



## **INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Belarus – Presidential Election, 11 October 2015**

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

**Minsk, 12 October 2015** – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE).

Kent Härstedt (Sweden) was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observers. Jim Walsh (Ireland) headed the OSCE PA delegation. Reha Denemeç (Turkey) headed the PACE delegation. Ambassador Jacques Faure is the Head of the OSCE/ODIHR Election Observation Mission (EOM), deployed from 24 August.

The assessment was made to determine whether the election complied with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. Each of the institutions involved in this IEOM has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the election process. The final assessment of the election 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 PA will present its report at Standing Committee in February 2016. The PACE will present its report at its Standing Committee in November 2015.

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### **PRELIMINARY CONCLUSIONS**

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The 11 October election once again indicated that Belarus still has a considerable way to go in meeting its OSCE commitments for democratic elections. This underscores the need for the political will to engage in a comprehensive reform process. Some specific improvements and a welcoming attitude were noted. Significant problems, particularly during the counting and tabulation, undermined the integrity of the election. The campaign and election day were peaceful.

Despite welcome engagement by the authorities since the last presidential election, the legal framework remains essentially unchanged. It has been previously assessed as not adequately guaranteeing the conduct of elections in line with the 1990 OSCE Copenhagen Document and other international obligations and standards. Amendments to the Electoral Code in 2013 and 2014 did not address several OSCE/ODIHR and Council of Europe Venice Commission recommendations, such as key ones related to balanced election commissions composition and early voting procedures. Such legal shortcomings limit the free expression of the will of voters.

In a positive step, after several releases in 2014, the remaining internationally acknowledged political prisoners were released by the president in August 2015. The IEOM institutions expect that with these releases additional such prosecutions will not happen and that this marks a closed chapter.

Following an open and unrestricted invitation to the IEOM institutions by the authorities, the Central Election Commission (CEC) exhibited a welcoming attitude towards international observers. It made technical preparations and passed decisions within legal deadlines. All decisions were passed unanimously and together with the regulations and the guidelines, were published on its website. However, the absence of clear and transparent legal criteria for the selection of members of territorial election commissions (TECs) and precinct election commissions (PECs) allowed local authorities full discretion in the appointment process, which was not inclusive. In general, some electoral stakeholders expressed a lack of confidence in the independence and impartiality of the election administration.

PECs are responsible for voter registration based on data provided by local authorities and there is no permanent or centralized voter list, which does not provide legal safeguards against multiple registrations. Prior to election day, the CEC announced that a total of 6,995,181 voters were registered to vote. The voter registration system is overly permissive, allowing registration in polling stations on election day without sufficient legal safeguards.

The CEC registered 8 of 15 groups that applied for signature collection and subsequently registered 4 candidates. All initiative groups were able to collect signatures across the country. Signature verification was insufficiently transparent, undermining confidence in the process. The right to stand is limited by previous criminal convictions; activities such as participation in unauthorized events can lead to reinstatement of sentences.

All candidates were able to campaign throughout the country and could convey messages in an unhindered manner. The campaign was low-key but it became more active in the last two weeks. Existing provisions and laws from 2011 and 2012 limit fundamental freedoms of association, assembly and expression. Only one candidate, whose platform focused predominantly on socio-economic issues, was openly critical of the incumbent. This gave voters limited choice.

In a welcome move, one minister stepped down to become the incumbent's campaign leader. Nevertheless, high-ranking public servants and officials campaigned during working hours on behalf of the incumbent. Several of his campaign events took place in state-run enterprises, and some state-subsidized public associations and institutions campaigned for him. These and other aspects created an uneven playing field for campaigning and blurred the line between partisan interest and the state, contravening paragraphs 5.4, 7.6 and 7.7 of the 1990 OSCE Copenhagen Document.

Candidates had the right to use their own resources and donations for campaigning. The 2013 amendments increased the caps on donations and spending limits, but abolished public funding. In a move widely welcomed by the contestants, the period for collection and use of funds was prolonged. Charities, religious and state-subsidized organizations are rightly not allowed to contribute to campaign funds, however, several state-subsidized public associations provided financial and in-kind contributions during the signature collection and in the campaign of the incumbent. The CEC published information on the total income and expenditures of candidates. The entire financial reports of candidates were not publicly available. This combined with the absence of audit requirements did not provide sufficient transparency of campaign finance.

Candidates were provided with a platform to convey their messages despite the restrictive media environment. The OSCE/ODIHR EOM media monitoring findings showed that the incumbent was by far the most visible due to extensive coverage of him in his institutional capacity. In addition, some state-owned media shaped their coverage to convey political messages favorable to him. Free access to state-owned media was given on an equal basis in an uncensored format, which contestants welcomed, and media provided the public with voter information. A live debate took place on 3 October among three campaigns, except for the incumbent.

Several decisions of election commissions, including on the final results may not be legally challenged and there are undue limitations on who can lodge a complaint, depending on the issue. Most complaints related to inequitable conditions for signature collection and campaigning for the incumbent, denial of registration of initiative groups, appointment of TEC and PEC members. Over 750 applications and complaints were filed to election commissions and local administration. The CEC considered only 3 of 239 complaints in open sessions, but did not publish information on them. On a positive note, the CEC maintained a register of complaints and appeals. Overall, the resolution of electoral complaints was insufficiently transparent.

For the first time, a woman participated as candidate in a presidential election. Women are well represented on election commissions, with some 59 and 72 per cent of the TEC and PEC members, respectively. Women held all secretary positions at TECs, but constituted only one-third of TEC chairpersons. Of the twelve CEC members, four are women, including the CEC chairperson.

Three independent citizen observer groups carried out long-term observation and regularly published their findings during the pre-election period. A total of 43,572 citizen and 928 international observers were accredited, including PACE for the first time since 2001. Some two-thirds of all accredited citizen observers represented public associations subsidized by the state. The rights of citizen and international observers are prescribed by law in an exhaustive manner and were interpreted and implemented restrictively. Observers are not entitled to follow all stages of the election process (e.g., signature verification, tabulation of results) and election commissions have wide discretion to deny them access, which is at odds with international good practice.

By law, all voters could vote early five days prior to election day, without having to provide justification. Overall, the early voting process was assessed positively. In 50 per cent of cases observers were denied access to check voter lists and in some cases, observers were prevented in seeing procedures. Complaints were filed in a number of PECs alleging discrepancies between reported turnout and the number of signatures in the voter lists, and inconsistent completion of daily protocols.

On election day, the voting process was assessed positively in 95 per cent of observations. However, a large number of IEOM observers were not allowed access to check the voter lists and seemingly identical signatures were observed in 47 polling stations. Indications of ballot box stuffing during the counting process were reported in 38 instances from 22 polling stations. The count was assessed negatively by observers, with some 30 per cent of polling stations assessed as bad or very bad of the 169 processes observed, indicating significant problems. IEOM observers monitored the tabulation process in 125 of the 146 TECs. The tabulation process was assessed negatively in some 25 per cent of the TECs observed, which is significant, and it lacked transparency.

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## PRELIMINARY FINDINGS

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### Background

On 30 June, the House of Representatives of the National Assembly called the presidential election for 11 October. It was the fifth presidential election since the independence of Belarus in 1991. The 1994 Constitution was amended twice by a popular referendum: in 1996, increasing the power of the presidency, and in 2004, abolishing the two-term presidency limit.<sup>1</sup> These amendments allowed incumbent President Alexander Lukashenka to stand for a fifth term in office.

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<sup>1</sup> The Council of Europe's Commission for Democracy through Law (Venice Commission) in [its Opinion on the Referendum of 17 October 2004 in Belarus](#) stated at the time that "the question concerning the possibility for Mr. Lukashenka to again be candidate in the forthcoming election is in direct and clear contravention of this law (the Constitution). It can therefore not be decided by referendum."

Belarus is a presidential republic where the executive enjoys extensive powers. The political system is characterized by weak party structures. No new political party has been registered since 2000, despite repeated applications, which is at odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document.<sup>2</sup>

The OSCE/ODIHR has observed the six past elections, which all have been assessed as falling short of OSCE commitments and international standards for democratic elections.<sup>3</sup> The last presidential election held in December 2010 resulted in street protests and arrests of seven presidential candidates and several hundred of citizens, civil society activists and journalists. On 22 August, the remaining political prisoners convicted among others for their participation in these events were released before having served their full terms.<sup>4</sup> However, the right to stand is limited by these previous criminal convictions and further activities such as participation in unauthorized events can lead to reinstatement of their sentences. The IEOM institutions expect that with these releases additional such prosecutions will not happen and that this marks a closed chapter. The election was held amidst an economic downturn and concerns about the regional security situation. It was viewed as an important test on the way to improving relations with the country's partners.

### Legal framework and Electoral System

The election is regulated primarily by the Constitution and the Electoral Code.<sup>5</sup> The legal framework remained essentially unchanged since the last presidential election and in previous OSCE/ODIHR reports it was assessed as not adequately guaranteeing the conduct of elections in line with OSCE commitments and international standards.<sup>6</sup> Despite welcome post-electoral engagement, the amendments introduced in 2013 and 2014 also did not address key OSCE/ODIHR recommendations.<sup>7</sup> Furthermore, contrary to paragraph 5.8 of the 1990 OSCE Copenhagen Document, no public consultations were held with relevant stakeholders prior to these amendments.<sup>8</sup>

The noted shortcomings of the legal framework include unclear rules on the composition of election commissions, on the signature verification process by territorial election commissions (TECs) as well as a lack of procedural safeguards for counting and tabulation, including no requirement to publish disaggregated election results. There are insufficient legal safeguards against misuse of state resources, limitations on the rights of observers and other electoral actors as well as an ineffective legal redress.<sup>9</sup> Overall, these legal shortcomings do not ensure the transparency and integrity of the election process.

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<sup>2</sup> Paragraph 7.6 of the [1990 OSCE Copenhagen Document](#) provides that participating States will respect the right of individuals and groups to establish in full freedom, their own political parties and other organizations.

<sup>3</sup> [See all previous OSCE/ODIHR reports on Belarus](#)

<sup>4</sup> None of the six individuals were rehabilitated and therefore do not enjoy full political rights. One of the former presidential candidates was briefly detained upon returning to Belarus and continues facing investigation.

<sup>5</sup> These are supplemented by the 1997 Law on Mass Actions, the 2008 Law on Mass Media, the 1999 Civil Procedure Code, the 1999 Criminal Code, the 2003 Code of Administrative Offences and Central Election Commission (CEC) Resolutions.

<sup>6</sup> Specifically, election commissions must be composed in a balanced way, protected from strong executive influence and operate transparently, obstacles to candidacy must be removed and the rights of candidates must be ensured; early voting and voting using mobile ballot boxes must be properly regulated and transparent; the limited role of international and domestic observers gives ground for serious concern about the transparency of the work of the election administration; clear provisions on appeals are required in respect of decisions by election commissions. For further details see [the OSCE/ODIHR and the Venice Commission Joint Opinion on the amendments to the Electoral Code](#).

<sup>7</sup> In its final reports after the 2010 and 2012 elections, the OSCE/ODIHR EOM made a total of 38 recommendations, of which 16 repeated in both years. Only three of the recommendations were partly addressed. In 2013, Belarus invited and hosted the OSCE/ODIHR on two occasions to discuss previous recommendations and planned amendments. Subsequently, no requests for a formal legal review of the draft or adopted amendments were made.

<sup>8</sup> Paragraph 5.8 states that the legislation will be adopted at the end of public procedure.

<sup>9</sup> A number of OSCE/ODIHR EOM interlocutors including one presidential candidate shared these concerns.

Existing provisions and laws from 2011 and 2012 limit fundamental freedoms of association, assembly and expression.<sup>10</sup> The law gives the authorities wide discretionary powers to deny registration or deregister political parties and public associations, and criminalizes foreign funding of human rights organizations. The amendments introduced burdensome procedures for obtaining permission to hold public assemblies and increased sanctions for organizing unauthorized meetings.<sup>11</sup> Freedom of expression was further limited by a ban on calls and acts of disruption, cancellation or postponement of elections, in addition to existing criminal and administrative offences for defamation and insult. Such legal restrictions are inconsistent with principles enshrined in the 1990 OSCE Copenhagen Document and other international obligations and standards and do not guarantee the free expression of the will of voters.

The president is elected for a five-year term in a two-round majoritarian contest. If no candidate gains more than 50 per cent of the total number of votes cast in the first round, a second round is held within two weeks between the top two candidates. In a second round, a candidate has to again obtain over 50 per cent of the votes to get elected. In addition, a more than 50 per cent turnout is required for the election to be valid. These requirements are applicable to both rounds.

### **Election Administration**

The election was administered by a three-tier structure of election commissions comprising the CEC, 153 TECs and 6,129 precinct election commissions (PECs); 49 PECs were formed at diplomatic representations abroad.

The CEC appointed in 2011 is the only permanent election body, and only two members are employed full-time.<sup>12</sup> Out of 12 CEC members 6 are appointed by the president, including the chairperson, and 6 by the Council of the Republic, recommended by joint decision of the presidiums of legislative councils and executive committees at regional and Minsk city level. Four CEC members are women, including the chairperson. Three presidential candidates nominated members with advisory vote to the CEC, and all four candidates appointed a total of 117 proxies countrywide.<sup>13</sup>

Following an open and unrestricted invitation to the IEOM institutions by the authorities, the Central Election Commission (CEC) exhibited a welcoming attitude towards international observers. It made technical preparations and passed all decisions within legal deadlines.<sup>14</sup> All decisions were passed unanimously and, together with the regulations and the guidelines, were published on its website. In general, some electoral stakeholders expressed a lack of confidence in the independence and impartiality of the election administration.

Although the Electoral Code provides that election commissions are independent from any state bodies, the government had a key role in appointing commission members.<sup>15</sup> Each TEC may have from 9 to 13 members and each PEC from 5 to 19 members, with the size determined by the appointing body. At least one third of TEC or PEC members had to be nominated by political parties and public

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<sup>10</sup> Amendments were introduced to the Electoral Code, the laws on Mass Actions, Public Associations, Mass Media, and Political Parties, the Criminal Code, and the Codes of Criminal Procedures and Administrative Offences.

<sup>11</sup> [The OSCE/ODIHR and Venice Commission Joint Opinion on Law of Mass Events](#) notes that the current regulation of freedom of assembly raises a number of serious concerns regarding its compliance with international standards.

<sup>12</sup> Other CEC members, of whom some are based out of Minsk, take only limited part in the daily work of CEC.

<sup>13</sup> The Electoral Code provides that candidates have the right to nominate a member with an advisory vote to the CEC and up to 30 proxies countrywide. The incumbent did not nominate member with an advisory vote.

<sup>14</sup> Between the calling of the election and election day, the CEC held 7 meetings and passed 63 resolutions.

<sup>15</sup> TEC are formed by joint decision of the presidiums of legislative councils and executive committees at regional and Minsk city level; PECs – by decision of district or city commissions, or local administrations.

associations, not more than one third could be civil servants, and each nominating body could have only one member on each commission.<sup>16</sup> Despite that the Electoral Code prevents heads of local executive and administrative bodies to be members of election commissions, the OSCE/ODIHR EOM noted that other senior management professionals of these bodies such as deputy heads or heads of departments held managerial positions on some TECs or directed their work.<sup>17</sup>

The legal formula for the membership composition of territorial election commissions (TECs) and precinct election commissions (PECs) could potentially have ensured a balanced representation of different viewpoints. However, the absence of clear legal criteria for the selection of election commissioners allows the local authorities full discretion in the appointment process.<sup>18</sup> Opposition groups had only few members appointed to TECs and PECs, with none in managerial positions.<sup>19</sup> Their complaints for non-inclusion of nominees were, as a rule, dismissed as ‘groundless’. The nomination process was not inclusive and some electoral stakeholders expressed a general lack of confidence in the independence and impartiality of election commissions at all levels.

Local authorities appointed some 2,623 TEC and 66,941 PEC members. The TECs held sessions accessible to observers. The TECs organized basic training for PECs’ leadership on early voting and election day procedures. OSCE/ODIHR EOM LTOs reported that the trainings varied in comprehensiveness and methodology. Women were well represented on election commissions, with some 59 and 71.5 per cent of the TEC and PEC members, respectively. Women held all secretary positions at TECs, but constituted only one-third of TEC chairpersons.

The CEC produced joint biographical material on candidates, which was mailed to voters and displayed in especially designated spaces and polling stations. Stencils and candidate information in Braille were available to blind voters. Most election material was produced in both Belarusian and Russian, but some only available in Russian. The CEC ordered the printing of 7,285,000 ballots.

## Voter Registration

Citizens who are 18 years old by election day have the right to vote at the precinct where they reside. The Electoral Code establishes that those declared legally incapacitated by a court, as well as those imprisoned with criminal convictions are not eligible to vote. Disenfranchisement of prisoners regardless of the gravity of the crime committed and of those in pre-trial detention is at odds with the principle of the universal suffrage.<sup>20</sup> On a positive note, on 24 September the CEC passed a resolution granting voting rights to citizens under arrest for criminal convictions up to three months.

PECs are responsible for voter registration based on data provided by local authorities and there is no permanent or centralized voter list, which does not provide legal safeguards against multiple registrations.<sup>21</sup> The PECs prepared their voter lists based on information provided by local authorities and used various practices for their verification, including door-to-door checks. The law requires that a

<sup>16</sup> Labor collectives and groups of 10 voters may also nominate members of TECs and PECs.

<sup>17</sup> The OSCE/ODIHR EOM observed this in the *oblasts* of Minsk (Zavodskoi raion), Homiel (Buda Kashyelovskiy and Rogachevskiy raion), Hrodna (Leninskiy district, Berestovitskiy and Svislochskiy raion) and Mahiliou.

<sup>18</sup> See [the OSCE/ODIHR and the Venice Commission Joint Opinion on the amendments to the Electoral Code](#).

<sup>19</sup> Interlocutors from the “Right to Choose 2015” coalition, a citizen observation group, informed the OSCE/ODIHR EOM that out of 374 members proposed to PECs only 10 were appointed.

<sup>20</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens and paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”. Paragraph 14 of the 1996 UNHRC’s General Comment No. 25 states that grounds for the deprivation of voting rights should be “objective and reasonable”.

<sup>21</sup> Section I.2 of the [Council of Europe Venice Commission Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) requires permanent voter list.

voter may only be registered to vote in one polling station.<sup>22</sup> The absence of a unified voter list effectively excluded the possibility to run cross checks for multiple registrations. The voter registration system is also overly permissive, allowing registration in polling stations on election day without sufficient legal safeguards.

After the verification of voter lists was completed on 25 September, the CEC announced that a total of 6,995,181 voters were registered to vote; 5,742 voters abroad. Contrary to the Venice Commission's Code of Good Practice in Electoral Matters, voters can register in polling stations to vote on election day.<sup>23</sup>

## Candidate Registration

Belarus-born citizens not younger than 35 years old with a permanent residence in the country for the last ten years are eligible to stand as candidates, provided that they do not have an un-expunged criminal record.<sup>24</sup> A presidential candidate is nominated by an initiative group of no less than 100 voters. The right to stand is limited by previous criminal convictions; activities such as participation in unauthorized events can lead to reinstatement of sentences.

By 20 July, the CEC registered 8 initiative groups out of 15 applications.<sup>25</sup> Three initiative groups failed to collect the required 100,000 supporting signatures of voters.<sup>26</sup> One nominated candidate was denied registration after TECs detected absent or inconsistent information about the voters signing or people collecting the signatures.<sup>27</sup> In general, all initiative groups were able to collect supporting signatures across the country. On 10 September, the CEC registered four candidates. Some OSCE/ODIHR EOM interlocutors raised concerns about the lack of equal opportunity pointing to the abuse of state resources by the incumbent in the signature collection process.

The verification of registration documents was carried out by TECs in sessions closed to candidate representatives and observers. The rules on signature verification are unclear and at odds with international good practice and allow for arbitrary decisions by TECs which cannot be appealed.<sup>28</sup> Contrary to good practice, TECs were required to check only a sample of the submitted supporting signatures. Overall, the signature verification process as currently implemented allows for arbitrary decisions and potentially constitutes a barrier on candidacy, being insufficiently transparent and undermining confidence in the process.<sup>29</sup>

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<sup>22</sup> The CEC did not issue instructions to PECs on the compilation and verification of voter lists. Furthermore, the CEC instruction no. 23 of 1.7.2015 on the procedure for citizens' participation in voting abroad did not contain any requirement for removing entries of voters registered to vote abroad from voter lists in country.

<sup>23</sup> The Code of Good Practice states that voter registration should not take place at polling stations on election day.

<sup>24</sup> This 10 years residency requirement has been previously criticized for being too lengthy in the 2010 [Joint Opinion of the OSCE/ODIHR and the Council of Europe's Venice Commission](#).

<sup>25</sup> Three were denied on the grounds that the initiative group had less than 100 members, 1 for applying after the legal deadline, 1 for missing documents, 1 for not meeting the 10 year residency requirement, and 1 because the nominated candidate has a previous criminal conviction for mass disorder for participation in 2010 protests.

<sup>26</sup> Initiative groups of Sergey Kalyakin, Anatoliy Lebedko and Zhanna Romanovskaya.

<sup>27</sup> TECs invalidated 123,705 out of 130,404 signatures submitted for presidential nominee Viktor Tereshchenko. The Supreme Court rejected an appeal by Mr. Tereshchenko against the CEC decision denying him registration.

<sup>28</sup> The Code of Good Practice states that the law should not require more than one per cent of the signatures within a constituency and that the checking process must cover all signatures. The required 100,000 supporting signatures equal some 1.43 per cent of the electorate in the nation-wide constituency.

<sup>29</sup> See also ECtHR judgment in the case [Tahirov v. Azerbaijan, application no. 31953/11](#), 11 June 2015.

## Campaign Environment

The election campaign officially commenced after the registration of candidates on 10 September. All candidates campaigned throughout the country and could convey messages to the electorate in an unhindered manner. The campaign was low-key, but became more active in last two weeks and mostly consisted of meetings with voters and leafleting. The relative public disinterest was accentuated by modest turnout at most campaign events observed by the OSCE/ODIHR EOM.<sup>30</sup>

Candidates' election programs focused on peace and stability, the need to preserve the country's neutral status and an economic downturn. In their campaigns, the incumbent emphasized his accomplishments while two other candidates among others referred to his achievements and criticized the opposition.. Only one candidate, whose platform focused predominantly on socio-economic issues, was critical of the incumbent and expressed doubts about the integrity of the election process. This gave voters limited choice.

A number of campaign practices blurred the line between the incumbent's campaign and the state, contravening paragraphs 5.4 and 7.6 of the 1990 OSCE Copenhagen Document.<sup>31</sup> Several of his proxies were high ranking state officials who continued performing their public functions whilst campaigning.<sup>32</sup> A gathering organized by the Ministry of Defence called on all current and former military servicemen and their families to support the candidacy of the incumbent.<sup>33</sup> In addition, leading state-subsidized public associations actively campaigned for the incumbent.<sup>34</sup> The Exarch of the Russian Orthodox Church in Belarus endorsed the incumbent's candidacy during a church ceremony attended by other religious leaders, government officials, foreign diplomats, representatives of pro-government parties and the president. The symbols and slogans used in the campaign of the incumbent featured in state media's election-related reporting and during public events organized by the Ministry of Culture and other state-subsidized bodies.<sup>35</sup> Posters featuring the incumbent's campaign slogans but without the required imprint data were displayed in public and private premises across the country.<sup>36</sup>

Local executive bodies designated spaces and venues for campaigning within legal deadlines and mostly respected the legal requirements to publicize the information. Campaigning in the designated locations was possible only after notifying the local or the election administration.<sup>37</sup> In a few cases, the

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<sup>30</sup> According to the CEC, as of 28 September a total of 426 indoor and 184 outdoor meetings were held by all candidates, of which 406 and 84, respectively, held by the campaign of the incumbent. The OSCE/ODIHR EOM observed 96 campaign events.

<sup>31</sup> Paragraph 5.4 provides for a clear separation between the State and political parties; in particular, political parties will not be merged with the State. Paragraph 7.6 states that political parties and organizations will be provided with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment.

<sup>32</sup> The Speaker of House of Representatives, four out of the six regional governors, the Chairperson of the *Belteleradiocompany*, the General Director of the state-owned enterprise *Belaruskaliy* and other leading officials. In a welcome move, the Minister of Labor and Social Protection stepped down for the duration of the campaign to become leader of the incumbent's campaign.

<sup>33</sup> The call was published on 25 September on the Ministry of Defence's website. Paragraph 23 of the [OSCE Code of Conduct on Politico-Military Aspects of Security](#) states that while providing for the individual service member's exercise of his or her civil rights, states will ensure that its armed forces as such are politically neutral.

<sup>34</sup> For instance, the Federation of Trade Unions (FTU), the Public Association of Veterans, the Republican Youth Union (BRSM), *Belaya Rus* and the Union of Women with membership well over half of the country's population.

<sup>35</sup> On 25 September, Ms. Korotkevich filed a complaint to the CEC claiming that the same logo was used by the incumbent's campaign. In rejection the complaint, the CEC argued that the logo could be used by anyone.

<sup>36</sup> OSCE/ODIHR EOM observations in Brest, Grodno, Gomel, Mogilev, Vitebsk, Minsk *oblasts* and Minsk city.

<sup>37</sup> Although this is in line with national legislation, it is at odds with international principles of freedom of assembly and paragraph 9.2 of the 1990 OSCE Copenhagen Document which states that everyone has the right of peaceful assembly and any restrictions needs to be based in the law and consistent with international standards.



designated locations were considered unsuitable for campaigning.<sup>38</sup> In one case, a candidate's attempt to hold an event in a non-designated location was interrupted by officials.<sup>39</sup> In contrast, the proxies of the incumbent organized meetings with voters in state-run enterprises, which gave him an undue advantage<sup>40</sup> and is at odds with paragraph 7.7 of the 1990 OSCE Copenhagen Document.<sup>41</sup>

Opposition forces who were not running in the election, sought to make use of outreach opportunities which according to them are unavailable outside the campaign period. Several opposition politicians held public events in Minsk and other large cities questioning the legitimacy of the election. Although the events were not prevented from taking place by the authorities, their organizers were tried in court and fined for conducting them without permission. Requests for similar meetings by other electoral actors were rejected.<sup>42</sup> In contrast, the Communist Party of Belarus (CPB) and some public associations were permitted to hold events in support of the incumbent.<sup>43</sup>

### Campaign Finances

Candidates had the right to use their own resources and contributions by citizens and legal entities, deposited to their election campaign fund.<sup>44</sup> Candidates had the right to use their own resources and donations for campaigning. The 2013 amendments increased the caps on donations and spending limits, but abolished public funding.<sup>45</sup> In a move widely welcomed by the contestants, the period for collection and use of funds was prolonged. Each candidate could spend up to EUR 85,000.<sup>46</sup> Despite the increase of caps on donations and spending limits, some candidates and other stakeholders opined that these remain low and do not allow for meaningful campaigning.<sup>47</sup> Third party financing is not regulated and in-kind donations are not reported. Whereas charities, religious and state funded organizations are rightly not allowed to contribute to campaign funds, several state-funded public associations used funds and in-kind contributions in favour of the incumbent.<sup>48</sup>

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<sup>38</sup> OSCE/ODIHR EOM observations in Minsk *oblast* and the cities of Orsha, Vitebsk and Gomel.

<sup>39</sup> The event was organized by Ms. Korotkevich campaign on 15 September in Lahoysk, Minsk *oblast* and was stopped by officials including the TEC Chair and Secretary and the Deputy Head of the local administration.

<sup>40</sup> OSCE/ODIHR EOM observations in Bobruisk, Grodno, Gomel, Minsk, Vitebsk and Mogilev. In one case, EOM observers were barred from observing a campaign event held on the premises of a state enterprise in Minsk city.

<sup>41</sup> Paragraph 7.7 states that participating States will ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution.

<sup>42</sup> For instance, the Belarusian Party of the Left 'Fair World' reported that that some 61 requests for meetings with voters were rejected as of 6 October. The United Civil Party claimed that eight of its requests for meeting with voters were rejected in the Gomel *oblast*. Four of the 16 requests by members of the organizing committee of the Belarusian Christian Democracy were rejected, with the remainder pending.

<sup>43</sup> CPB informed the OSCE/ODIHR EOM on 25 September that it was able to hold events for the incumbent.

<sup>44</sup> Some OSCE/ODIHR EOM interlocutors cited an older statement by the president warning businesses against funding the opposition as having a chilling effect on their readiness to donate to other candidates' campaign fund.

<sup>45</sup> There is in-kind state support in the form of use of premises for campaign events, campaign materials and free airtime.

<sup>46</sup> One EUR equals approximately BYR 20,000.

<sup>47</sup> As of 9 October, Mr. Lukashenka declared income of EUR 79,000 and expenditure EUR 20,000, Ms. Korotkevich income EUR 1,300 and expenditure EUR 700, Mr. Gaidukevich income EUR 2,100 and same expenditure, Mr. Ulakhovich income EUR 1,600 and the same expenditure.

<sup>48</sup> Including *Belaya Rus*, FTU, the Union of Workers, the Union of Veterans, the Union of Cultural workers, the BRSM, the Women's Union, the Veterans' Union, the Officers' Union. The head of incumbent's initiative group who is also chairman of the FTU, on 10 September publicly stated that funds from the FTU budget were used for printing portraits of Mr. Lukashenka used in pickets.

Six initiative groups opened campaign funds early in order to finance the signature collection.<sup>49</sup> As required by law, the CEC published information on total income and expenditures of candidates on its website on a weekly basis, and all candidates submitted financial reports to the CEC. However, the reports were not comprehensive and the law does not require publishing of the reports nor of disaggregated incomes and expenditures of candidates.<sup>50</sup> The law does not require audit, and the CEC stated that it has no means to check whether candidates received or spent non-declared funds. The lack of information available for public scrutiny and the absence of audits limited the transparency and accountability of campaign finance.

## Media

A variety of broadcast and print media operate in the country, with state-owned media dominating the media landscape. Alternative sources of information broadcast from neighboring countries. However, several OSCE/ODIHR EOM interlocutors reported that journalists face difficulties in obtaining accreditation to work for foreign media and may be fined for working without, which is considered a restriction on the right to freedom of expression and dissemination of information.<sup>51</sup>

Internet represents an increasingly important platform to access independent viewpoints. However, the freedom of expression online has been constrained by the 2014 amendments to the Law on Mass Media by extending the existing restrictions on traditional media to online media, whose owners are liable for any content posted, potentially including users' comments, blogs and social networks. In case of a suspected violation, the Ministry of Information is entitled to shut down websites by court decision. If the information is related to specific criminal offences or considered 'harmful to the interests of Belarus', no court decision is required. This leaves unwelcome room for interpretation and arbitrary decision by the authorities to shut-down media, as noted by OSCE/ODIHR EOM interlocutors and international media watchdogs.

Freedom of expression is guaranteed by the Constitution, which prohibits censorship and establishes the right to receive, store and disseminate public information. Despite this, several state agencies continue the practice of classifying public information, at odds with paragraph 9.1 of the 1990 OSCE Copenhagen Document and other international standards and good practices.<sup>52</sup> On 22 September the CEC rejected a journalist's request for detailed information regarding candidates' campaign funds explaining that mass media are not entitled to receive this information.

In fulfillment of its legal obligation, the CEC issued regulations guaranteeing equal access to state-owned media for all contestants through the distribution of free airtime slots in an uncensored format, which contestants acknowledged. Despite the restrictive media environment, candidates were able to convey their messages to the public in two televised blocks and two radio blocks on *Belarus 1* and *Radio National 1* for duration of 30 minutes each. The incumbent declined to use free broadcast time. A political debate took place on 3 October among three campaigns.<sup>53</sup> In line with the CEC regulation,

<sup>49</sup> Namely, Gaidukevich, Kalyakin, Korotkevich, Romanovskaya, Tereshchenko and Ulakhovich. These funds could not be used for campaign materials or media coverage.

<sup>50</sup> The CEC declined a request by the OSCE/ODIHR EOM to review the documents and invoices submitted by Mr. Lukashenka, although it allowed review of such documents submitted by the other three candidates.

<sup>51</sup> According to the Association of Journalists, in 2015, 28 reporters were fined under Article 22.9.2 of the Code of Administrative Offences for working for foreign media without accreditation. See [European Parliament Resolution of 10 September 2015, the OSCE Representative on Freedom of the Media statement](#) and [the 2015 Report of the UN Special Rapporteur on the situation of human rights in Belarus](#).

<sup>52</sup> Paragraph 9.1 of the 1990 OSCE Copenhagen Document states that everyone will have the right to freedom of expression including the right to communication and that the right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority. The exercise of this right may be subject only to such restrictions prescribed by law and consistent with international standards.

<sup>53</sup> At the debate one of the candidates was represented by his proxy; the incumbent was not represented.

all state-funded newspapers analyzed by the OSCE/ODIHR EOM published all candidates' election programs. Although permitted, candidates did not take advantage of paid political advertising. The OSCE/ODIHR media monitoring preliminary findings indicate significantly greater coverage of the incumbent. His institutional activities were extensively reported with some state-owned media shaping their coverage in a way which suggested political messages favorable to him.<sup>54</sup> In the period from 7 September to 7 October, broadcast media devoted 47 per cent of their political coverage to the incumbent, 9 per cent to Ms. Korotkevich, 7 per cent to Mr. Gaidukevich, 7 per cent to Mr. Ulakhovich, 22 per cent to other relevant political actors and 8 per cent to the CEC. Print media allocated 34 per cent of their political coverage to Mr. Lukashenka, 14 per cent to Ms. Korotkevich, 11 per cent to Mr. Ulakhovich and to Mr. Gaidukevich, 21 per cent to other relevant political actors and 9 per cent to the CEC. The websites of the privately-owned press agency *BelaPAN*, were temporarily inaccessible on 3, 4 and 5 October, allegedly due to massive cyber-attacks.

A Media Supervisory Board (MSB) was established by the CEC to oversee the coverage of the campaign in the media. It was composed of representatives of state-owned media and chaired by the Deputy Minister of Information. The board did not conduct systematic media monitoring and only had an advisory role. During the campaign, the MSB reviewed and rejected one media-related complaint. In addition, the OSCE/ODIHR EOM was informed that the CEC received two other media-related complaints, which were not discussed by the MSB, and for one of the cases an informal warning was given by phone without involving the MSB.<sup>55</sup>

## Complaints and Appeals

A complaint may be lodged to election commissions, the courts or the Prosecutor's Office. There are limitations on who can lodge a complaint, depending on the issue. Decisions on the registration of an initiative group or a candidate, on the signature verification process and the final election results are final and not subject to challenge.<sup>56</sup> Complaints are filed and reviewed within three days, as a general rule. When additional verification is required, the review period is extended to 10 days whereas complaints submitted on election day must be reviewed immediately. Some decisions of election commissions can be appealed either to the higher level election commission or a court at the corresponding level, which allows for selection of a venue and is not in line with international good practice.<sup>57</sup> Election commissions cannot impose any sanctions other than warnings and do not have any enforcement capacity. A repeated warning may lead to deregistration of a candidate.

As of 9 October, according to the CEC, 239 election-related applications and complaints were filed with the CEC, 129 with TECs, 334 with PECs and 54 with local authorities. In addition, 32 complaints were reviewed by regional courts, 6 by the Supreme Court and 40 election related cases were dealt with by the Prosecutor's Office. Most complaints related to inequitable conditions during signature collection and campaigning for the incumbent, denial of registration of initiative groups and denial of appointment of nominated members to TECs and PECs. Two complaints were filed by Ms. Korotkevich and none by the other three candidates. Complaints were predominantly filed by citizens

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<sup>54</sup> Namely, a state-owned newspaper featured a recurring column "Time to Choose" comprising a combination of headlines such as "Vote for Belarus" or "You will lose" and a juxtaposition of positive images of the country's achievements and photographs of foreign regions affected by hunger and war. In addition, several types of advertisements broadcasted on national media conveyed concepts recalling the incumbent's campaign and two documentaries focusing on his achievements were repeatedly broadcasted on two state televisions.

<sup>55</sup> The complaint was regarding the appearance of the Chairperson of the *Belteleradiocompany* as presenter in a talk show after being appointed as proxy of the incumbent.

<sup>56</sup> However, a candidate may challenge at the Supreme Court the denial of their own registration and of their initiative group as well as the CEC decision invalidating the election results.

<sup>57</sup> For instance, PEC decisions on voter registration may be appealed both to TECs and courts at the corresponding level. See Paragraph 97 of the Code of Good Practice.

on behalf of Human Rights Defenders For Free Elections, the Belarus National Front, as well as others with the right to nominate members to TECs and PECs.

Most complaints were either dismissed on formal grounds or rejected as unsubstantiated.<sup>58</sup> Overall, the review of complaints was done in a timely, but not always transparent manner. Only three complaints submitted to the CEC were considered in public sessions whereby the complainant and the defendant were present.<sup>59</sup> All other complaints were reviewed by individual CEC members or staffers.<sup>60</sup> In a positive step, the CEC introduced a register of complaints. Contrary to good practice, the law does not require the CEC or courts to publish decisions or release any information on complaints.<sup>61</sup> Overall, dispute resolution lacks transparency and does not to ensure legal integrity, at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document.

### **Citizen and International Observers**

The Electoral Code provides for citizen and international election observation. Political parties, public associations, labor collectives and groups of 10 voters may nominate citizen observers. The CEC issues accreditation to observers from public associations and political parties registered at national level, while TECs and PECs accredit observers at the corresponding level. The rights of citizen and international observers are prescribed by law in an exhaustive manner and were interpreted and implemented restrictively. Observers are not entitled to follow all stages of the election process (e.g., signature verification, tabulation of results) and there are wide discretionary powers of election commission to deny access to observers. These restrictions are at odds with the international good practice.<sup>62</sup>

According to the CEC, a total of 43,572 citizen observers were accredited, including 27,512 from public associations, 7,413 from citizens' initiative groups, 2,015 from labor collectives, and 6,632 from political parties. In addition, 928 international observers were accredited by the CEC, including PACE for the first time since 2001. The "Right to Choose 2015" campaign, the "For Fair Elections" initiative and the Human Rights Defenders for Free Elections – a joint effort of the Belarusian Helsinki Committee and the non-registered Human Rights Centre "Viasna" – were the most active citizen observer groups, which carried out long-term observation and regularly reported their findings. Some two-thirds of all accredited citizen observers represented public associations subsidized by the state, including the FTU, BRSM and *Belaya Rus* that were also engaged in active campaigning for the incumbent president.<sup>63</sup>

### **Election Day**

In accordance with the law, all voters could vote early in polling stations in the five days prior to election day, without having to provide justification. At the end of each early voting day and during daily breaks, a paper seal was glued over the slot of the ballot box and it was guarded by police

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<sup>58</sup> For instance, a complaint by the Belarusian United Left Party 'Fair World' on rejection of their TEC nominee was dismissed by the Gomel Oblast Court for lack of jurisdiction. The Electoral Code provides that complaints on the formation of TECs and PECs are filed with the corresponding court.

<sup>59</sup> The complaints were related to misuse of state resources in the collection of signatures for the nomination and for campaigning of the incumbent.

<sup>60</sup> The law requires that appeals of decisions of lower commissions are reviewed in a collegiate manner, whereas all other complaints may be reviewed also by individual election commission members or staff.

<sup>61</sup> See paragraphs 68 and 72 of the Code of Good Practice.

<sup>62</sup> See paragraphs 88 and 90 of the Code of Good Practice.

<sup>63</sup> A training manual produced and distributed by the BRSM at observer trainings across the country saw countering the activities of "forces aimed at destabilization of the society" as observers' primary goal and included detailed instructions on how to request removal of other observers from polling stations.

overnight. At the close of early voting, the CEC announced a turnout of 36.6 per cent. The poor quality of seals and ballot boxes, at times, compromised ballot security.

The IEOM observed the final day of early voting in a systematic manner across the country. Overall, the early voting process was assessed positively (96 per cent of observations). Secrecy of vote was noted as not being ensured in four per cent of IEOM observations. In most instances, the daily protocol was put on display at the end of voting. However, on the last day of early voting, this was not done in seven per cent of polling stations observed. In 50 per cent of cases observers were denied access to check voter lists and in some cases, observers were prevented in seeing procedures. Such restrictions diminished the processes' transparency. Complaints filed in a number of PECs alleged discrepancies between reported turnout and the number of signatures in the voter lists, and inconsistent completion of daily protocols.

Polling stations opened on time, with minor procedural problems. Citizen observers were present in 90 per cent of polling stations observed by the IEOM. Overall, the opening was assessed as good or very good in 95 per cent of reports. In 13 polling stations monitored, the ballot box from the early voting was not visible to the observers, as is required by law.

The voting process was assessed positively in some 95 per cent of observations; some procedural problems were noted. The overall transparency of the voting process was assessed negatively in 3 per cent of reports. A large number of IEOM observers were not allowed access to check the voter lists, but those who were noted instances of series of seemingly identical signatures in 47 polling stations. Indications of ballot box stuffing were reported from 8 polling stations. Group voting was noted in 6 per cent of observations.

In 6 per cent of polling stations observed, not all phases of the voting process were visible to observers or the PEC, thereby reducing the transparency of the process. Citizen observers were present in 94 per cent of polling stations observed. There were 15 reports of unauthorized persons interfering in or directing the work of PECs. IEOM observers reported that in 6 per cent of polling stations observed, they were not granted full co-operation by PEC members or were restricted in their observation. Campaign materials or activity was observed inside 2 per cent of polling stations observed by IEOM observers.

The count was assessed negatively by observers, with some 30 per cent of polling stations assessed as bad or very bad of the 169 processes observed, indicating significant problems. Indications of ballot box stuffing were reported by observers in 38 instances from 22 polling stations during the count. One in five PECs did not perform basic reconciliation procedures such as counting the number of signatures on the voter lists and mandatory crosschecks, an important safeguard. In one-third of polling stations, the vote count lacked transparency. From some 25 per cent of polling stations, IEOM observers reported that they were not provided the opportunity to observe the count, not granted full co-operation by the PEC or restricted in their observation.

The validity of the ballot was often not determined in a consistent manner. In several instances, the IEOM observed inaccurate recording of result figures (12 counts), empty but pre-signed results protocols (25 counts) or other significant procedural errors or omissions (29 counts). In 13 counts observed, PECs had difficulties completing the results protocol, which in a few cases was not completed in ink, as required. In 18 counts, the PEC failed to display the results protocol for public familiarization, as required by law.

The IEOM observers observed the tabulation process in 125 of the 146 TECs. The tabulation process was assessed negatively in 25 per cent of the TECs observed, which is significant. The tabulation process was observed to lack transparency. IEOM observers were restricted in their observations in 77

TECs and did not have a clear view of the process in 23 TECs. Several procedural shortcomings were noted, including PECs delaying the transfer of the protocol to the TEC or changing protocol figures at the TEC premises (observed in 12 cases each). Key procedures for the cross-checking of PEC-level results and their processing were frequently not followed.

*The English version of this report is the only official document.  
An unofficial translation is available in Belarusian and Russian.*

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#### MISSION INFORMATION & ACKNOWLEDGEMENTS

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Minsk, 12 October – The OSCE/ODIHR EOM opened in Minsk on 26 August. It includes 13 experts in the capital and 34 long-term observers deployed throughout the Republic of Belarus.

On election day, 400 observers from 37 countries were deployed, including 325 long and short term observers deployed by the OSCE/ODIHR, as well as a 58 member delegation from the OSCE PA and a 13-member delegation from the PACE. Opening was observed in 169 polling stations and voting was observed in 1,504 polling stations across the country. Counting was observed in 169 polling stations. The tabulation process was observed in 125 TECs. Limited observation of early voting procedures was carried out in 1,058 polling stations.

The observers wish to thank the authorities of the Republic of Belarus for their invitation to observe the election and the Central Election Commission and the Ministry of Foreign Affairs for their assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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