



## **INTERNATIONAL ELECTION OBSERVATION MISSION**

### **Presidential Election, Republic of Belarus – 19 March 2006**

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**Minsk, 20 March 2006** – Participating states of the OSCE are obligated to invite each other to observe their respective elections in order to assess the degree to which their mutual commitments are being honored. In compliance with these OSCE commitments, and in accordance with Article 13 of the Electoral Code of the Republic of Belarus, the Government of Belarus invited the OSCE to observe the 19 March Presidential Election.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) in Belarus on 7 February 2006, deploying 37 long-term observers and 439 short-term observers, and joined efforts with the OSCE Parliamentary Assembly (OSCE PA) for the election day observation. The OSCE PA delegation included 126 members, of whom 19 were denied visas or entry into Belarus by the Ministry of Foreign Affairs. In addition, 8 OSCE/ODIHR short-term observers were not granted visas or were refused entry into the country.

Within the framework of the International Election Observation Mission (IEOM), the OSCE PA and the OSCE/ODIHR assessed compliance of the electoral process with domestic legislation, OSCE commitments and other international standards for democratic elections.

This statement of preliminary findings and conclusions is issued prior to the final certification of election results and the expiry of legal deadlines for appeals. The OSCE/ODIHR will publish a comprehensive Final Report approximately eight weeks after completion of the process, including recommendations for future improvements. The OSCE stands ready to assist the authorities and civil society of Belarus in meeting its OSCE commitments, in order for its citizens to enjoy the basic rights and freedoms to which they are entitled.

### **Preliminary Conclusions**

On 17 February 2006, four candidates were registered to contest the presidential election announced on 16 December 2005: the incumbent President, Aliaksandr Lukashenka; the leader of the Liberal Democratic Party, Siargey Gaydukevich; the leader of Social Democratic Party “Hramada,” Aliaksandr Kazulin; and the “unified opposition” candidate, Aliaksandr Milinkevich.

Despite the fact that the registration of four candidates offered the voters of Belarus with the potential for a genuine choice, the conduct of the 19 March presidential election failed to meet OSCE commitments for democratic elections.

The following shortcomings were observed:

- A statement made by the security services (KGB) which associated the opposition and civil society groups with terrorism, and which made direct accusations of the intent for a violent seizure of power, contributed significantly to the climate of intimidation, and created an atmosphere of insecurity on the eve of the election;

- The scope for candidates to mount effective campaigns was reduced by a restrictive and at times arbitrary interpretation of the legal framework by State authorities;
- Challenges to an equitable campaign were further compounded by the harassment and widespread detention of campaign workers, and senior opposition figures were subject to physical assaults, detention and even imprisonment;
- The State controlled media, the only national broadcast media, granted President Lukashenka extensive and favourable coverage while virtually ignoring the other three candidates. Meanwhile, the few independent print media that remain in operation were impeded in carrying out their professional activities;
- State actions were directed at civil society groups previously engaged in domestic election observation, thus thwarting independent domestic observer efforts and denying basic civic rights. Four leading activists remain in detention charged with managing an unregistered organization infringing on the legal rights and interests of citizens;
- Pressure was applied on some segments of the electorate, in particular state employees and students, with regard to their right to engage in the political process, including instances of threatened retribution such as loss of employment or expulsion from university;
- The independence of the election administration was compromised by its composition which included many State officials. Transparency was also compromised by the *de facto* near exclusion of opposition political parties at all levels.

Certain positive aspects of the process were noted:

- Four candidates were registered to contest the elections thus offering voters the potential for a genuine choice;
- For the most part, the Central Commission for Elections and National Referendums (CEC) preparations for the election were efficient. Women were well represented on election administration bodies;
- Two thirty-minute television and two thirty-minute radio broadcasts that were free of charge were allocated to candidates, giving them a platform, albeit limited and partially censored, to present their political views;
- Some of the opposition candidates' campaign events were held without impediment;
- Prior to the election, the CEC, the large majority of Territorial Election Commissions (TECs) and Precinct Election Commissions (PECs) provided observers with information they requested. The Head of the EOM was granted all high level meetings requested;
- Voting was conducted in a peaceful and orderly manner.

It is clear that this election did not meet OSCE commitments and international electoral standards. The arbitrary abuse of state power, obviously designed to protect the incumbent President, went far beyond acceptable practice. The incumbent President permitted State authority to be used in a manner which did not allow citizens to freely and fairly express their will at the ballot box. Mr. Kazulin and Mr. Milinkevich, as well as some civil society groups and independent media, expressed to the EOM a lack of confidence in the election process and alleged that the election result would not be based on the will of the people.

The pre-electoral environment did not represent a level playing field. Despite arbitrary restrictions, limitations and obstructions in their path, opposition candidates attempted to campaign against the incumbent administration. It is clear, however, that democratic principles and constitutionally guaranteed rights of freedom of expression, association and assembly were largely disregarded by authorities.

A pattern of intimidation, and the suppression of independent voices, including those remaining non-State print media, was evident throughout the campaign. Such actions impeded the possibility for vibrant campaign discourse, and raise doubts regarding the authorities' willingness to tolerate political competition on the basis of equal treatment before the law and by the authorities.

The regulation of early voting is non-transparent and fails to provide safeguards. The lack of any official protocols to document the record of voting on each day of early voting, as well as the lack of security provisions for the closing and overnight storage of the ballot box, increases the possibility for electoral

malfeasance. The EOM received reports that managers of companies and directors of institutions instructed voters to vote early, threatening personnel with cutting labour contracts and students with penalties. 31% of Belarusian voters cast their ballot during the five day early voting period.

The conduct of voting on election day took place in a calm and peaceful atmosphere. In general, polling was well organized and PECs and voters had a good understanding of voting procedures. Unauthorized persons were seen at 7% of polling stations visited, and in 3% of stations they were directing the PEC in its work. Observers reported that PECs often withheld basic information on polling data. A number of PECs had received instructions from the local administration or TECs not to give observers certain data. In 11% of reports, observers were impeded in their activity and occasionally some were intimidated. However, unlike the 2004 election, observers did have access to zones bordering neighboring countries.

The process deteriorated during the vote count, which was problematic and lacked transparency. Observers assessed the vote counting process negatively in 47% of reports. Many PECs organized the count poorly and did not handle complaints effectively. In 16% of polling stations, PECs had difficulty completing the protocol of results and in 8% a formal complaint was submitted to the PEC regarding the counting of votes. Observers reported a number of instances where the results were altered or completed in pencil. The majority of observers were prevented from standing close enough to see the marks on ballot papers and most PECs did not announce the number of votes for each candidate before completing the protocols. Unauthorized persons were present in 8% of polling stations observed during the count, and on occasions were directing the work of the PEC.

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## Preliminary Findings

### Background

The 19 March Presidential election was announced on 16 December 2005. The date of the election was somewhat earlier than anticipated, as by law it was not required to be held until July 2006. This was the third presidential election to be held since Belarus gained independence in 1991. President Lukashenka, was allowed to compete for a third term through the passage of a referendum held on 17 October 2004, which abolished a constitutional two-term limit. The OSCE/ODIHR did not observe the 2004 referendum.

The Constitution of the Republic of Belarus (1996) confers the President with wide-ranging powers (Articles 79, 84 and 85). In a recent interview to *Rossiiskaya Gazeta* the President commented that “according to our Constitution the President coordinates and directs the work of all the branches of power – executive, legislative and judicial.” The Constitution limits the convening of the legislature to two sessions per year, totalling no more than 170 days. In 2004, President Lukashenka affirmed that the Constitution and the laws of Belarus have “elements of authoritarianism”. The President may issue decrees that have the force of law. If a law is in conflict with a Presidential decree, the decree prevails.<sup>1</sup> This system is known as the “Presidential vertical”.

Although a number of political parties have been established in Belarus since the emergence of the Belarus Popular Front in 1988, the State has not created conditions conducive to genuine political pluralism. In recent years, some opposition parties have faced legal and administrative obstacles, and many regional party branches have been de-registered and closed, as a result of legislation requiring re-registration under a “legal address”. Most parties and political organisations have weak organisational structures and play a limited role in public life. Following the 2004 parliamentary elections, opposition parties have no representation in the 110-member National Assembly.<sup>2</sup>

Likewise, NGOs and civic initiatives have been further restricted or curtailed in their activities. In 2003, 51 NGOs were de-registered, in 2004, 38 NGOs were de-registered, and in 2005, 68 NGOs were de-registered. It has also become increasingly difficult to register an NGO. According to the Ministry of Justice, in 2005 it received 1,284 NGO registration applications, of which only 61 were successful. There are some 2,200 NGOs currently registered in Belarus.

### Legal Framework

The Constitution of the Republic of Belarus (1996) contains general provisions on elections. The Election Code (2000) is the principal act regulating the conduct of elections. The Election Code has been extensively reviewed on previous occasions by the OSCE/ODIHR, and numerous and substantial shortcomings were noted in its previous election reports. Although recommendations were made to bring the Code more closely in line with OSCE commitments for democratic elections, the Belarusian authorities have not, to date, appeared willing to consider them. The Election Code has not been amended significantly since 2000. Consequently the main act regulating the elections serves as an insufficient basis to conduct democratic elections, particularly without the commensurate political will. The legal framework does not provide the necessary safeguards to secure the integrity of early voting, counting and aggregation.

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<sup>1</sup> Article 137 of the Constitution prescribes that “In case of inconsistency of a decree or an order with the law, the law prevails only when the powers to issue the decree or the order have been provided by that law.”

<sup>2</sup> Only three parties are represented in the National Assembly: the Communist Party (8 seats), the Agrarian Party (3 seats), and the Liberal Democratic Party (1 seat) - none of which are in opposition to the President.

A variety of other legal acts had a bearing on the course of the election process including: the Code on Administrative Violations, the Criminal Code, the Law on Mass Events, the Law on Press and other Mass Media and CEC regulations. Some of these legal acts contain provisions that adversely affect fundamental rights and freedoms essential for conducting democratic elections.

In particular, in 2005, the Criminal Code (1999) was amended. *Inter alia*, it imposes penalties of up to two years imprisonment for participation in an unregistered organization or political party. The adoption and application of the legislation lessened the ability of individuals to freely associate and challenged the right to seek, receive and impart views freely. The Code criminalises “discrediting Belarus to an international organization or foreign government” and to insult or slander the President or certain state officials.

For presidential elections to be valid, 50 per cent of the registered electors must participate as voters. To be elected, the winning candidate must receive more than half of all votes cast. If no candidate secures an election victory, a second round is held within two weeks, in which the turnout requirement is also applicable.

In general the CEC interpreted its provisions and other legislation restrictively, for example, on granting permission of campaign events. The absence of an effective complaint and appeals mechanism exacerbated this approach, and the judiciary played a minimal role in providing legal redress.

### **Election Administration**

The presidential election was conducted by the Central Commission for Elections and National Referendums (CEC), 165 Territorial Election Commissions (TECs) and 6,586 Precinct Election Commissions (PECs), including 41 polling stations established in diplomatic missions of the Republic of Belarus. The CEC was appointed in line with the provisions of the Law on the Central Election Commission and National Referendums (1998) in 2002, while TECs and PECs were formed according to the provisions of the Election Code.

The CEC is a permanent body with a five-year mandate expiring in January 2007. It has 12 members; six appointed by the President and six by the indirectly elected Council of the Republic (the Upper House of Parliament). The Chair, Secretary and the Head of the Organizational and Legal Department are full-time professional election administrators. The other nine members participate in the work of the CEC along with their regular employment duties. CEC members occupy various high administrative positions. The Deputy Chair of the CEC, Mr. Andreev, is a member of the presidential administration and Mr. Mickevic is a deputy Minister of Justice.

The TECs correspond to the structure of the State administration at the sub-national level. Thus, there are seven ‘Regional’ Election Commissions, six ‘Town’ Election Commissions (established mainly in regional centres) and 152 ‘District’ election commissions. The TEC members were appointed at joint sessions of local legislatures and local executives that were held on or before 28 December 2005. The TEC members could be nominated by a variety of organizations including: public associations, labour collectives, political parties, and individual applicants supported by citizens.

The mode of appointment of commission members results in significant control over the election administration by the state administration through the nomination of TEC and PEC members. The appointing authorities also nominated their own staff as TEC members (9.6 per cent of members). Parties, in particular opposition parties, were excluded from the election administration. Of the 2,124 TEC members, only 56 TEC appointed members (2.6 per cent) were nominated by a political party. Of these, 47 were nominated by the Communist Party of Belarus, which offers political support to President Lukashenka.

Although the Code provides that the process of selecting PEC members should be competitive, in some cases their appointment suggested otherwise, and lacked transparency and uniformity. The EOM sampled 16 TECs, which include 638 PECs. The EOM established that the number of appointed PEC members is very close to the number of filed applications - for 7,304 available positions, 7,381 applications were filed.

In 14 of the sampled TECs, the number of available positions was equal to the number of applications. Several political parties and NGOs informed the EOM that while they had submitted PEC applications, these had not been accepted.

In general, the election administration was efficient in its administration of the election process, including preparations for election day. The CEC complied with legally established deadlines. While the Electoral Code does not clearly state that all electoral documents are available for public inspection, the CEC formally publishes most of its decisions and maintains a website where documents are posted.

The CEC met regularly with the EOM, and long-term observers met all 165 TECs. Although the formal sessions of the CEC, and those of lower level commissions, were open to observers and the media, they occurred infrequently. The CEC Chair and Secretary took many administrative and legal decisions outside formal sessions. Basic information such as the number of registered voters per TEC, the number of ballots to be printed, nor the instruction on the management of the emergency 10% overprint of ballots, were made publicly available.

### **Voter Registration**

No centralized and publicly available data exists on the number of voters preliminarily registered in the various electoral administration units. Voter lists are compiled for each electoral precinct, and there is no consolidated list at any level above the individual precinct. The law does not require the CEC to announce the number of registered voters countrywide prior to the election. However, on 9 March the CEC secretary announced that some 7,020,000 voters were registered.

Initially, each PEC receives a preliminary voter list from the local administration, to be verified and updated as necessary. The law does not specify how this should be done, but the CEC manual for PECs advises that door-to-door checks be conducted to verify the preliminary voter lists. The updated lists were available for inspection by voters at the PEC premises, although according to a CEC regulation, voters may check only their own entry.

The Electoral Code does not provide for the ‘closure’ of voter registration prior to election day, nor does it require PECs to provide the public or higher level commissions with data on the number of citizens registered as voters in the election precinct. A voter whose name did not appear on the voter list can be added up to the close of polls on election day upon presentation of valid documents. Thus the final number of registered voters will only be known when the CEC announces the official election results.

### **Candidate Registration**

Candidate nominations were supported by ‘initiative groups’ of voters comprising not less than 100 persons. Initiative groups had to apply for registration with the CEC no later than 85 days before election day, seven days after the announcement of the election day. To be registered as a candidate, the initiative group is required to collect and submit the signatures of at least 100,000 eligible persons within 30 days. Initially, the CEC registered eight initiative groups. However, only four prospective candidates submitted a sufficient number of supporting signatures.<sup>3</sup>

Between 27 January and 11 February, prospective candidates had to submit income and property declarations to the CEC. Declarations were required not only for the candidate himself, but also for close relatives, including the spouse and parents of the spouse.

On 17 February, the CEC registered four presidential candidates which offered voters a genuine choice: Mr. Gaydukevich (Liberal Democratic Party), Mr. Kazulin (Social Democratic Party Hramada), incumbent

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<sup>3</sup> Two initiative groups did not collect supporting signatures at all, one collected an insufficient number and one prospective candidate withdrew from the process.

President Mr. Lukashenka (non-party)<sup>4</sup>, and Mr. Milinkevich (non-party). Each candidate registered 30 authorized representatives as provided by law.

### **The Election Campaign**

The official campaign period began on 17 February after the registration of the four candidates. Campaigning before this period is prohibited by law, and some of those that did not comply with the prohibition were charged under the administrative procedures and fined.<sup>5</sup>

Candidates are not allowed to utilize their own private funds or direct donations to finance their campaign. Although the Election Code does not explicitly limit non-State funding of a campaign, the provision in the code prohibiting “material assistance during preparation and conduct of the election” has been interpreted by the CEC to restrict funding of the campaign only to the amount allocated by the State for producing printed materials (approximately \$31,000). Paid election advertisements in all media are also prohibited.

Despite attempts by Mr. Milinkevich and Mr. Kazulin to gain visibility during the campaign, the media’s failure to allow opposition candidates an opportunity to present their views and qualifications outside the limited allocation of free media broadcasts *de facto* restricted voters’ familiarisation with their platforms. The media concentrated their reporting on other matters, such as the achievements of Belarus since the mid-1990s and the activities of Mr Lukashenka in his capacity as President.

At the same time, the “Za Belarus” campaign promoting the country’s achievements was highly visible. As it was not officially related to a candidate’s campaign, it was not covered by campaign provisions contained in the Election Code. The name of the campaign mirrors the campaign of 2004 in favour of abolishing the two-term presidential limit and allowing President Lukashenka to seek a third term. It featured concerts and events across Belarus, which were televised by Belarusian nationwide channel ONT. Observers noted a large number of billboards connected to this campaign.

On several occasions, speakers at “Za Belarus” campaign events, including State officials, made direct appeals to citizens to vote for Mr Lukashenka. A formal complaint was filed by the Milinkevich campaign regarding the “Za Belarus” campaign, which was unsuccessful.

In a joint statement of 17 March, candidates Milinkevich and Kazulin declared officially their lack of confidence in the CEC for gross violations of the Constitution and a number of election-related laws, and demanded the appointment of a new CEC and the postponement of elections until July.

### **The Role of State Authorities during the Campaign**

The scope for candidates to mount effective campaigns was reduced by a restrictive and at times arbitrary interpretation of the legal framework by State authorities. The authorities applied administrative sanctions, sometimes on spurious grounds, for violations of domestic legislation, the provisions of which are often at odds with OSCE commitments. The Law on Mass Events places restrictions on the freedom of public assembly that affected the campaign negatively. While the CEC informed the EOM that the 15-day notice period required by law to hold an indoor meeting would not be applied during the campaign, State authorities applied the law in a restrictive and, at times, arbitrary manner.

While some of the opposition candidates’ campaign events were held without impediment, in general, the State authorities did not create fair campaign conditions where candidates and voters could meet freely and exchange views. Large numbers of opposition campaign workers were intimidated, impeded, detained, fined and arrested. Candidates Milinkevich and Kazulin both reported to the EOM that detentions, arrests and trials incapacitated the middle management level of their campaigns. EOM observers did not receive

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<sup>4</sup> Mr. Lukashenka is supported by some 40 public associations and organizations.

<sup>5</sup> For example, in Novopolotsk a Milinkevich supporter was briefly detained by police on four separate occasions in February for ‘early campaigning’, and was eventually subjected to an administrative fine.

any complaints from the Lukashenka or Gaydukevich campaigns of this type of treatment of their campaign staff.

By 18 March, 8 of Mr. Milinkevich's 30 authorised representatives were under detention or administrative arrest, together with up to 100 campaign activists. Mr. Kazulin's campaign reported that 80 of their campaign supporters were also in detention, and one of his authorised representatives, Mr. Levkovich, was fined the equivalent of \$2,200 for meeting campaign workers in a private apartment.

Prominent party leaders have been amongst those detained during the campaign. Mr. Viachorka, leader of the Belarusian Popular Front (BPF) and another proxy, Mr. Shantsev, were imprisoned for 15 days. Mr. Lebedko, leader of the United Civic Party, was detained on two occasions<sup>6</sup>, and on 16 March, the Chairman of the KGB announced that he was to be charged under anti-terrorist criminal law provisions for allegedly plotting a violent coup.

Observers also reported that some local authorities designated meeting places which were either too small or were not central locations<sup>7</sup>. In addition, they reported that many local authorities designated only a few spaces for displaying election campaign materials. Other forms of campaigning, such as leafleting and placing posters, were restricted and routinely disturbed, and in some cases campaign material was confiscated by the police.<sup>8</sup>

The campaign environment was negatively influenced by other factors, including:

- The violent apprehension of Mr Kazulin on 2 March while trying to attend the government-organised 3<sup>rd</sup> All-Belarus People's Assembly. In incidents linked to his detention, a number of journalists were assaulted and pistol shots were fired at a civilian vehicle in the immediate vicinity of OSCE observers. After being detained for several hours, Mr Kazulin was charged with two offences under the Criminal Code;
- Statements made by the Mr Lukashenka's campaign team that "citizens should consider the welfare of themselves and their children" before attending unsanctioned campaign rallies could have raised fears among ordinary citizens that they may face legal retribution for exercising their right to seek and receive information and assemble peacefully;
- Actions of a few self-identified Lukashenka supporters who systematically disturbed opposition campaign events. Their actions appeared coordinated;
- Visits to campaign offices by State security forces and seizure of campaign material ostensibly to verify if campaign material has been produced in accordance with Belarusian legislation, particularly in line with campaign finance regulations;<sup>9</sup>
- Harassment of campaign workers by the authorities using 'stop and search' provisions.<sup>10</sup> On occasions, *de facto*, this restricted some citizens' freedom of movement.

Campaign teams in some regions reported to EOM observers that it became increasingly difficult to recruit volunteers and campaign staff. Under Presidential Decree 361 of 2002, all state employees are employed on short-term (one year) contracts. This has the potential to create a climate of insecurity, providing an

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<sup>6</sup> Mr. Lebedko was initially fined the equivalent of \$720.

<sup>7</sup> For example, in Orsha only two indoor venues were designated. One was too small for a public meeting and the other (approximate capacity 300) was far from the town centre. In this town, the Milinkevich campaign held an outdoor meeting which was deemed illegal by the local police.

<sup>8</sup> For example, in Zhlobin Milinkevich's campaign material which contained the text "the new President" was confiscated with the militia claiming that it was illegal.

<sup>9</sup> On 21 February, in Mogilev, the Head of Milinkevich's local campaign office was detained for six hours and 26,170 legally produced campaign leaflets were seized. The materials were returned on 24 February.

<sup>10</sup> The Milinkevich campaign in Gomel reported to observers that between 23 February and 2 March, 23 cases were recorded where campaign activists had been held by militia for 3 hours or more. A complaint was filed to the local Prosecutor.

opportunity for exercising undue influence over approximately 80 per cent of the working population employed in State enterprises.

EOM observers noted severe misuse of authority, such as senior members of the Executive Committee convening meetings of employers to instruct them to pressure their employees into voting for the incumbent (Moldechno). As the campaign progressed, observers received increasing numbers of reports that campaigning in favour of the incumbent was carried out by senior management at factories and universities.

The pre-election climate was further degraded as the result of a press conference held by the Chair of the KGB, the Chief Prosecutor and the Interior Minister on 16 March, at which they announced that “under the guise of elections”, the opposition was preparing a violent overthrow of the government on election day. Their declaration that all individuals who joined election-day protests would be treated as terrorists created public fear, whereas the KGB Chair’s comment that candidate Milinkevich would not be arrested “before the end of the campaign” sent a clear message of intimidation.

## **Media**

State structures have virtual monopoly over the Belarusian broadcast media that have countrywide coverage. Internet and regional non-State media are the main alternative sources of information. Belarusian media professionals informed the EOM that a few regional-based print media outlets do provide some balance in their reporting on political issues. They also informed the EOM that self-censorship is commonly practiced.

However, the disappearance over recent years of much of the non-State national and regional media, and the recent omission of national and local independent titles from the State print distribution network, has lessened the plurality of media available to voters in the upcoming election. During the campaign period, on several occasions, the police confiscated copies of non-State newspapers *Narodnaya Volya* and *Tovarisch* from individual vendors. On 3 and 14 March, the entire print runs of *Narodnaya Volya* (250,000 and 54,000 copies, respectively) were seized by police during transportation, and on 17 March nearly the entire print run, 190,000 copies of *Tovarisch*, were seized.

The Election Code provides registered candidates with the right to receive free airtime on State TV and radio as well as free space in the State printed media during the official campaign period, on an equal basis. On 8 February, the CEC adopted a regulation granting each candidate the right to publish five typewritten pages of campaign materials in seven State newspapers and to air two pre-recorded campaign presentations on television and two presentations on radio. The CEC fixed the date of the broadcasts by lottery.

The role, rights and responsibilities of private media in the elections are not regulated by the Election Code. The statement of the CEC Chairperson warning against publishing campaign material in the non-designated media conflicted with a later statement of CEC Secretary, which justified publication of the incumbent’s program in one of the non-designated newspapers. These controversial statements created confusion among media outlets about whether they were legally permitted to cover candidates’ campaigns.

Apart from the free media broadcasts, voters were deprived of access to information about candidates, thus hampering their ability to make a well-informed choice. The national media reported on procedural aspects of the election process, but they presented extremely narrow coverage of the campaign activities of the candidates. There was a lack of genuine debate about political issues; no debates between the contestants were aired in the media.

The EOM analysed the content of the main electronic and printed media during the official campaign period.<sup>11</sup> Mr. Lukashenka did not use the free airtime available to him in the electronic media, while the

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<sup>11</sup> The monitored media outlets include: state-owned TV channel BT1 (First National TV channel), TV channels owned by joint-stock companies with a majority state holding - ONT (Nationwide TV) and STV (Capital TV),

other three candidates submitted presentations for airing on TV and radio. On 2 March, BT1 cut part of Mr Kazulin's address, as it considered that he had made 'uncorroborated accusations' against Mr Lukashenka and his two sons. On 6 March, Mr. Kazulin's and Mr. Milinkevich's campaign addresses on BR1 were censored, without prior notification to the candidates. No free airtime was broadcast after 6 March, almost two weeks prior to the election.

The free space in state newspapers was not provided to all candidates on an equal basis. While the platform of Mr. Lukashenka was published on the front pages, those of the two other candidates were printed less visibly, and were allocated less space. Mr. Milinkevich was unable to print his platform as it was not submitted by the administrative deadline.

Outside the free airtime, media monitoring results show that State controlled media, in its coverage of the four candidates during the official campaign period, offered Mr. Lukashenka overwhelming and supportive coverage in their programmes with political content. For example, in the primetime newscasts of the TV channels BT1, ONT and STV and the morning newscast of the radio station BR1, 5 hrs and 22 minutes, 5 hrs 7 minutes, 4 hrs 3 minutes and 46 minutes respectively of news-time were devoted to the four candidates combined of which Mr. Lukashenka received 99 per cent on ONT, 93 percent on BT1, 96 per cent on STV and 99 per cent on BR1.

The state media is not legally obliged to provide balance in its reporting or access for candidates to news coverage. In general, Mr. Lukashenka was covered by nationwide broadcast and print media in his capacity as president. On 2-3 March, the media covered live and with edited highlights his lengthy addresses at the government-organised 3<sup>rd</sup> All-Belarus People's Assembly. This was the most visible political event covered in media during the campaign period.

The broadcast media granted the other three candidates negligible coverage, and did not present their campaigns as issues of political significance. The opposition's election campaign events and incidents received very limited coverage in the national media. Where "the opposition" or other candidates were mentioned, it was usually in a negative context. In addition, the State media aired statements made by State officials that claimed that opposition politicians were instruments of foreign interests plotting a "revolution" in Belarus.

On 17 March, just two days prior to election day, President Lukashenka addressed the country in a televised broadcast, raising the spectre of a violent seizure of power. In a following broadcast, he guaranteed that there would be no coup d'état, and threatened those implicated, including opposition supporters and civil society activists, by stating "we shall tear their heads off at once, like those of ducklings".

Of the total coverage of the four contestants, state print media *Narodnaya Gazeta*, *Respublika*, *Sovetskaya Belorussiya* and *Zvyazda* provided Mr Lukashenka with more than 90 per cent of coverage. In general, non-State newspapers *Bel Gazeta* and *Komsomolskaya Pravda v Belarusii* provided a greater variety of political information. In these titles, no one candidate received more than 33 per cent of the total space given to candidates.

### **Resolution of Election Disputes**

The Election Code does not contain provisions establishing a uniform appeal process for review of all decisions and actions of the CEC. While CEC decisions on some specific aspects of the election process can be appealed to the Supreme Court, for CEC decisions on issues not specifically appealable under the Election Code, no practical mechanism exists to file a legal challenge.

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the Russian Federation channel RT (TV channel Russia) and the state owned radio station BR1 (First channel of Belarusian National Radio), four state-funded newspapers (*Narodnaya Gazeta*, *Respublika*, *Sovetskaya Belorussiya* and *Zvyazda*) and five non-state newspapers - *Bel Gazeta*, *Belarusy I Rynok*, *Komsomolskaya Pravda v Belorussii*, *Narodnaya Volya* and *Obozrevatel*.

While individuals may, to a limited extent, file complaints with electoral bodies, not all types of complaints may be filed or appealed to a court of law. The Election Code does not explicitly provide the possibility to challenge ‘inaction’ by election commissions.

As of 17 March, the CEC received 231 election-related written appeals. After 18 January, the CEC did not hold a formal session to discuss and rule on election-related addresses, complaints and appeals. However, CEC officials responded to most of the complaints they had received. Some of the CEC responses contradicted its position expressed in previous elections<sup>12</sup>. The CEC Chairperson decides on whether a complaint should be heard in a session and therefore decided upon collegially.

There appeared to be a lack of confidence in the appeals mechanisms and the independence of the courts by election stakeholders. The role of the judiciary, including the Supreme Court, in the provision of legal redress remained minimal throughout the process. In one instance, a judge admitted to EOM observers that he was “instructed” to make a certain decision in an election-related case.

### **Women’s Participation**

No women ran as candidates in this election. Around 30 per cent of Belarus members of parliament are women, following an appeal to this effect by the President prior to the 2004 parliamentary elections. There are two women in the 25 member Council of Ministers. The CEC is chaired by a woman and women are well represented in the election administration structure. On TECs, women make up 52% of members, while on PECs, women make up some 66 per cent of members and 40% of Chairs.

### **Participation of National Minorities**

According to the 1999 census, the population of the Republic of Belarus was 10,045,237, including: 8,159,073 Belarusians, 1,141,731 Russians, 395,712 Poles, 237,014 Ukrainians and under 30,000 Jews, Armenians, Tatars, Roma and others. International estimates, as well as Roma in Belarus, put the number of Roma at just under 50,000. Roma lawyers told the EOM that Roma voters were systematically not included in the voter lists, but were generally able to add their names upon request.

### **Election Observation**

The Election Code recognizes the role of election observers. However, some provisions could be used to limit legitimate observation activities and lessen the scope for a meaningful observation of the process. For example, Article 13 prohibits an observer to “be present next to ballot-issuing desks, polling booths or ballot boxes” and observers’ presence in TECs during the aggregation of results is not guaranteed. Furthermore, Article 13 provides that an observer can be expelled by a decision of the Chair of the relevant election commission.

The CEC announced that some 26,000 domestic observers had been registered by TECs and PECs. The majority were fielded by work collectives and other “social organizations”, e.g. the State-funded Belarus Republican Union of Youth. In a number of cases, staff of local government Executive Committees acted as domestic observers. Individuals can also register as observers, by submitting ten signatures from voters in the constituency to be observed.

Observation by independent domestic observer groups was at a significantly lower level than in past elections. In previous elections, the unregistered civic association ‘Partnership’ coordinated the election observation activities of up to 200 NGOs and deployed up to 3,000 observers on election day. However,

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<sup>12</sup> The CEC refused to allow Mr. Milinkevich’s campaign to submit his program for publication in State newspapers due to a missed deadline. However, in response to another appeal during the 2004 parliamentary elections, the CEC stated that the deadline serves only as a guideline, and a failure to meet it does not entail the loss of the right to publish a candidate’s program.

the arrest and ongoing detention of four civic activists, including “Partnership” leaders on criminal charges relating to managing an unregistered organization infringing on the legal rights and interests of citizens, prevented a similar coordinated effort for these elections. After their arrest, the KGB accused the group of preparing a violent seizure of power.

Some NGOs, including the Belarusian Helsinki Committee, did field election day observers, albeit in smaller numbers than originally intended. Unlike previous elections, the ‘Vyasna’ (Spring) Association, which was de-registered in 2003, did not observe the election, although some of its former members observed as private citizens backed by civic initiatives.

Candidates fielded observers mainly via the political parties supporting them and through civic initiatives. The Gaydukevich and Lukashenka campaigns reported fielding in excess of 20,000 observers each. The other two candidates concentrated on a limited number of polling stations, with the express intention of gathering correct results data.

### **Early Voting (14-18 March)**

Provisions of Article 53 of the Election Code prolongs voting to a lengthy six-day period with only two PEC members present during the five days of early voting, and no requirement for any justification for the use of this voting option. Although the Code provides that ballots from early voting should be counted separately, it falls short of requiring that the number of these counts should be included in the official protocol. The regulation of early voting is non-transparent and fails to provide safeguards. The lack of any official protocols to document the record of voting on each day of early voting, as well as the lack of security provisions for the closing and overnight storage of the ballot box, increases the possibility for electoral malfeasance. The length of the early voting period made it challenging to observe.

The early voting appeared to allow misuse of administrative capacity by various types of officials. The EOM received reports that managers of companies and directors of institutions instructed voters to vote early, threatening personnel with cutting labour contracts and students with penalties. Turnout figures for the early voting period were reported as 31 per cent, far exceeding the figures for the 2004 elections.

Long-term observers monitored early voting between 14-18 March. Prior to the election, virtually no information was made available to the EOM on the number of ballots printed and distributed. Many PECs were unwilling to provide basic data to them e.g. the number of ballots received, the number of registered voters and the number of persons having voted. Some PECs informed observers that they had been instructed by TECs or local executive branches not to provide observers with this information. When questioned on 19 March, many PECs knew the percentage of voters that had voted early, but not the number.

Short-term observers monitored the process on 18 March. Over 2,000 report forms and spot reports were submitted. Some 11% of reports characterized the early voting process negatively. In general, early voting was conducted in a calm atmosphere. While the voting process was orderly, observers frequently noted apparently identical signatures on the voter lists. In addition, some noted poor quality ballot box seals and the failure to seal ballot box slots at the close of early voting on 18 March, as required by law. In 4 % of polling stations, observers noted the presence of unauthorized persons, many of whom were directing the work of the PEC.

### **Election Day – 19 March (Voting)**

Observers reported that PECs often withheld basic information on polling data. In 11% of observer reports, observers were impeded in their activity and occasionally some were intimidated. Frequently, observers’ access to see the voter list was restricted. A number of PECs had received instructions from the local administration or TECs not to give observers certain data. However, unlike the 2004 election, observers did have access to zones bordering neighboring countries.

In general, voting was conducted in a calm and peaceful atmosphere. Domestic observers were present in 90% of polling stations. Unauthorized persons were seen at 7% of polling stations visited and in 3% of stations they were directing the PEC in its work. Frequently, police, emergency situations ministry staff and firemen were visible inside polling stations.

In general, polling was well organized and PECs had sufficient material. Observers reported that with a few exceptions, PECs followed correct ballot issuing procedures. Voters' access to polling stations was good and relatively few potential voters were turned away from polling stations. Most often, voters and PECs had a good understanding of voting procedures.

While overall the conduct of voting was assessed positively (89% of observations), a significant number assessed the conduct negatively (11% of observations). This figure varied from 7% in Vitebsk to 17% in Gomel regions. Significant shortcomings included:

- In 8% of polling stations voters did not always mark their ballot paper in secrecy. In 5% of polling stations observers reported persons were showing their marked ballot paper to another person before depositing it in the ballot box.
- Family or group voting was reported at 19% of polling stations, particularly in rural areas;
- In 5% of observations, ballot boxes were not shown to be empty at the time of sealing and in 7% of observations, ballot boxes were not properly sealed;
- At the opening of polling stations, 34% of reports indicated that the “early voting ballot box” was not in plain view. In 6% of observations it was not fastened securely;
- Campaign material or activity was reported in 6% of polling stations, almost always in favor of Mr Lukashenka or the “Za Belarus” campaign. Official information on candidates was not posted in 7% of stations;
- Observers reported seeing a series of identical signatures on the voter list in 13% of polling stations visited.

According to the CEC, by the close of polls, a sizable 92.6% of citizens had voted. The turnout varied from 85% in Minsk to over 95% in three of Belarus' seven regions.

### **Election Day – 19 March (The Vote Count)**

The process deteriorated during the vote count, which was problematic and lacked transparency. Observers assessed the vote counting process negatively in 47% of reports. Many PECs organized the count poorly and did not handle complaints effectively. During the count, the majority of observers were prevented from standing close enough to see the marks on ballot papers. Most PECs observed (69%) did not announce the number of votes for each candidate before completing the protocols. Thus, although physically present, observers could not follow the counting process in a meaningful sense. In fact, half of the observer teams concluded that the transparency of the counting process was “bad” or “very bad”. Unauthorized persons were present in 8% of polling stations observed, and on occasions were directing the work of the PEC.

In 16% of polling stations, PECs had difficulty completing the protocol of results and in 8% a formal complaint was submitted to the PEC regarding the counting of votes. Observers reported a number of instances where the results were altered or were completed in pencil. In one polling station a PEC chair threatened PEC members with loss of employment for refusing to sign the protocol, which he had altered.

### **Tabulation**

The Election Code provides that polling results be publicly posted at polling stations. However in itself, this provision does not guarantee the necessary level of transparency during and after the aggregation of results. Observers are not entitled to receive an official copy of the protocol and the law does not require TECs or PECs to provide PEC results in tabulated form.

Despite assurances from many TECs prior to the election that observers would have access, a significant number (42%) were restricted, or even obstructed, in their ability to receive information on the aggregation of PEC results and more than 40 OSCE observer teams were refused entry into TEC premises during tabulation. In half of the TEC observations, the transparency was assessed as “bad” or “very bad”.

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*This statement is also available in Russian.  
However, the English language version remains the only official document.*

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### **Mission Information & Acknowledgements**

The OSCE wishes to thank the Ministry of Foreign Affairs and the Belarusian National Assembly for inviting the OSCE to observe the elections, and the Central Election Commission for providing accreditation documents. The Mission wishes to express its appreciation to the OSCE Office in Minsk for its support throughout the duration of the mission.

The OSCE Chairman-in-Office, Belgian Foreign Minister Karel De Gucht, appointed the President of the OSCE Parliamentary Assembly, Congressman Alcee L. Hastings (United States of America) as Special Co-ordinator for the OSCE short-term observation. Ambassador Geert Ahrens (Germany) headed the OSCE/ODIHR Election Observation Mission (EOM).

The OSCE/ODIHR Election Observation Mission opened in Minsk on 7 February 2006 with 48 experts and long-term observers deployed in the capital and 14 regional centres. On election day the OSCE/ODIHR deployed 440 short-term observers, and 96 parliamentarians from the OSCE PA, to observe in over 2,000 polling stations and more than 100 TECs. Observers were drawn from 38 OSCE participating States.

For further information, please contact:

- Ambassador Geert Ahrens, Head of the OSCE/ODIHR EOM, Tel: +375 17 209 7378
- Ms. Urdur Gunnarsdottir, OSCE/ODIHR Spokesperson, Tel: +48 22 520 0600
- Mr. Andreas Baker, OSCE Parliamentary Assembly Press Officer, Tel: +45 60 10 80 30

**OSCE/ODIHR Address:**  
www.osce.org/odihhr

Al. Ujazdowskie 19, 00-557, Warsaw, POLAND  
Tel: +48-22-520-06-00