18. The boundaries of electoral districts should be established in a more formal manner, for example once every 10 years by an act of the Parliament. Changing the boundaries of a constituency goes beyond the simple administration of an election.
19. Votes from abroad should be counted in more than one district.
20. Party nominations for commission membership should be a priority in establishing the election administration. Opposition parties should be involved in the administration of the process with guaranteed quota of representation under the condition nominees meet competency requirements.
21. Labour collectives should not be involved in the nomination of commission members, candidates and even observers.
22. The military should be able to vote with the civilian population, outside the supervision of their commanding officers.

#### **C. CANDIDATE REGISTRATION**

23. In order to broaden voters' choices, the candidate registration process should be more inclusive, and designed to eliminate arbitrariness and bias. A reasonable deposit (e.g. 50 times the minimum wage) could be introduced, refundable upon receiving an established and reasonable percentage of the valid votes. If signature collection is to be retained as a means to registration, Article 67 of the Electoral Code should be amended so that a fixed number of valid signatures is required, with validity determined by full and objective verification rather than sampling.
24. The requirement for submitting extensive supporting documentation such as income and property declarations should not be a requirement. Provision should be made, at the very least, to allow correction of any formal or minor errors, even a few days after the deadline for submission of registration documents.
25. De-registration of candidates should not be permitted after early voting has commenced.

#### **D. ELECTION CAMPAIGN**

26. Executive authorities should play no role, "logistical" or otherwise, in the campaign of candidates.
27. The content of candidates' programs should not be subject to censorship, including confiscations. Candidates should be provided with the possibility of choosing, within the framework provided by the law, the modality of their presentation.
28. Unwarranted tax inspections, such as those against printing houses, should be stopped, and such harassment during the campaign addressed severely in accordance with the law.

#### **E. MEDIA**

29. The Electoral Code should include provisions for equitable access of candidates or political parties to all campaign-related broadcasts, including news and other information programs.
30. The State media should refrain from campaigning for or against any political alternatives and demonstrate impartiality in their coverage of the campaign and political developments. They

should ensure unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process.

31. The State media should offer an immediate right of reply when the opinions of a candidate have been attacked or misrepresented.
32. The allocated free time and the format of the campaign should provide voters with adequate opportunities to gain information about the candidates.
33. The CEC Supervisory Board on Information Disputes should be reviewed with a view to improving its neutrality and impartiality.
34. The rules for closing of newspapers and other media outlets should be clearly defined and not include political considerations.

#### **F. VOTER LIST**

35. A national centralized voter register should be developed, with a unique identification number for each voter. The register should be maintained and updated regularly on a continuing basis rather than only immediately prior to elections, by a State Agency, with clear regulations defining its authority, as well as that of the local civil registry department.
36. Voter list modifications between the time of submission of the list to the PECs, and election day, should be publicly announced. There should be periodical publication of revised figures, aggregated by DEC to enable a countrywide overview.
37. Voter lists should be opened for full public scrutiny at PECs, which beyond the simple check for accuracy is also an important confidence building measure.
38. The Electoral Code and CEC regulations should secure higher transparency and unimpeded access to the voter list for domestic and international observers during the pre-election period and on election day.

#### **G. VOTING PROCEDURES**

39. Article 53 of the Electoral Code should be amended (i) to limit the potential for early voting to a prior request based on justified reasons of inability to present oneself at a polling station or participate by mobile voting on election day; (ii) to ensure that the early voting process is fully secure, transparent and accountable – i.e. unique irreplaceable seals put in place over the ballot box slot during each break between voting sessions, and results protocols established at the end of each day's early voting, should there be more than one day of such voting.
40. The CEC should strengthen the safeguards for secrecy of the vote and against fraud during mobile voting. Mobile ballot boxes should only be dispatched to voters who have requested the service, with a corresponding number of ballot papers.
41. The turnout figures for early voting, mobile voting and regular voting should be separately established and reflected in the final results protocol at all levels of the election administration. Once this has been done during the vote count in the polling station, the ballots from the three boxes should be mixed and then counted in terms of party/candidate results.
42. The CEC should take appropriate measures to prevent open voting and group voting. In addition to instructing PEC officials and ensuring their adequate training in these matters, the CEC should examine whether the standard requirements for facilities at polling stations are adequate to

prevent open voting and group voting, especially during early voting and keeping in mind the possibility for high voter turnout. The CEC should also provide voter education on the obligation to vote in secret.

43. Additional regulations are needed to make the counting more transparent and secure. At minimum, the voter's choice on each ballot paper, and the total number of votes cast for each candidate, should be announced out loud, and ballots should be stacked so that observers may view the voter's mark.
44. Procedures for how PECs should fill out the election results protocol should be more explicit and structured, and training of PECs on how to do this should be enhanced. Procedural violations should be investigated, and those who have violated the law should be held accountable.
45. The law should oblige that polling station results protocols are fully finalised in polling station premises, and any change to the content of the protocol resulting from technical inaccuracies should be made in the presence of the full polling station commission.
46. The Electoral Code should explicitly restrict, through detailed regulation, access of unauthorized persons, especially representatives of the state administration, to the PECs and higher-level commissions throughout the voting and counting. The Electoral Code should specify who are "unauthorized persons", or alternatively, provide an exhaustive list of those who are authorised to be present in the polling station or the premises of each election commission.
47. The election legislation should be amended, or the CEC should issue instructions after consultation with the Ministry of Internal Affairs, to establish that police officers should only be present in a polling station, following an invitation of the PEC, if there is a breach of the peace.

## **H. OBSERVERS**

48. The Electoral Code should be amended or regulations should be introduced: (i) to include remedies for observers in the event that their rights are denied during the course of observation; (ii) to permit international and domestic observers to monitor the process of voting, counting and tabulation close enough to be able to confirm the correctness of the process; (iii) to require that international and domestic observers be provided with a certified copy of official results at all levels upon request; (iv) to require that international observers and domestic observers be granted full access to each polling station.
49. The Electoral Code and CEC regulations should be amended so that electoral commissions at all levels are obligated to ensure observers' rights are guaranteed.
50. Non-partisan domestic observation groups should be able to attain registration and to function in conditions that meet international standards for freedom of association. Accreditation of non-partisan domestic observation groups at the level of the CEC should be sufficient to allow full access to the work of electoral commissions at all levels.

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, legislative support, and trafficking in human beings. The ODIHR implements a number of targeted assistance programs annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States and to discuss particular thematic areas.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).

