



## **OSCE ELECTION OBSERVATION MISSION**

### **Belarus — Parliamentary Elections, 28 September 2008**

#### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

Minsk, 29 September 2008 – The OSCE Election Observation Mission (EOM) for the 28 September 2008 parliamentary elections in Belarus is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA).

The elections are assessed for their compliance with the OSCE commitments and with national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE/ODIHR and the OSCE PA thank the Belarusian authorities for their co-operation and stand ready to continue their support for the conduct of democratic elections in Belarus.

#### **PRELIMINARY CONCLUSIONS**

Prior to the 28 September parliamentary elections in the Republic of Belarus, the authorities gave a number of clear signals of their interest to improve the election process. There were some minor improvements, which could indicate a step forward. But these elections ultimately fell short of OSCE commitments for democratic elections. Promises made by the authorities to ensure the transparency of the vote count were not properly implemented by election commissions. Imperfections in the legal framework underpinned a strictly controlled election environment with a barely visible campaign. The composition of election commissions diminished stakeholders' confidence in the process. Further substantial efforts are required if Belarus is to conduct genuinely democratic elections in line with OSCE commitments.

During this election, co-operation extended to the observation mission by the authorities was considerably improved. This could serve as the basis for a close post-election dialogue to advance consideration of a number of outstanding OSCE/ODIHR recommendations that could substantially improve the election process in Belarus in line with its OSCE commitments.

On election day, observers reported that voting was well conducted overall in those polling stations visited, but the integrity of the process was undermined by the vote count which was assessed by observers as bad or very bad in 48 per cent of observations. Despite repeated requests for meaningful access to observe the vote count since the deployment of the OSCE/ODIHR election observation mission in mid-August, observers reported that they were prevented or hindered from observing in 34 per cent of cases. 37 per cent of observers, including some of those who noted hindrances, reported not having a full view of the vote count proceeding, thus compromising the transparency of this fundamental element of the election process.

Promising developments were the slightly increased access of opposition representatives to District Election Commissions (DECs), the decision to repeat once the five-minute candidate spots in regional branches of state television and radio during prime time, and the recommendation by the Central Election Commission (CEC) to seal ballot box slots overnight during the five-day early voting period. Some opposition candidates noted progress in their ability to conduct meetings in authorised locations without interference. Nevertheless, the election environment in Belarus still does not allow genuine political competition, and equal treatment of election competitors by the authorities. Serious concerns remain pertaining to fundamental rights of freedom of assembly and expression, and access to a plurality of views constituting meaningful information necessary for voters to make an informed choice.

The legislative framework continues to present obstacles to the conduct of elections in line with OSCE commitments. Previous concerns regarding the Electoral Code (EC), as expressed in past OSCE/ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission) reports and legal opinions, remain to be addressed.

The elections were administered in accordance with the applicable legislation of the Republic of Belarus. Election commissions did meet all administrative deadlines. However, deficiencies in the legislative framework were further compounded by the restrictive interpretation of relevant laws, or the absence of adequate regulation of important aspects of the election process.

A Presidential decree allowed political parties nominating candidates to appoint advisory (non-voting) members to the CEC. Four CEC sessions were held since deployment of the OSCE/ODIHR election observation mission on 12 August, which were open and attended by accredited observers and media. However, some election complaints were dealt with in a manner that lacked transparency and ran contrary to the CEC's principle of collegiality.

The appointment of District Election Commissions (DECs) and Precinct Election Commissions (PECs) remained legally at the discretion of regional and local authorities. The tight control exercised by the executive branch over the appointment of commissions resulted in an extremely low rate of appointment of party nominees to PECs.

Political parties played a minor role in these elections. Most candidates ran as non-party affiliates, partially as a strategy to increase their chances of being registered. While a majority of opposition candidates were able to register, and no candidates were de-registered, some nominees were denied registration for minor breaches of formal requirements.

Overall, the restrictive manner in which the state authorities tried to provide formal equality to all candidates led to a minimum in terms of meeting venues, campaign financing and access to the media. Access to any additional resources was strictly constrained. This meant that a vibrant campaign, constituting real competition, was not observed.

The election campaign remained muted throughout the country. Narrow limits were placed on the ability of candidates to inform voters about their programmes, challenging paragraph 7.7 of the 1990 Copenhagen Document. Candidates were able to hold meetings with voters in indoor locations allocated free-of-charge by state authorities, but only one outdoor meeting was observed. Workers' collectives and enterprises also arranged meetings, but pro-government candidates often had preferential access. Some opposition candidates and parties took deliberate decisions not to use the narrow possibilities offered for them to campaign, citing unreasonable restrictions.

The media environment continues to be constrained by the lack of media that provide alternative views and opinions. The media coverage of the campaign was not sufficient to enable voters to gain meaningful information about candidates in order to make an informed choice during elections, contrary to paragraph 7.7 of the 1990 Copenhagen Document.

The Electoral Code does not provide any clear mechanism for securely keeping the ballot boxes after the start of early voting, nor does it provide specific regulations for enhancing the integrity of the ballot. The lack of any official protocols to document the record of voting on each day of early voting remains a concern. These outstanding issues allow the possibility of electoral malfeasance. The decision of the CEC to seal ballot box slots on each night of early voting marked a positive step but did not address the fundamental problems.

## **PRELIMINARY FINDINGS**

### **Background**

The President of Belarus on 24 June 2008 called parliamentary elections for 28 September 2008. Previously parliamentary elections in Belarus, held in 2000 and in 2004, had been evaluated by the OSCE/ODIHR as falling significantly short of OSCE commitments for democratic elections. The President publicly stated the intention to hold these parliamentary elections in an open and democratic manner, most succinctly during a public address on 10 July 2008.

Political parties played a minor role in these elections. Parties are required by law to have local branches registered in those constituencies in which they wish to field candidates. Many have not been able to overcome this obstacle, and were thus not entitled to nominate candidates in certain constituencies. Most candidates ran as non-party affiliates, partially as a strategy to increase their chances.

The main parties supporting the government include the Agrarian Party, the Communist Party of Belarus (CPB), and the Liberal Democratic Party (LDP). The main registered opposition parties during these elections were the Belarusian Popular Front (BPF), the Party of Belarusian Communists (PCB), the Belarusian Social Democratic Party *Hramada* (BSDP-H), and the United Civic Party (UCP). These parties united in 2005 under an umbrella organization entitled the United Democratic Front (UDF). They decided to nominate joint candidates in the constituencies in which they are entitled to run. The European Coalition, a grouping of unregistered opposition parties with European integration as their main objective and fielding their own candidates, has been active, taking a centrist position.

### **Election System and Legal Framework**

Parliamentary elections in Belarus are primarily regulated by the Constitution and the Electoral Code (EC). Although certain changes to the EC were introduced in October 2006, these amendments did not address many of the shortcomings noted in previous OSCE/ODIHR reports and OSCE/ODIHR and Venice Commission legal opinions. In particular, the EC continues to “not reflect the political pluralism required by OSCE commitments as it grants substantial, unchecked, and monopolistic control of all election processes to the executive branch of government.”<sup>1</sup>

The 110-member Chamber of Representatives of the National Assembly of Belarus (hereafter, Parliament) is elected for four-year terms on the basis of a two-round majoritarian system in 110 single mandate constituencies. If no candidate receives more than 50 per cent of all votes cast in the first round, a second round is held within two weeks between the two candidates with the most votes. The law establishes a 50 per cent turnout requirement for the first round to be considered valid, while a 25 per cent turnout is required in the second round.

The October 2006 amendments brought minor technical clarifications of the law. In other instances, however, the law was amended to its detriment. For example, Article 68 was amended to remove the right of those who nominate candidates from appealing refusals on the registration of their candidates and limited this right solely to nominees. Also, it appeared that certain previously criticized practices and interpretations of the law have now been codified by the amendments; for instance, the law now limits the right of checking voter list data to individual voters. Other 2006 amendments broadened possibilities for de-registration of candidates, which is contrary to paragraph 7.5 of the 1990 Copenhagen Document. However, these provisions were not utilized in these elections.

The EC provisions governing the nomination and registration of candidates establish excessive hurdles for registering as a candidate and permit refusal of registration for trivial reasons, disproportional to the aim of the law, and thereby appear to run contrary to paragraph 24 of the 1990 Copenhagen Document. This is illustrated in the following examples. The EC establishes a two-stage procedure for checking the validity of candidate support signatures, and allows signatures to be invalidated for not being dated personally, or because one signature sheet contains voters from the same constituency who reside in different districts. The EC also gives election commissions the right to refuse registration on the basis of inaccuracies in nominees' income and property declarations. In many cases, minor errors in these declarations were used as the basis for not registering certain nominees. This in addition, challenges paragraph 2 of the 1990 Copenhagen Document, which states that the rule of law does not mean a formal legality.

Both the Constitution and the EC continue to deny the right to vote to those in preventive custody, which runs contrary to the principle of the presumption of innocence. This also runs contrary to paragraph 5.19 of the 1990 Copenhagen Document. The EC also denies the right to stand as candidate to those who have a criminal conviction, irrespective of the gravity of the crime committed. It is questionable whether this is in line with Article 64 of the Constitution, which prohibits "any direct or indirect limitation of citizens' electoral rights" in excess of Constitutional limitations.

The EC contains a general provision for transparency and openness in the preparation and conduct of elections. The EC also allows for observation of the elections by domestic and international organizations. However, certain provisions could be used to limit legitimate observation activities and the scope for meaningful observation of the process. EC Article 13 prohibits observers to "be present next to ballot issuing desks". This could be used to limit the ability of stakeholders to observe whether voters present correct identity documents, to scrutinize the voter list, and to observe how ballots are issued to voters.

In addition, the Law on Mass Events also impacts upon the election process in that it regulates the conduct of rallies and meetings during the campaign. Although changes to this law in 2006 shortened the required deadline for filing a permission request to hold outdoor campaign events from 15 to 5 days prior to the event, the law continues to require candidates to seek prior permission from authorities before they can hold meetings with voters; this remains open to abuse by the executive authorities. The law, itself, challenges paragraph 9.2 of the 1990 Copenhagen Document and can lead to misuse by the executive authorities.

### **Election Administration**

The parliamentary elections were administered by a three-tiered election administration, consisting of a Central Election Commission (CEC), 110 District Election Commissions (DECs) and 6,525 Precinct Election Commissions (PECs). The CEC is a permanent body with a five-year mandate, while DECs and PECs are appointed for each election. On 24

June, a Presidential decree allowed political parties nominating candidates to appoint advisory (non-voting) members to the CEC.

The DEC members and PECs were appointed by joint decisions of regional and local legislative and executive bodies in each administrative unit. The relevant government bodies retain full legal discretion over all appointments, and while they have the right to accept nominations from political parties, there is no obligation that they do so. Thus, of the 1,430 DEC members, 583 were nominated by citizens, 356 by public associations, 222 by labour collectives, 118 by regional legislatures and executives, and 151 by political parties. Of the 136 nominees proposed by opposition parties, 38 were accepted (28 per cent). The Belarusian government has presented the increased number of opposition representatives on DEC members as a step forward.

A total of 69,845 PEC members were appointed for the 6,485 precincts in-country. Of these, 36,071 were nominated by citizens, 21,869 by labour collectives, 9,032 by public associations, 2,712 by local executive bodies, and 161 by political parties. Of the 1,515 nominees proposed by opposition parties, 43 were accepted (3 per cent). Thus, the tight control exercised by the executive branch over the appointment of commissions resulted in an extremely low rate of appointment of party nominees to PECs.

In nearly all cases in which OSCE/ODIHR EOM observers had access to such information, they reported that PECs were composed of staff from the same place of work, such as enterprises or schools. Existing hierarchical relationships seem to have been transferred to the PEC, i.e. heads or deputy heads of such work places became PEC chairpersons, with their staff as the PEC members. This further contributed to the lack of independence of individuals in the commissions.

The work of the CEC is regulated by the EC and the 2002 CEC Rules of Procedure. Accordingly, the CEC is to be a permanent body and to conduct its work in a collegial manner. However, only the CEC chairperson and secretary are permanently employed staff, with many of the other members being based outside of Minsk. This did not allow for the CEC to work collegially. Since mid-August, the CEC met on only four occasions.

During the election process, CEC sessions were open and attended by accredited observers and media but election commission minutes and key documents were not made public. Political parties who nominated candidates were able to appoint non-voting members to the CEC and these members took an active part in debates. However, their opinions appeared to have little influence on the decisions taken. Decisions were mostly taken unanimously by the voting members, with rare and minor exceptions.

Election commissions at all levels fulfilled their administrative obligations according to the deadlines set in the election calendar. The CEC issued Methodical Recommendations for the Work of DEC members and PECs, as separate booklets.

The OSCE/ODIHR EOM met regularly with the CEC and had extensive discussions on a number of issues of concern, especially the meaningful observation of the vote count.

Procedures in the EC regarding early voting do not satisfactorily guarantee the integrity of the vote. The process of early voting was problematic in its lack of oversight, regulation, and procedural regularity. One issue involved the lack of quorum on each day of early voting, another was the security of election material stored overnight. This resulted in a decision by the CEC on 18 September to have ballot box slots sealed after each day of early voting. In these cases, observers could not confirm compliance with paragraph 7.4 of the 1990 Copenhagen Document.

The CEC did not address other important issues, resulting from a lack of clarity in procedures. They included:

- Lack of clear detailed regulations on the printing of ballots, the number of ballots to be printed, the percentage of extra ballots, and security features;
- PECs' variable approach to observers. Lacking instructions on observation, each PEC was free to decide on how observation would be dealt with.

### **Voter Registration**

Voter lists were compiled for each precinct by the relevant local administration and updated by PECs. Provisions for voter registration do not foresee consolidated or centralized voter lists at any level above the PEC. Thus, the possibility for performing expedient cross-checks for multiple voter registrations or mistakes does not exist. The EC allows voters to check their own personal details in voter lists, but does not provide for voter lists to be displayed in public places. Voters had to visit their PEC offices in person to check their data. Voter lists remain open and citizens can be included on additional voting list until the close of polls, provided that they can prove their identity and are resident in the constituency in question.

### **Candidate Registration**

In order to be eligible to stand for parliament, citizens must be 21 and reside permanently in Belarus. Candidates can be nominated in 3 ways: by registered political parties, by labour collectives, and by initiative groups of citizens who collected at least 1,000 voter signatures. By the 18 August deadline, 8 political parties had submitted 59 nominations, 322 of 424 registered initiative groups successfully completed the nomination process, and 113 labour collectives submitted nomination applications. Overall, 365 candidate nominations were accepted and were reviewed by DEC's until 28 August. Following the DEC verification, 275 candidates were registered, 89 were rejected, and 1 withdrew. Fifty-two of the 84 rejected nominees appealed to the CEC, after which 8 more candidates were registered. Another 2 were registered on appeal to the Supreme Court. This resulted in a total number of 285 registered candidates. However, following 22 withdrawals (including 12 from opposition parties), 263 candidates finally contested the elections.

## **Campaign Environment**

The President had publicly called on 10 July for the upcoming elections to be conducted openly and democratically, and he reiterated this during a television appearance on 29 August.

The election campaign officially commenced on 28 August and got off to a slow start. It remained muted and barely visible throughout the country. It took place in a strictly controlled environment and according to rules that placed narrow limits on campaigning and on the role played by political parties, which ran contrary to paragraphs 7.7, and potentially challenges paragraph 7.6 of the 1990 Copenhagen Document. Meetings took place in locations allocated free-of-charge by DEC's, and some opposition candidates noted progress in their ability to hold meetings in authorised locations without interference. Workers' collectives and enterprises also arranged meetings, but pro-government candidates often had preferential access. No outdoor and few large scale meetings took place over the four-week period, and most candidates tended to go door-to-door to meet with voters. The campaign was free from incidents. Some opposition candidates and parties took deliberate decisions not to use the narrow possibilities offered for them to campaign, citing unreasonable restrictions.

Regulations concerning the printing and distribution of campaign materials were also restrictive. Complaints were lodged with election commissions over refusals to print campaign materials and on the oversight of some state-run printing houses to include required print data on the print run. In Minsk, five candidates from the opposition United Civic Party (UCP) withdrew from the race, complaining to the CEC that permission for printing a leaflet covering their collective programme was not granted by the printing house. This also calls into question the respect for commitments undertaken in paragraph 7.7 of the 1990 Copenhagen Document.

The 27 August request of the United Democratic Forces (UDF) to engage the government in an open dialogue on the election process remained unheeded. Opposition candidates continued to be divided over the issue of withdrawing, referring to their lack of confidence in the process of early voting and in the expected conduct of the vote count.

While some opposition candidates claimed to have been the subject of pressure on the part of local administrations, other candidates, including from the opposition, declared that the attitude of DEC's was friendlier and more open than in the past and that the pre-election climate was improved.

## **The Media**

While the Constitution forbids censorship, monopolization of the media and guarantees freedom of expression, and while a relatively high number of media operate in Belarus, there is a general lack of media presenting independent views and opinions.<sup>2</sup> This is particularly the case among broadcast media that serve as the main source of information. This challenges paragraph 7.7 of the 1990 Copenhagen Document.



The EC establishes the right of candidates to appear free-of-charge in print and broadcast media during the campaign. On 31 July, the CEC defined the rules for this access. For broadcast media, each candidate was granted one five minute pre-recorded address of a standard format on regional TV and radio branches of the National State TV and Radio Company. The EC requires that spots be aired “during a period in which TV and radio attracts the largest audience” and the CEC decided to allocate time from 17:30 to 18:30. A number of interlocutors, including candidates, considered the time to be too early and criticized the five minutes as being too short. In a positive move, the CEC announced on 12 September that as an “unprecedented political step” and following consultations with the President, addresses of recorded candidates would be aired a second time from 19:00 to 20:00.

Except in some individual cases, the state-funded media generally adhered to requirements on free airtime. In some regions, however, OSCE/ODIHR EOM observers reported unequal treatment of candidates in their free presentations. The findings of the OSCE/ODIHR EOM media monitoring<sup>3</sup> covering the official campaign period showed that media coverage was almost exclusively focused on procedural aspects of the electoral process, stressing the smooth, stable, and calm pace of the campaign. Most media, predominantly the state-funded ones, concentrated on the authorities, often pointing out achieved results and successes. Candidates were referred to only as a group and coverage of individual candidates was largely absent. Thus, voters could learn about candidates’ views and platforms almost exclusively through the limited free media time and space.

The state-owned media adopted a particularly cautious and minimalist approach when reporting on the course of the campaign. Apart from the generally low-key nature of the campaign, such an approach appeared to be influenced by state-media’s perception of their role, which was reduced to complying with free airtime rules. The definition of what constitutes campaigning lacks clarity in the EC and media appeared reticent to report on candidates’ campaigns so as to not overstep the line between reporting and campaigning on behalf of one candidate or another. In addition, the CEC did not provide clarification on this matter.

Broadcast media coverage was dominated by reporting on the President, combining both working and ceremonial occasions, as well as on other authorities such as the government and the CEC. State-funded *BT* dedicated 47 per cent of its political prime time news to the President, while it gave 18 and 11 per cent, respectively, to the government and the CEC. Another state-funded broadcaster, *BR*, dedicated up to 93 per cent of its political news coverage to the authorities. Less than 3 per cent was provided to candidates. As for the tone of this coverage, it was overwhelmingly neutral or positive and this was also reflected on other channels monitored.

As for candidates on the whole, *BT* devoted 9 per cent of its coverage to them as a group. The channel was the only channel that frequently broadcast information criticizing the opposition. In addition, negative remarks concerning the opposition were broadcast during the course of the campaign and intensified over its last days; *BT* negatively

portrayed opposition forces, including individual candidates, in a discrediting manner. Newspapers and independent Internet websites offered readers a more diverse approach, including stories on individual candidates. Readership, however, is limited due to relatively low circulation and internet use.

## **Complaints and Appeals**

The OSCE/ODIHR previously noted that “no concrete provisions could be found in the legislation of Belarus concerning complaints against decisions of electoral commissions. The regulation stipulating that higher electoral commissions decide over the claims and complaints received concerning the work of other electoral commissions is not sufficient.”<sup>4</sup> These concerns remain.

By Election Day, the CEC had received 468 complaints, of which 96 were not related to the preparation and conduct of elections, according to the CEC. The CEC made 52 decisions on appeals against DEC’s for rejecting candidates’ registration. In total, another 12 decisions were taken on other complaints by the CEC as a collegial body.

The remaining complaints to the CEC were dealt with either by the CEC chairperson or by CEC staff. The CEC chairperson told the OSCE/ODIHR EOM that she had the right to deal with complaints individually, as per the CEC’s Rules of Procedure,<sup>5</sup> which is an over interpretation of the relevant provisions. This approach to dealing with complaints lacks transparency and runs contrary to the CEC’s principle of collegiality.

The OSCE/ODIHR EOM was able to observe CEC sessions where the 52 appeals on non-registration were heard. The CEC decided in favour of candidates in 8 of these cases. The CEC decided to “follow the letter of the law” when deciding on non-registration appeals and upheld a number of DEC decisions made on the basis of minor inaccuracies in nominees’ income and property declarations. The EC gives election commissions the right to refuse registration on the basis of inaccuracies in those declarations. However, it does not oblige them to do so, nor does it regulate the scale of the inconsistency that may serve as sufficient grounds for non-registration. This challenges paragraphs 2 and 24 of the 1990 Copenhagen Document. The CEC argued that it could decide only on whether DEC decisions were legal and not assess the grounds for non-registration. Such an approach does not contribute to the inclusiveness of the process. It also runs contrary to paragraph 5.10 of the 1990 Copenhagen Document, which provides for effective redress against administrative decisions.

According to the EC, nominees had three days in which to appeal their rejection of registration to the CEC. Since certain DEC’s were not available on the day after the registration deadline to provide copies of their decisions, this impacted nominees’ ability to appeal the decisions. Some nominees had not been provided with copies or, at times, even access to the relevant documents (protocols of signature verification, expert opinions, etc.) that served as the justification for their non-registration. This also resulted in nominees having almost no possibility to effectively challenge the issues that were

used to justify their non-registration, which runs against paragraph 5.10 of the 1990 Copenhagen Document.

Nineteen of the CEC decisions on appeals were further appealed to the Supreme Court. Two of these were not heard on procedural grounds. Out of the remaining seventeen cases, the Supreme Court overturned two of the CEC's decisions. The role of other courts was minimal.

The Prosecutor General's office received some 35 complaints during the election process. In at least one instance (in Kopyl), a check by the prosecutor revealed problems in the nomination of PEC members and the same people were then reappointed through different nomination procedures. The Belarusian Helsinki Committee challenged this new appointment in court, but the case was judged inadmissible on jurisdictional grounds. After the start of the campaign, the CEC's Supervision Group on the Campaign in the Media did not meet.

### **Participation of Women**

Under the Belarusian constitution, women enjoy equal rights with men. No specific measures are in place to encourage female candidates or to increase the participation of women in the elections. Of the 110 deputies in the outgoing parliament, 32 are women (29 per cent). Of the 263 candidates who were registered for the elections, 54 (21 per cent) were women. The majority of women stood as non-party affiliated candidates, nominated by signature collection. In the election administration, women are particularly well represented. 5 of the 12 CEC members are women, including the chairperson. The CEC is chaired by a woman and 5 of the 12 members are also women. Women occasionally outnumber men on DEC's and PEC's, and were frequently in troika positions (the chair, deputy, or secretary).

### **Domestic and International Observers**

The EC provides for election observation by a wide range of stakeholders, including parliamentary deputies, representatives of local administration, political parties, public associations, citizens' groups, labour collectives, and international observers. There was no large scale independent non-party domestic observation effort undertaken on election day. The CEC accredited 890 international observers, including 487 from the OSCE.

### **Election Day**

On Election Day, 449 observers were deployed to observe the opening of polling stations, the process of voting, the vote count, and the tabulation of the votes at DEC's. This included 76 specially designated teams to observe the tabulation process.

Observers generally evaluated the opening procedures as good or very good in 100 per cent of the 93 cases observed. Candidate or party observers were only present in 12 per cent of cases observed. The early voting ballot boxes were reported as not being in plain

view, as required by law, in 22 per cent of cases observed. Police were present inside polling stations in 40 per cent of cases observed at the opening.

The voting procedures were also positively assessed by observers, with 95.4 per cent of cases evaluated as good or very good. Very little tension or unrest was reported and only one case of intimidation or pressuring of voters was noted. Campaign materials were displayed inside polling stations in 3 per cent of cases. However, observers noted that they did not have full view of the voting process in 9 per cent of polling stations visited. Police were present inside polling stations in 30 per cent of cases. Candidate or party observers were only encountered in 16 per cent of cases. Also, more than two people voting in one booth was noted in 15 per cent of polling stations visited. A high incidence of mobile voting was noted in some cases. PEC chairpersons were actively accommodating requests from observers for information.

The process deteriorated considerably during the count and tabulation, violating paragraph 7.4 of the Copenhagen commitments of the OSCE. The current procedures do not provide for transparency and accountability of the vote count. Observers reported the counting procedures as being bad or very bad in 48 per cent of polling stations observed. In 50 per cent of cases, early votes were not compared with the number of entries in the voter lists and in 54 per cent of counts observed ballots from the early voting ballot box were not counted separately from others. Observers could not see the voters' mark in 53 per cent of cases. Deliberate falsification was observed in 5 cases by observers. There were also instances of protocols being signed in advance of the results being established. The results from stationary ballot boxes were not entered into the results protocol in 46 per cent of counts observed.

All observers did not have a full view of the closing and counting process in 41 per cent of polling stations observed. Numerous cases were noted of counting procedures taking place in complete silence with small slips of paper being passed between commission members; this significantly undermined any transparency in the count. From observers comments, in some instances it was noted that there were significant discrepancies between turnout observed and the number of votes noted in PEC protocols.

These problems were compounded during the transfer of election materials to DEC and in their tabulation. 4 teams reported that election materials did not go to DEC, but rather to local executive committees. Of these, 24 teams were told that no tabulation would take place on election night and that they should return in the morning. They noted that in 54 per cent of tabulations observed, they were not able to observe the figures being entered into the spreadsheet tables. In 10 cases, designated DEC teams noted discrepancies between the PEC results and the numbers being entered during the DEC tabulation. Overall, observation teams evaluated the tabulation as being bad or very bad in 22 per cent of observations.

*This statement is also available in Russian.*

*However, the English version remains the only official document.*

## **MISSION INFORMATION & ACKNOWLEDGEMENTS**

The OSCE/ODIHR Election Observation Mission opened in Minsk on 12 August with 55 experts and long-term observers deployed in Minsk and throughout Belarus. On Election Day, the International Election Observation Mission numbered over 449 observers from 43 countries, including some 308 short-term observers deployed by the OSCE/ODIHR and 67 parliamentarians and staff from the OSCE PA. Ms. Anne-Marie Lizin (Belgium), Head of the OSCE PA delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office to lead the OSCE short-term observers. Ambassador Geert-Hinrich Ahrens is the Head of the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the Ministry of Foreign Affairs of Belarus for the invitation to observe the elections, the Central Election Commission for providing accreditation documents, and other state and local authorities for their assistance and co-operation. The IEOM also wishes to express appreciation to the OSCE Office in Minsk for their co-operation and support.

For further information, please contact:

- Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR EOM, in Minsk (+375-17-209-7380);
- Mr. Jens Eschenbächer, OSCE/ODIHR Spokesperson (+48-603-683-122); or Mr. Mats Lindberg, OSCE/ODIHR Election Adviser, in Warsaw (+48-22-520-0600);
- Ambassador Andreas Nothelle, OSCE PA Special Representative (+43-1-52-33-02); or Mr. Klas Bergman, OSCE PA Director of Communications (+45-60-108-380).

### **OSCE/ODIHR EOM Address:**

Belarus Hotel, 7<sup>th</sup> Floor

15, Storozevskaya, 220002, Minsk

Tel: +375-17-209-7380

Fax: +375-17-209-7390

Email: [office@eom.by](mailto:office@eom.by)

<sup>1</sup> Paragraph 28 of the 1990 Copenhagen Document notes that “participating States recognize the important expertise of the Council of Europe.” Further details of this opinion are to be found in the “Joint Opinion on the Electoral Legislation of the Republic of Belarus”, European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR, adopted by the Council for Democratic Elections on 12 October 2006 and the Venice Commission at its 68th plenary session (13-14 October 2006). [www.venice.coe.int/docs/2006/CDL-AD\(2006\)028-e.asp](http://www.venice.coe.int/docs/2006/CDL-AD(2006)028-e.asp)

<sup>2</sup> The OSCE Representative on Freedom of the Media has expressed concern over state control of the media and instances of pressure. Cf. [www.osce.org/fom/item\\_1\\_30442.html](http://www.osce.org/fom/item_1_30442.html) and [www.osce.org/publications/rfm/2008/07/32397\\_1169\\_en.pdf](http://www.osce.org/publications/rfm/2008/07/32397_1169_en.pdf)

<sup>3</sup> The following media outlets were monitored: state-owned *BT (First National TV)*, *ONT*, *STV*, the Russian Federation channel *RTR v Belorussii* (TV channels); *BR (First National Radio)*; *Narodnya Gazeta*, *SB – Belarus Segodnya*, *Respublika*, *Zvyazda*, (state-funded newspapers), *Belarusy i Rynok*, *BelGazeta*, *Komsomolskaya Pravda v Belorussii*, *Narodnaya Volya*, *Nasha Niva* and *Obozrevatel* (non-state newspapers).

<sup>4</sup> *Ibid*, 2006 Joint Opinion.

<sup>5</sup> see point 31 of the CEC Rules of Procedure.