



Office for Democratic Institutions and Human Rights

REPUBLIC OF BELARUS

PARLIAMENTARY ELECTIONS

23 September 2012

OSCE/ODIHR Election Observation Mission
Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs of the Republic of Belarus, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 22 August to observe the 23 September 2012 parliamentary elections. The OSCE/ODIHR EOM assessed compliance of the electoral process against OSCE commitments and other international standards for democratic elections, as well as with domestic legislation. For election day observation, the OSCE/ODIHR EOM joined efforts with a delegation from the OSCE Parliamentary Assembly (OSCE PA).

In the 23 September elections, many OSCE commitments including citizens' rights to associate, to stand as candidates, and to express themselves freely were not respected, despite some improvements to the electoral law. While there was an increase in the number of candidates put forward by parties, prominent political figures who might have played a role in this contest remained imprisoned or were not eligible to register due to their criminal record. The field of contestants was also constricted by arbitrary administrative actions, leading to a limitation of choice for voters. The elections were not administered in an impartial manner and the complaints and appeals process did not guarantee effective remedy.

While international observers assessed early voting and election day voting procedures positively, a number of procedural errors or omissions were observed. The process deteriorated considerably during the count. Observers were not given a meaningful opportunity to observe the count and evaluated the process negatively in a significant number of polling stations observed. The continued lack of properly delineated counting procedures meant that an honest count, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document, could not be guaranteed. The Central Election Commission (CEC) did not publish the final results broken down by polling station, which undermined the transparency of the results.

Elections were held under an Electoral Code that was amended in 2010 and 2011. Despite some improvements, the legal framework does not adequately guarantee the conduct of elections in line with OSCE commitments and international standards. In particular, this includes key provisions concerning voter and candidate registration, election commission composition, election observation, election day procedures, and the complaints and appeals process. Several important articles lack clarity allowing for an arbitrary and inconsistent application of the law including, for example, the criteria for signature verification for candidate registration. This underscores the need for continued electoral reform.

Overall, contrary to international standards, the CEC did not administer the electoral process in a neutral manner and statements made by the CEC brought into question the impartiality of its work. Positive amendments to increase the representativeness of lower-level election commissions were largely ineffectual due to the lack of detailed selection criteria and the lack of political will to

¹ The English version of this report is the only official document. Unofficial translations are available in Belarusian and Russian.

implement the law in an inclusive manner. The OSCE/ODIHR EOM noted the continued influence of local authorities on the operation of lower-level election commissions. Election commissions at all levels fulfilled their administrative obligations according to the deadlines set in the election calendar. CEC sessions were open and attended by observers.

Undue restrictions on voter and candidate rights exist in the law. Citizens in pre-trial detention are denied voting rights and citizens serving a prison sentence, irrespective of the gravity of the crime, are denied voting and candidacy rights. Denial of rights of those in pre-trial detention is contrary to the principle of presumption of innocence, while the blanket denial of voting rights for those serving prison sentences lacks proportionality. These restrictions are contrary to paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document.

On a positive note, for the first time, political parties could nominate candidates in all constituencies regardless of whether they maintain a regional office in a given district. This resulted in an increase in political party nominations. Nonetheless, the process of candidate registration was marred by an overly technical application of the law and exclusion of nominees on the basis of minor inaccuracies. Twenty-seven candidates were denied registration because supporting signatures were deemed invalid by the CEC, and an additional 15 candidates were excluded on the grounds of discrepancies found in their income and/or asset declarations. In total, one in four nominees were not registered, leading to a limited choice for voters, and challenging paragraphs 7.5 and 24 of the 1990 OSCE Copenhagen Document.

Two political parties boycotted the elections and two additional parties withdrew their candidates, citing the continued imprisonment of individuals on political grounds, the limited role of parliament, and a low level of confidence in the electoral process. Following the late withdrawal of 81 candidates, 293 candidates contested these elections including 53 women. Sixteen candidates were elected unopposed.

The election campaign was barely visible in most parts of the country throughout the four-week campaign period. Regulations placed limits on the holding of campaign rallies, printing and distribution of campaign material, and access to the media. Although generally calm, the campaign was marred by several reports of intimidation of opposition candidates and activists that negatively impacted on the fundamental freedoms of assembly and expression.

Media coverage of the campaign did not provide a wide range of views, focussing overwhelmingly on the President and government activities with minimal attention given to candidates. State owned media outlets dominate broadcast and print media sectors. Although the Constitution guarantees freedom of expression and prohibits censorship, candidates who called for an election boycott had their free airtime and/or print space denied or censored. The media framework is at odds with paragraph 7.8 of the 1990 OSCE Copenhagen Document and, together with the restrictive campaign environment, limited the possibility of voters to make an informed choice before casting their vote.

Mechanisms to review complaints and appeals failed to provide stakeholders with an effective remedy, challenging paragraph 5.10 of the OSCE 1990 Copenhagen Document and Article 8 of the Universal Declaration of Human Rights. While complaints against decisions of election commissions can be lodged with higher commissions, only limited types of decisions can be appealed to courts. Although CEC and Supreme Court hearings took place in open sessions, in many cases the review of complaints was marked by an inconsistent and formalistic application of law, often at the expense of the right to a fair hearing and the principle of proportionality.

While the Electoral Code provides for election observation by a wide range of stakeholders, it does not stipulate that observers should be given direct and effective access to key procedures on election day, as well as the right to be present during the signature verification of candidate registration.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign Affairs of the Republic of Belarus to observe the 23 September 2012 parliamentary elections, and based on the recommendation of a Needs Assessment Mission conducted in Minsk from 16 to 18 July, the OSCE/ODIHR deployed an EOM on 22 August. The EOM was headed by Antonio Milošoski and consisted of an 11-member core team based in Minsk and 36 long-term observers deployed throughout Belarus.

For election day observation, the OSCE/ODIHR EOM joined efforts with a delegation from the OSCE PA. Matteo Mecacci, Head of the OSCE PA Delegation, was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term observer mission. In total, 330 short-term observers were deployed from 37 OSCE participating States. Voting was observed in 1,173 polling stations. Counting was observed in 125 polling stations across all electoral districts. The tabulation process was observed in 86 out of 110 District Election Commissions (DECs).

The election process was assessed for its compliance with OSCE commitments and other international standards for democratic elections, as well as domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was delivered at a press conference on 24 September.²

The OSCE/ODIHR EOM wishes to thank the Ministry of Foreign Affairs for the invitation to observe the elections, and the CEC for its co-operation and providing accreditation documents. The OSCE/ODIHR EOM also wishes to express appreciation to other national and state institutions, election authorities, candidates, political parties, and civil society organizations for their co-operation, as well as to the diplomatic missions of OSCE participating States and international organizations resident in Belarus.

III. POLITICAL BACKGROUND

On 18 June 2012, the President of Belarus called elections to the lower chamber of parliament, the House of Representatives, for 23 September.³ Previous elections, including the 2008 parliamentary elections and the 2010 presidential election, were assessed by the OSCE/ODIHR as falling short of OSCE commitments for democratic elections. During the 2010 presidential election, several candidates, journalists, and civil society representatives were arrested. One former presidential candidate and the chairperson of a prominent human rights organization that observed the election remain imprisoned.⁴

² All previous OSCE/ODIHR election reports on Belarus are available at: www.osce.org/odihr/elections/belarus.

³ The upper chamber of parliament, the 64-member Council of the Republic, comprises 8 members appointed by the President and 8 members elected from each of the regional Councils of Deputies in each of the six regions and in the city of Minsk.

⁴ Presidential candidate Nikolay Statkevich, who was arrested in December 2010, and the Chairperson of the unregistered NGO Human Rights Centre *Viasna*, Ales Belyatski, who was arrested in August 2011.

The political system in Belarus is characterized by a weak party system, notwithstanding the number of parties registered. The 2008 elections resulted in only seven representatives being elected from political parties. All 110 outgoing members were considered to be government supporters. Despite several applications, no new political parties have been registered by the Ministry of Justice since 2000,⁵ challenging paragraph 7.6 of the 1990 OSCE Copenhagen Document and “the right of individuals and groups to establish, in full freedom, their own political parties.” This void has been largely filled by public associations, which nominated and supported many candidates in these elections. For instance, the *Belaya Rus* public association, headed by the First Deputy Head of the Presidential Administration, publicly supported 68 candidates.

Parties active in these elections included the Communist Party of Belarus (KPB), Belarusian Agrarian Party (BAP), Liberal Democratic Party (LDP), Republican Party of Labour and Justice (RPLJ), Belarusian Socialist-Sporting Party (BSSP) and the opposition United Left Party – “Just World” (Just World), Belarusian Social-Democratic Party *Hramada* (BSDP-H), United Civic Party (UCP), and the Belarusian Popular Front (BPF). In addition, the public association for Freedom Movement, the non-registered Tell the Truth campaign, the organizing committees of the Belarusian Social-Democratic Party *Narodnaya Hramada* (BSDP-NH) and the Belarusian Liberal Party of Freedom and Progress (PFP), as well as several other organizations, actively supported individual contestants.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Elections are primarily regulated by the Constitution, the Electoral Code, and CEC regulations. The legal framework also includes other laws such as the Law on Mass Media and the Criminal and Civil Procedure Codes. Libel, insult, and actions “discrediting” Belarus, as well as the activities of non-registered associations, continue to be criminalized, placing undue restrictions on freedoms of expression and association, which is at odds with paragraphs 9.1 and 9.3 of the 1990 OSCE Copenhagen Document respectively.⁶

The Electoral Code was amended in 2010 and 2011, addressing some recommendations made previously by the OSCE/ODIHR. Most notably, amendments allowed for greater opportunity for candidate nomination by political parties, streamlined the procedures for staging campaign events, established a quota for the inclusion of political party members in election commissions, strengthened early voting regulations, provided for certain actions of election commissions to be appealed to the courts, and granted candidates the opportunity to engage in pre-recorded television debates. In addition, the Civil Procedure Code was amended in January 2012 to remove the provision that stipulated that appeals against the actions of election commissions can not be lodged in courts later than seven days prior to the elections.

While these reforms were acknowledged by the OSCE/ODIHR and the European Commission for Democracy through Law (Venice Commission) as providing some improvements, it was emphasized that the changes were “unlikely to resolve the underlying concern that the legislative framework for

⁵ At least four entities applied for registration as political parties in the last ten years. Multiple attempts to register were made by: the Belarusian Christian Democracy (BCD); Belarusian Liberal Party of Freedom and Progress (PFP); and the Belarusian Communist Party of Workers. One registration attempt was made by the Belarusian Labour Party (after its liquidation by the Supreme Court in August 2004).

⁶ See also the Council of Europe’s Venice Commission Opinion on the Compatibility with Universal Human Rights of Article 193-1 of the Criminal Code on the Rights of Non-Registered Associations at: http://www.venice.coe.int/site/dynamics/N_Opinion_ef.asp?L=E&OID=633.

elections in Belarus continues to fall short of providing a basis for genuinely democratic elections.”⁷ In particular, this includes key provisions concerning voter and candidate registration, election commission composition, election observation, election day procedures, and the complaints and appeals process. In addition, several articles lack clarity allowing for an arbitrary and inconsistent application of the law including; for example, the criteria for signature verification for candidate registration. Overall, the legal framework does not adequately guarantee the conduct of elections in line with OSCE commitments and international standards.

Electoral reform should be undertaken well in advance of the next elections. Authorities should formulate concrete and effective steps to address the recommendations identified in this report, as well as previous reports of the OSCE/ODIHR and Venice Commission. The process should be transparent and inclusive of all sections of society.

The House of Representatives is elected for a four-year term on the basis of a two-round, majoritarian system in 110 single mandate districts. If no candidate receives more than 50 per cent of all votes cast in the first round, a second round is held within two weeks between the two candidates with the most votes. The law establishes a 50 per cent turnout requirement for the first round, and a 25 per cent turnout is required for the second for the elections to be considered valid.

Consideration could be given to removing the turnout requirement for elections to be deemed valid, or at least removing it in the case of repeat elections. This would avoid the possibility of indefinitely repeating elections because of an insufficient turnout.

The Electoral Code states that the number of registered voters per electoral district should not, as a rule, deviate by more than 10 per cent. However, for these elections, this condition was not satisfied in 14 electoral districts.⁸ Such variation in the delimitation of district boundaries challenges the equality of the vote, as provided by international standards and good practice.⁹

District boundaries should be revised in order to minimize existing deviations in the number of registered voters per district and to ensure the equality of the vote, in line with the Electoral Code as well as international standards and good practice.

V. ELECTION ADMINISTRATION

The elections were administered by a three-tiered election administration, consisting of the CEC, 110 DECs, and 6,344 Precinct Election Commissions (PECs), including 43 PECs at diplomatic missions abroad for out-of-country voting. The results of the out-of-country voting were allocated to DEC No. 95 in Minsk. The OSCE/ODIHR EOM met regularly with the CEC and enjoyed good co-operation.

⁷ See European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR Joint Opinion on the Amendments to the Electoral Code of the Republic of Belarus, CDL-AD(2010)012, June 4, 2010: [http://www.venice.coe.int/docs/2010/CDL-AD\(2010\)012-e.asp](http://www.venice.coe.int/docs/2010/CDL-AD(2010)012-e.asp).

⁸ In electoral districts 16, 30, 36, 39, 48, 53, 55, 56, 57, 59, 66, 76, 83, and 109 the number of registered voters deviated from the average by between 10 and 19 per cent. According to CEC Regulation No. 9, on 26 April 2012, the average number of voters per electoral district was 64,597 voters.

⁹ Paragraph 21 of the UN Human Rights Committee General Comment on Article 25 of the International Covenant on Civil and Political Rights states: “...The principle of one person, one vote, must apply and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another.” The 2002 Venice Commission Code of Good Practice in Electoral Matters, I, 2.2.iv, states: “Seats must be evenly distributed between the constituencies... The permissible departure from the norm should not be more than 10% and should certainly not exceed 15% except in special circumstances.”

Election commissions at all levels fulfilled their administrative obligations according to the deadlines set in the election calendar. Women were well represented in the election administration, particularly at the DEC and PEC levels, including in leadership positions.¹⁰ Of the 12 members of the CEC, 5 were women, including the CEC Chairperson.

A. CENTRAL ELECTION COMMISSION

The CEC is a permanent body consisting of 12 members with a five-year mandate.¹¹ Six members are appointed by the President and six are elected by the indirectly elected upper chamber of parliament, the Council of the Republic. The CEC Chairperson is appointed by the President from amongst its members, with the consent of the Council of the Republic. The Vice-Chairperson and Secretary are elected from amongst the membership at the first CEC meeting. Only the Chairperson and the Secretary are permanently employed administrators.

As noted in the 2010 OSCE/ODIHR and Venice Commission Joint Opinion, the role of the President in appointing senior election officials challenges the autonomy of the election administration.¹² The current CEC Chairperson has held the position since 1996. During these elections, the Chairperson appeared regularly on television and presented her political views about the electoral process and its contestants, which brought into question the impartiality of the commission's work.¹³ All parties and candidates, except those represented in parliament, expressed a lack of confidence in the impartiality of the election administration.

The role of the President in appointing senior election officials to the Central Election Commission could be reconsidered so as to increase confidence in its independence and its impartial application of the Electoral Code.

CEC sessions were open and attended by accredited observers, providing a degree of transparency. The CEC decisions were taken unanimously and posted on the CEC website. In line with the law, seven political parties appointed advisory (non-voting) members. While the OSCE/ODIHR EOM observed that advisory members took an active part in debates, their opinions were not taken into account when decisions were taken. Two advisory members from UCP and BPF, who were among the most active during CEC sessions, were suspended after the parties they represented withdrew their candidates. Overall, contrary to obligations in the Electoral Code and international standards, the CEC did not impartially administer the electoral process.¹⁴

The CEC issued guidelines for the work of DEC and PECs and organized cascade training for lower-level commissions. The OSCE/ODIHR EOM observed that the techniques and effectiveness of these trainings varied among the regions. The CEC undertook a limited voter education programme through TV spots and posters announcing the election date.

¹⁰ Women represented 54 per cent of PEC Chairpersons and some 70 per cent of PEC members in the polling stations observed by the OSCE/ODIHR EOM on election day.

¹¹ The current CEC members were appointed on 21 December 2011.

¹² See, paragraph 20 of General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights by the UN Human Rights Committee.

¹³ For example, on 29 August, in relation to a candidate nomination, the CEC Chairperson stated: "We should make a legally correct decision, but on the other hand we are a political body and can make a political decision." (<http://belapan.com/archive/2012/08/29/570849/>). On 12 September, the CEC Chairperson stated: "I can name one candidate that I would vote for and whom I like a lot, but I must say that he is not nominated in my election district. I am not going to call names. You will guess who he is. He is a well-known sportsman." (http://www.belta.by/ru/conference/i_275.html).

¹⁴ Articles 11 and 33 of the Electoral Code; Paragraph 20 of General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights by the UN Human Rights Committee.

Training of the election administration could be enhanced especially in regard to early voting, counting, and tabulation procedures, with an emphasis on transparency and accountability.

B. DISTRICT AND PRECINCT ELECTION COMMISSIONS

The DEC and PECs are temporary bodies appointed for each election by joint decisions of local legislative and executive bodies in each administrative unit. Each DEC consisted of 13 members, while PEC membership varied from 5 to 19 members depending on the number of registered voters in that precinct. The Electoral Code does not specify any qualifications or prior experience to be nominated as a DEC or PEC member.

Recent amendments to the Electoral Code introduced a requirement that at least one third of DEC and PEC members be nominees of political parties and other public associations, and that no more than one third can be state employees. Although this is a positive measure intended to promote inclusivity, its impact was limited by the lack of criteria governing how members should be appointed. This allowed for the formation of lower-level commissions that were heavily imbalanced in favour of pro-government associations and parties.

At the DEC level, for example, out of the 110 candidates nominated by the pro-government public association *Belaya Rus*, 106 were appointed (96 per cent). In contrast, out of 198 candidates nominated by five parties which are widely perceived as being in opposition, 50 were appointed (25 per cent).¹⁵ In total, 3.5 per cent of the 1,430 appointed DEC members were nominated by political parties considered to be in opposition.

A similar pattern was observed at the PEC level. For example, out of 4,799 candidates nominated by *Belaya Rus*, 4,189 were appointed (87 per cent). In contrast, out of 664 candidates nominated by political parties considered to be in opposition, 61 were appointed (9.2 per cent). In total, less than 0.1 per cent of the 68,945 in-country appointed PEC members were nominated from opposition political parties. The CEC justified this small number by publicly stating that many opposition nominated candidates were not of “good character,” and provided the OSCE/ODIHR EOM with documents listing the criminal convictions of some of the nominees.

In addition, while the limitation on state employees is positive in principle, the OSCE/ODIHR EOM observed multiple instances where the operation of PECs and DEC members appeared to be unduly influenced by local administration employees.

Clear criteria for the nomination and appointment of lower-level election commissions could be considered so as to ensure greater inclusivity and to promote confidence in the work of the election administration. Consideration could be given to ensuring that no less than one third of the members of lower-level commissions are appointed by political parties.

VI. VOTER REGISTRATION

While all citizens aged 18 years or older by election day are eligible to vote, extensive restrictions on voting rights exist in the law. Citizens deemed mentally incompetent by a court,¹⁶ as well as those in pre-trial detention or serving a prison sentence, irrespective of the gravity of the crime, are denied the

¹⁵ Belarusian Green Party, BPF, BSDP-H, Just World, UCP.

¹⁶ Belarus has not ratified the United Nations Convention on the Rights of Persons with Disabilities.

right to vote. Denial of the right to vote to those in pre-trial detention is contrary to the principle of the presumption of innocence as enshrined in paragraph 5.19 of the 1990 OSCE Copenhagen Document, as well as Article 26 of the Constitution of Belarus. The blanket denial of voting rights of those serving prison sentences lacks proportionality and is also not in line with paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document and other international standards.¹⁷

The CEC determined the total number of registered voters at 7,030,430. Voter registration is passive and voter lists were compiled for each precinct by the relevant local administration and updated by PECs. There is no consolidated or centralized voter list at any level above the PEC, nor are there provisions for national crosschecking to safeguard against multiple voter registrations.

Consideration should be given to developing a centralized voter register that would allow for national crosschecking of multiple registrations.

While voter lists were made available for public scrutiny from 7 September, the Electoral Code does not provide for voter lists to be displayed in public places and voters had to visit their PEC office in person to check their data. Voter lists remained open until the close of voting and citizens could register to vote on election day provided that they could prove their identity and residency in the district. However, voter registration on election day is not in line with international good practices and, given the lack of safeguards to crosscheck voter lists, could result in multiple voter registrations.¹⁸ A total of 19,195 citizens registered to vote on election day.

In line with good practice, consideration should be given to removing the possibility for voters to register on election day to avoid the possibility of multiple registrations. A legal deadline for closing voter lists could be introduced, with additional entries permitted only on an exceptional basis and in accordance with clearly defined legal requirements.

VII. CANDIDATE REGISTRATION

In order to be eligible to stand for the House of Representatives, citizens must be 21 years old and reside permanently in Belarus. However, the law prohibits citizens with any previous criminal conviction to stand as candidates. In denying a candidate's appeal of a CEC decision, the Supreme Court implied that this limitation extends to all candidates regardless of whether or not the conviction has been expunged.¹⁹ Such restrictions are contrary to paragraphs 7.5 and 24 of the 1990 OSCE Copenhagen Document, as well as domestic legislation.²⁰

¹⁷ Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens,” while Paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law.” Paragraph 14 of General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights by the UN Human Rights Committee states that grounds for the deprivation of voting rights should be “objective and reasonable.”

¹⁸ The 2002 Venice Commission Code of Good Practices in Electoral Matters, 1.2.iv, recommends that “In any event polling stations should not be permitted to register voters on Election Day itself.”

¹⁹ Supreme Court ruling on denial of registration of candidate Alexander Solop (4 September 2012).

²⁰ Paragraph 7.5 of the 1990 OSCE Copenhagen Document provides that participating States “respect the right of citizens to seek political office, individually or as representatives of political parties or organizations, without discrimination.” Article 99 of the Criminal Code states that convictions must not have any legal consequences after being expunged.

The withdrawal of voter and candidate rights of citizens in prison or pre-trial detention, irrespective of the gravity of the crime committed, should be removed from the law. Any restrictions on voter and candidate rights should be proportional and clearly outlined in the law.

Candidates could be nominated by registered political parties, by labour collectives, and by initiative groups of citizens who collected no fewer than 1,000 signatures. For the first time, in accordance with the 2010 Electoral Code amendments, political parties did not have to maintain a regional office in each district in which they wished to nominate a candidate. Consequently, a significantly higher number of candidates were nominated by political parties.²¹

The candidate registration process was, nonetheless, marred by an overly technical application of stringent legal provisions that resulted in the exclusion of one in four nominees, which is contrary to paragraphs 7.5 and 24 of the 1990 OSCE Copenhagen Document. Twenty-seven candidates that appealed to the CEC were denied registration because more than 15 per cent of the signatures checked for verification were deemed invalid, many on the grounds of minor technical inaccuracies.²² The law does not specify a procedure for selecting samples of signatures for verification and, according to many OSCE/ODIHR EOM interlocutors, the criteria, selection, and process of signature verification lacked transparency.²³ Several citizen observers reported being denied access to monitor the process.

An additional 15 candidates that appealed to the CEC were denied registration on the basis of discrepancies found in their income and/or asset declarations. Although the law provides that registration can only be refused for substantial errors,²⁴ the OSCE/ODIHR EOM observed several cases of denial of candidate registration on the grounds of minor inaccuracies.²⁵ One candidate was denied registration by the CEC on the basis of his character.²⁶

A number of candidates informed the OSCE/ODIHR EOM that contrary to Article 42.5 of the Electoral Code, which requires DEC members to assist candidates in the registration process, no assistance was offered in completing the declarations properly. In addition, the law does not allow candidates the opportunity to correct mistakes which are inadvertent, minor, or technical in character.

The Electoral Code should be amended to provide clear and reasonable criteria and mechanisms for candidate registration that is proportionate to the aim of the law. In this regard, consideration should be given to detailing the process of signature verification and providing reasonable criteria for denial of registration on the grounds of discrepancies in their income and/or asset declarations. Candidates should be provided with the opportunity to correct mistakes that are inadvertent, minor, or technical in character.

²¹ In 2008, 8 of 15 registered political parties nominated 59 candidates. In 2012, 8 of 15 registered parties nominated 264 candidates.

²² For example, signatures were invalidated where the date on the signature form was filled in by a person other than the signatory even when the candidate submitted written affidavits by the voters that they personally signed the form; where the signatories wrote their names in an insufficiently legible way; or where minor errors were detected or alleged in voters' address or passport information.

²³ Following the CEC instructions, for verification of the validity of "suspicious" signatures DEC members requested information from relevant state agencies and often personally visited and questioned voters.

²⁴ Substantial errors are defined in CEC Regulation 35 as more than a 20 per cent discrepancy in the declaration of annual income, while any omission in declaring assets is considered substantial.

²⁵ For example, Sergey Britikov was denied registration in electoral district 84 because he failed to declare ownership of shares in an enterprise worth less than the equivalent of EUR 2. In electoral district 42, Nikodim Voronovich was not registered because he did not declare ownership of a car that had already been sold but not yet registered to the new owner, and of EUR 6 equivalent of shares in a bank. Mikhail Vasilyev was denied registration in electoral district 63 for failure to declare ownership of a trailer.

²⁶ CEC Decision 89 (29 August 2012) concerning Aleksandr Solop.

Overall, of the 494 nominations reviewed by DEC's, 363 candidates were registered, 123 were rejected, and 9 withdrew. Fifty-three rejected nominees appealed to the CEC, after which 11 more candidates were registered. Seventeen rejected nominees appealed to the Supreme Court, resulting in one more candidate being registered.²⁷ Following the late withdrawal of 81 candidates, 293 contested these elections. In 16 of the 110 electoral districts, a single candidate was elected unopposed.

Although the Constitution and Electoral Code provide for equal participation of women and men in the electoral process, no specific measures are in place to encourage women candidates. Political parties, labour collectives, and initiative groups are free to decide on the number of women they nominate. Of the 293 candidates who stood in these elections, 58 were women (19.8 per cent). Women ran in 47 of the 110 electoral districts (43 per cent).²⁸

VIII. ELECTION CAMPAIGN

A. CAMPAIGN ENVIRONMENT

The election campaign officially commenced after the registration of candidates on 23 August. Despite a small increase in activity during the last two weeks before election day, the campaign remained barely visible in most parts of the country. The campaign took place in a controlled environment. Regulations placed strict limits on campaigning, including holding meetings with voters, printing and distributing campaign materials, as well as on campaign finance and media access, thereby challenging commitments undertaken in paragraphs 7.7 and 7.6 of the 1990 OSCE Copenhagen Document.²⁹ Overall, the low-level of campaign activity correlated with general public disinterest in the electoral process and raised questions about voters' ability to make an informed choice.

The OSCE/ODIHR EOM observed only a limited number of small to medium-sized rallies, with most candidates expressing a preference for direct contact with voters through door-to-door campaigning and distribution of printed campaign material.³⁰ Positive amendments to the Electoral Code created a permission-based procedure for holding campaign events with a two-day notification procedure. While campaign locations were provided free of charge by local authorities as required by the Electoral Code, several candidates expressed dissatisfaction with the designated locations or informed the OSCE/ODIHR EOM of administrative delays in confirming locations for campaign events. Although candidates could rent premises for campaigning using their private campaign funds, few used this opportunity.

Several candidates and political parties complained that candidates supporting the government enjoyed privileged access to meetings organized by labour collectives and large enterprises in their

²⁷ On 1 September, the Supreme Court upheld the complaint from unregistered candidate Viktor Tsyareshchanka in electoral district 29, granting him candidate status.

²⁸ The highest number of women candidates (16) stood in the constituencies in the city of Minsk.

²⁹ According to paragraph 7.7, OSCE 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 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 and retribution." Paragraph 7.6 states that participating States will provide "political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities."

³⁰ In total, OSCE/ODIHR EOM observers attended 26 campaign events across the country.

premises, which is contrary to Articles 73 and 74 of the Electoral Code. In addition, candidates nominated by labour collectives benefited from organizational support of employees of state-owned enterprises, including public institutions such as hospitals.³¹ Similarly, a number of campaign events were organized by local schools under the guise of parents' meetings, where parents received presentations by candidates.³²

Although the campaign was generally calm, several incidents marred the process, including reports of intimidation of opposition candidates and activists. In particular, activists of the unregistered Tell the Truth campaign and its youth group, *Zmena*, were subjected to a high number of arrests for minor administrative offenses. For example, on 5 September, Tell the Truth campaigner Yahor Vinyatski was arrested and sentenced to 10 days in jail for using obscene language in public. The following day, the organization's main office in Minsk was searched and campaign materials were seized, while on 7 September, police detained two *Zmena* activists, again on charges of using obscene language. On 18 September, four *Zmena* activists and seven journalists were detained after a group of policemen in civilian clothes violently ended a picket in Minsk.

Alena Fomina, representing the non-registered BSDP-NH, was stopped and searched twice by customs officers at the border on 31 August and 13 September. Charges of libel and insult were brought against some opposition candidates.³³ Several OSCE/ODIHR interlocutors reported the presence of police officers in civilian clothing at campaign events organized by opposition candidates,³⁴ where participants were sometimes filmed or photographed by unidentified individuals who did not represent the media. These and other incidents contributed to an atmosphere of intimidation and pressure on candidates and activists associated with the opposition.³⁵

All electoral stakeholders should be able to exercise their right to assemble during elections, including during the pre-election and post-election periods without the threat of arrest. Any cases of pressure, intimidation or detention of voters or candidates should be thoroughly investigated in a timely manner and those responsible should be held accountable.

Two political parties boycotted the elections and did not nominate any candidates.³⁶ Two additional parties, the UCP and the BPF, indicated at the beginning of the campaign that they would withdraw their candidates if their demands were not met. They confirmed their decisions to boycott the elections at their respective party congresses on 15 September. They cited the continued imprisonment of individuals on political grounds, the limited role of parliament, the lack of DEC and PEC representation, and a low level of confidence in the electoral process as reasons for their decision. Before withdrawing, both parties made use of opportunities provided under the Electoral Code to

³¹ Many OSCE/ODIHR EOM observers reported difficulties obtaining information about campaign events organized by independent candidates, especially those held on the premises of state-owned enterprises.

³² For example, as observed in DECs 1, 4, 13, 26, 54, 82, 85, 87, 95, and 100. However, DECs 67 and 76 informed LTOs that candidates were expressly prohibited from holding campaign events in schools.

³³ For example, on 11 September the Chairperson of Just World Sergei Kalyakin was issued a warning by the prosecutor's office for statements intended at "discrediting of state authority, disorganization of the electoral process and destabilization of the civil society"; criminal charges for insulting a state official were brought against Just World candidate Nikolai Petrushenko in Orsha, immediately after his registration as a candidate.

³⁴ Including UCP rallies in electoral district 105 on 29 August, in electoral district 106 on 13 September, and in electoral district 78 on 14 September.

³⁵ Additional detentions or intimidations included: one candidate's car was towed (Anatoly Lebedko, Chairman of UCP, in electoral district 105 on 12 September), another candidate's car was searched and materials seized (Alexey Gavrutikov representing non-registered BSDP-NH in electoral district 18 on 30 August), and another was briefly detained by police for holding an unauthorized campaign event in Mogilev (Leonid Padbyaretski, nominated by BSDP-H and supported by Tell the Truth, in electoral district 84 on 4 September).

³⁶ Conservative Christian Party BPF (CCP-BPF) and the Belarusian Social Democratic *Hramada* (BSDH).

reach out to the public that are unavailable outside the campaign period when the more restrictive Law on Mass Events is in force. However, some candidates informed the OSCE/ODIHR EOM that printing houses refused to print materials that publicly called for a boycott of the elections,³⁷ and that they were not able to convey their message to the electorate.

B. CAMPAIGN FINANCE

Public funding for the conduct of the campaign is provided to candidates from the state budget. Candidates are allocated approximately EUR 460 to spend on printed campaign materials.³⁸ According to the CEC, 273 out of 293 candidates took advantage of these funds. These funds are managed by the election administration and candidates must submit invoices for their printed materials to their respective DEC for reimbursement. At least one DEC is reported to have refused to reimburse costs to a candidate on the basis that the printed materials called for a boycott of the elections.³⁹

In accordance with the 2010 Electoral Code amendments, candidates also have the right to establish private campaign funds from personal assets and donations from individuals and legal entities. Contribution limits are set at a maximum of approximately EUR 180 from personal funds and EUR 90 from a single donor. Donations from foreign organizations and citizens, state and local authorities, charities, and anonymous donors are prohibited. The limit on campaign expenditure for each candidate is approximately EUR 9,140. According to the CEC, only 85 candidates opened separate bank accounts for campaigning purposes. According to the Electoral Code, the election administration may deregister a candidate for excessive campaign spending, without prior warning, although this did not happen in these elections. The basis for determining whether a candidate has exceeded the expenditure limit, as well as the provisions for appealing deregistration on these grounds, are not clearly established in the law.

The current right of the election administration to deregister candidates for excessive campaign spending should be reconsidered. The grounds for determining whether a candidate has exceeded the spending limit, as well as the provisions for appealing deregistration on these grounds, should be clearly outlined in the law.

Candidates who open special accounts are required to submit two campaign finance reports to their respective DEC. The first report must be submitted between 15 and 10 days before election day and the second within 5 days after election day. The CEC did not provide full information on account reports submitted by candidates by the time of the OSCE/ODIHR EOM's closure on 4 October and no reports were made public on the CEC website.

Campaign finance reports, as envisaged in the Electoral Code, should be made publicly available in a timely fashion.

³⁷ In electoral district 87, acting on DEC orders, a printing house refused to print campaign materials for UCP candidate Vladimir Shancev because of a reference to boycott elections on a leaflet. In electoral district 38, the DEC did not authorize the printing of leaflets of UCP candidate Marat Afanasev, who advocated boycott of the election. In electoral district 5, acting on an order from the local Executive Committee, the printing house refused to print an unedited version of a leaflet of the BPF candidate Nikolay Chernous.

³⁸ At the time of writing, the exchange rate was 1 EUR : 11.1 BYR.

³⁹ In electoral district 91, the DEC allegedly refused to pay for the campaign materials of UCP candidate Olga Kovalkova because her leaflet contained a call to boycott elections.

IX. MEDIA

A. BACKGROUND

State owned media outlets dominate the broadcast and print media sectors and the state also controls the distribution networks and printing houses.⁴⁰ While numerous media outlets operate in Belarus, there is a general lack of objective reporting on social and political issues, which limits voters' access to comprehensive information and pluralistic views.⁴¹ The National State Television and Radio Company (NSTRC) is the principal source of information in the country.⁴²

The internet is becoming an alternative source of information. Its audience has reached an estimated 4.5 million, with 80 per cent of users going online daily, mainly in Minsk or other large cities.⁴³ Private media has tended to move from hard copy newspapers to internet-based news platforms.

Freedom of expression deteriorated after the presidential elections of 2010, in particular due to intimidation, detentions, defamation lawsuits, and other forms of pressure on journalists who voiced critical opinions of the government.⁴⁴ Two Belarusian broadcasters, now based in Poland, *Belsat* and *Radio Racyja*, have been repeatedly denied accreditation and their journalists work in an unprotected environment when reporting from Belarus. On 4 September, the OSCE Representative on Freedom of the Media (RFoM) expressed concern over the detentions on 30 August of administrators of political social media groups. The OSCE RFoM stated that "the detentions are a strike against freedom of expression and contravene OSCE commitments which Belarus has pledged to uphold."⁴⁵

B. LEGAL FRAMEWORK

The Constitution provides for freedom of expression and prohibits censorship. However, these rights are constrained by national legislation and official interventions. In particular, the 2008 Media Law has limited journalists' rights, depriving them of some legal and social guarantees. It allows the Ministry of Information to suspend the work of a media outlet and initiate its closure on a variety of grounds, including the dissemination of "inaccurate information that might cause harm to state and public interests" and the "distribution of information which fails to comply with the reality."⁴⁶ Defamation continues to be criminalized. The OSCE RFoM expressed concern on several occasions over the legal framework for the media and the view that "the majority of the provisions of the Law are unnecessary for, or detrimental to, freedom of expression and freedom of the media in Belarus."⁴⁷

⁴⁰ Only two private newspapers, *Narodnaya Volya* and *Nasha Niva*, are available in state press retail outlets and, in 2012, were allowed to be distributed through state networks.

⁴¹ There are currently 87 television channels, 165 radio stations and more than a thousand print media outlets registered with the Ministry of Information.

⁴² The company currently owns four national television stations (*Belarus-1*, *Belarus-2*, *Belarus TV*, *NTV Belarus*), five national radio stations, and several local and regional stations.

⁴³ See, Gemius Report on Belarusian Internet Audience, March 2012:

www.slideshare.net/gemius_belarus/gemiusaudience-belarusian-internet-audience-march-2012.

⁴⁴ For example, in May 2012 journalist Andrzej Poczobut was charged with libel and 'insulting' the President. In June he received a three year suspended prison sentence and was detained for ten days. On 7 July 2011, the OSCE RFoM stated that "sentences and charges should be immediately revoked, as they send a clear signal to all media in Belarus that critical voices toward authorities and state policies will not be tolerated by the government." See: <http://www.osce.org/fom/90394>.

⁴⁵ See OSCE RFoM: <http://www.osce.org/fom/93345>.

⁴⁶ Articles 50 and 51 of the Media Law.

⁴⁷ See OSCE RFoM: <http://www.osce.org/fom/32599>.

The legal framework for the media sector should be reformed to ensure full protection of the principle of freedom of speech. Defamation should be decriminalized in line with international good practice.

In accordance with the Electoral Code,⁴⁸ the CEC issued specific rules concerning the coverage of the election campaign and the allocation of free and equal airtime and print space in state media.⁴⁹ The regulations entitled registered candidates to make a pre-recorded statement of up to five minutes on state television and radio.⁵⁰ Candidates and political parties were also allowed to purchase airtime using their own campaign funds, however, no paid spot was purchased during the whole duration of the campaign. For the first time in parliamentary elections, candidates had the opportunity to participate in pre-recorded debates in state electronic media.⁵¹ In addition, candidates had the right to publish their election programmes in one of the state-owned national or regional newspapers published in their district.

To oversee the conduct of the election campaign in mass media, the CEC established a Media Supervisory Council (MSC) chaired by the Deputy Minister of Information and composed solely of state officials and representatives of state media.⁵² Several OSCE/ODIHR EOM interlocutors stated that the composition of the MSC undermined the perception of it being an independent body.

Consideration should be given to diversifying the membership of the Media Supervisory Council to promote public confidence in the impartiality of its work. Consideration should be given to include private media professionals and representatives of civil society.

On 27 August, the MSC considered a request for clarification filed by *Belarus-2 TV Channel*, *Stolichnoe TV*, and *Mahiliou TV* concerning the content of speeches of candidates who called for an election boycott. The MSC decided that although advocating for a boycott is allowed under Article 45 of the Electoral Code, the speeches were not electoral propaganda as defined in Article 155 and therefore could not be broadcast on free airtime.⁵³ On 29 August, the CEC voted to approve the decision of the MSC.

Based on this decision, the majority of media outlets refused airtime to candidates who called for an election boycott, while some newspapers censored and/or refused to publish their programmes. The OSCE/ODIHR EOM observed more than 30 instances where candidates' free airtime and/or print space was either denied or censored. This narrowed the possibility to campaign freely and limited the

⁴⁸ Article 46 of the Electoral Code.

⁴⁹ Free airtime was broadcast during primetime, from 17:00 to 19:00 on the radio and from 19:00 to 20:00 on television.

⁵⁰ According to NSTRC, 257 pre-recorded 5-minute presentations were aired on central and regional television and radio stations.

⁵¹ In line with CEC Regulation No. 33, debates were held between candidates standing for elections in a given constituency. Candidates submitted applications to participate in the debates to the DEC. The format and details of the debates were determined by the respective broadcasting company. Each candidate was entitled to speak up to five minutes, and five minutes were reserved for the debate host.

⁵² An attempt to include members of private media belonging to the Association of Journalists and of the newspaper *Nasha Niva* was rejected unanimously by the MSC on 6 September.

⁵³ Article 45 of the Electoral Code defines propaganda as including calls to boycott the election. Article 155 of the Electoral Code defines electoral propaganda as "activity encouraging or aiming to encourage voters to participate in elections, vote for certain candidates or against them."

voters' rights to receive complete and diverse information, which challenges paragraph 7.8 of the 1990 OSCE Copenhagen Document and other international standards.⁵⁴

The content of candidates' programmes should not be subject to approval and/or amendment by election commissions or any other body. All candidates should be free to craft their message to the electorate as they wish, including calls for boycott, within the limits of the law.

Most candidates showed little interest in participating in the pre-recorded televised debates. A number of candidates stated that although they would have participated in the debates they did not do so because of the refusal of rival candidates to participate, especially those who support the government. According to the CEC, 31 debates were recorded and broadcast on television, while 7 recorded debates were not broadcast because the candidates advocated for a boycott of the elections. Although CEC Regulation 33 allowed for candidate proxies to take part in a debate on behalf of a candidate, on 5 September the CEC decided to limit proxies to only one televised debate.⁵⁵



C. MEDIA MONITORING RESULTS

The OSCE/ODIHR EOM conducted media monitoring from 28 August to 22 September. The mission monitored five television channels, one radio station, and six newspapers.⁵⁶ Overall, the media provided a very limited coverage of the election campaign. Broadcast coverage of campaign activity was virtually absent, while candidates were mentioned only as a group with no reference to particular individuals. State-owned media focused only on procedural aspects of the elections as described by the CEC and provided extensive reporting on the President and government activities.

Monitored state TV channels dedicated 60 per cent of their prime-time news coverage to the President, 24 per cent to government officials, 13 per cent to CEC, and less than 1 per cent to political parties and independent candidates combined.⁵⁷ The state-owned *Radio Stolitsa* dedicated 61 per cent of its news coverage to government officials, 29 per cent to the President, 10 per cent to the CEC, but candidates did not receive any coverage.

State-owned broadcast media should adhere to its obligation to provide impartial and balanced coverage in their news and political programs to all parties and candidates.

A similar trend was monitored in all four state-owned print media, with 51 per cent of coverage dedicated to the President, 36 per cent to government officials, 5 per cent to the CEC, and only 2 per cent to the political parties and candidates. Private print media, *Narodnaya Volya* and *Nasha Niva*,

⁵⁴ Paragraph 7.8 of the 1990 OSCE Copenhagen Document states that participating States will “provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process.”

See also, paragraph 20 of General Comment No. 34 (2011) to Article 19 of the International Covenant on Civil and Political Rights by the UN Human Rights Committee, which states that “the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues and to inform public opinion without censorship or restraint.”

⁵⁵ UCP candidate Anatoliy Lebedko was the authorized representative of 17 other candidates and could theoretically have participated in 18 televised debates. UCP candidate Yuriy Khashchevatsky was an authorized representative of 14 candidates and LDP candidate Evgeny Kryzhanovsky was authorized to represent 7 candidates.

⁵⁶ The OSCE/ODIHR EOM monitored the prime time (18.00-24.00) political coverage of five TV Channels: *Belarus-1*, *Belarus-2*, *Obschenatsionaloe TV*, *Stolichnoe TV*, and *RTR-Belarus*; one radio station: *Stolitsa*; and six state and private newspapers: *Sovetskaya Belorussia*, *Zvyazda*, *Respublica*, *Narodnaya Gazeta*, *Narodnaya Volya*, and *Nasha Niva*.

⁵⁷ *Stolichnoe TV* and *RTR-Belarus* did not dedicate any coverage to candidates.

provided voters with wider coverage of all candidate campaigns, including analytical and critical articles. Private print media, however, is constrained by limited circulation and weekly publication.

The independent Belarusian Association of Journalists undertook media monitoring of the election coverage of 17 national and regional media outlets. Their reports were regularly published on their website.⁵⁸

X. COMPLAINTS AND APPEALS

Despite recent changes to the Electoral Code, mechanisms to review complaints and appeals continue to not provide an effective remedy, challenging paragraph 5.10 of the OSCE 1990 Copenhagen Document, Article 2 of the International Covenant on Civil and Political Rights (ICCPR), and Article 8 of the Universal Declaration of Human Rights.⁵⁹ While CEC and Supreme Court hearings took place in open sessions and with formal observance of due process, in many cases the review of complaints was marked by an inconsistent and formalistic application of the law, often at the expense of the right to a fair hearing and the principle of proportionality.

While complaints against decisions of election commissions can be lodged with higher commissions, only limited types of decisions can be appealed to courts. These include decisions on the appointment of PEC and DEC members, omissions in the voter lists, as well as CEC decisions denying candidate registration and invalidating the elections. Depending on the nature of the violation, appeals should be adjudicated within three to five days. In the majority of cases, no relief is available to stakeholders if their rights are infringed during the electoral process. The CEC decision that announces the final results cannot be appealed to the courts.

The legal framework should be amended to ensure that all acts and decisions of election commissions are subject to judicial appeal.

According to the CEC, 938 complaints and inquiries were filed with election commissions and local executive bodies before election day. Of these, 477 were filed with the CEC, 210 with the DECs, and 58 with local executives. Of the 477 applications received by the CEC before election day, 76 concerned the composition and activities of the DECs and PECs, 56 concerned candidate registration, 66 concerned the content of campaigning, 58 concerned observer accreditation, and the remainder concerned issues that the CEC determined were not election-related. Most of the complaints during these elections were filed by opposition candidates and citizen observer groups.

The CEC generally considered complaints against DEC decisions in open sessions and with formal adherence to due process. However, the majority of all other complaints and inquiries were considered in private by individual commissioners or CEC staff and were responded to in writing by the CEC Chairperson or Secretary rather than by a collegial decision of the body, thereby undermining the transparency of the process. The CEC established a working group charged with the initial review of complaints, but it convened only twice and issued advisory opinions on two complaints in the early

⁵⁸ Belarusian Association of Journalists, Report on Coverage of the 2012 Elections: http://baj.by/sites/default/files/monitoring_pdf/TheCoverageOfThe2012ParliamentaryElectionsInTheBelarusianMedia-FinalReport.pdf.

⁵⁹ Paragraph 5.10 of the 1990 OSCE Copenhagen Document establishes the right of everyone to “effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” Article 2 of the ICCPR states that “to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.” Article 8 of the Universal Declaration of Human Rights states that “everybody has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him by the constitution or by law.”

stages of the campaign. In the post-election period, the CEC reviewed two requests for recounts, in electoral districts 33 and 34, in an open session, both of which were denied. Complaints submitted to lower-level election commissions were often denied full and substantive consideration, typically on legalistic grounds.⁶⁰

All complaints to the CEC concerning violations of the Electoral Code should be considered by the full body and a formal written decision sent to the complainant in order to ensure access to effective remedy and a meaningful opportunity to appeal to a court. All decisions should be made public in a timely manner.

Because of the limited access to courts granted by the law, very few complaints were lodged with district courts. The Supreme Court heard 17 appeals on decisions of the CEC, all concerning denial of candidate registration.⁶¹ In several instances, the appeals review process in the Supreme Court was characterized by an inconsistent and formalistic interpretation of law.⁶²

Election commissions and courts should refrain from an overly formalistic approach to handling complaints. The law should not be interpreted to adversely limit the basic rights and freedoms as proclaimed by the Constitution and provided in international standards. Election commissions and courts should give thorough and impartial consideration to the substance of all complaints and appeals.

Until 21 September, 79 complaints were filed with the Prosecutor's Office. Eight complaints were filed with the Prosecutor's Office on election day.⁶³ The OSCE/ODIHR EOM noted several cases where complaints against DEC's were redirected by prosecutors to the same commissions. While in most of the cases the Prosecutor's Office exercised oversight of the electoral process in reaction to specific complaints, in some instances it acted on its own initiative.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code provides for observation of the electoral process by a wide range of stakeholders, including candidate proxies, public associations, political parties, citizens' groups, labour unions, media, as well as international observers. In total, election commissions accredited 30,304 citizen observers. This included some 400 observers from the Human Rights Defenders for Free Elections and some 1,400 observers from the For Fair Elections campaign, a coalition of 14 different organizations. The majority of observers were nominated by pro-government public associations.⁶⁴

⁶⁰ For example, the complaint by observer Mikhail Sokur, containing alleged evidence of a heavily inflated turnout during early voting in electoral district 46, was considered inadmissible because the DEC found that the observer was not entitled by the Electoral Code to collect such information.

⁶¹ In the Supreme Court, the cases were heard by single judges.

⁶² For example, in the case of independent candidate Tereshenko, the Supreme Court found that the respective DEC did not provide sufficient evidence proving that the signatures were collected in violation of law, whereas in many other cases, such as those of independent candidate Avgust, independent candidate Parsiukevich, and independent candidate Samoylova, the Supreme Court did not examine the grounds for invalidating the signatures finding that there was no reason to question evidence submitted by the DEC's. Furthermore, in several cases, such as Avgust and Samoylova, the Supreme Court rejected the evidence collected by complainants, referring to a lack of authority granted by the legislation to collect written confirmations from voters who submitted signatures.

⁶³ Of these, six were forwarded to DEC's, one to a local executive body, and one was found to be groundless.

⁶⁴ Of the 30,304 accredited domestic observers, 22,125 were nominated by public associations supporting the government. Among others, this included 5,107 observers from *Belaya Rus*, 4,575 from the Belarusian Republican Youth Movement (BRSM), and 3,408 from the Belarusian Public Association of Veterans.

In addition, 762 international observers were accredited, including 261 from the OSCE/ODHIR, 74 from the OSCE Parliamentary Assembly, as well as 347 from the Commonwealth of Independent States (CIS) and the CIS Inter-Parliamentary Assembly. Four short-term observers from OSCE participating States, including two parliamentarians, were declared unwelcome by the Ministry of Foreign Affairs. The OSCE/ODIHR and OSCE PA conveyed their strong disapproval of such treatment to the authorities, which is at odds with paragraph 8 of the 1990 OSCE Copenhagen Document.⁶⁵

Observers may be present at election commission sessions and may observe early voting and election day. However, the Electoral Code does not stipulate that observers must be given direct and effective access to key aspects of the electoral process, including the right to be present during the signature verification of candidate registration,⁶⁶ to review the voter lists, and to observe the transfer of results protocols from PECs to DEC. Although the CEC announced publicly that observers would be granted full access to the electoral process, in many instances the OSCE/ODIHR EOM was not given a meaningful opportunity to observe candidate registration, early voting, and election day procedures, particularly during the count.

Measures should be taken to ensure unrestricted access of citizen and international observers to the entire electoral process, especially unrestricted movement within polling stations during voting, counting, and tabulation so that they are able to observe all parts of the process.

While observers are permitted to familiarize themselves with polling station results protocols, the law does not stipulate that observers are entitled to receive certified copies of the protocols. Consequently, observers were not able to verify the accuracy of reported results, or effectively challenge them with higher commissions.

The OSCE/ODIHR EOM noted several cases of alleged intimidation of citizen observers. For instance, on 23 August, the vehicle of Yuri Novikov, a local co-ordinator of the For Fair Elections campaign in Mogilev, was searched by the police and observer training materials were seized. On 24 September, 17 members of the citizen observer group, Election Observation: Theory and Practice, were detained and had their fingerprints taken at a police station in Minsk, although no charges were brought against them.⁶⁷

XII. EARLY VOTING AND ELECTION DAY

A. EARLY VOTING

The Electoral Code provides for a five-day early voting period, which for these elections were held from 18 to 22 September throughout the country. As outlined in the Electoral Code, a voter does not have to provide a reason to vote early. The CEC reported that a total of 26 per cent of registered voters cast their vote during this time, representing more than one third of the total turnout. On Saturday 22 September the OSCE/ODIHR EOM observed early voting in a systematic manner throughout the country. In total, 835 observation forms were submitted during the early voting period.

⁶⁵ Paragraph 8 of the 1990 OSCE Copenhagen Document provides that “the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other [O]SCE participating States...”

⁶⁶ While the Electoral Code does not expressly deny this right to observers, the CEC confirmed in writing to the OSCE/ODIHR EOM that observers are not entitled to observe the signature verification process.

⁶⁷ In addition, the OSCE/ODIHR EOM received several reports of alleged intimidation from citizen observers met in polling stations across the country on election day.

In general, early voting was conducted in an orderly manner. Although the overall assessment of the early voting process was good or very good in 95 per cent of observations, international observers reported that procedures designed to ensure the integrity of the early voting process were not followed in ten per cent of observations. This included key components such as the completion of the daily protocols (in eight per cent of observed polling stations) and the public posting of protocols at polling stations (seven per cent), both of which are required by Article 53 of the Electoral Code. Ballot boxes for early voting were not properly sealed and secured at the end of voting for overnight storage in seven per cent of observations, and the wax seals used did not ensure that they were tamper-proof. There were indications of ballot box stuffing in ten polling stations observed.

Measures to improve the security of ballot boxes should be considered. This could include the use of numbered ballot box seals that are recorded in protocols for early voting and election day.

In addition, the secrecy of the vote was not protected in six per cent of cases and the transparency of the process was assessed negatively in nine per cent of observations. Citizen observers were present in only 32 per cent of polling stations observed, the majority from public associations. Many OSCE/ODIHR EOM interlocutors expressed a lack of confidence in the early voting process.

B. ELECTION DAY: OPENING AND POLLING PROCEDURES

International observers assessed the overall conduct of opening procedures as good or very good in 95 per cent of polling stations observed.⁶⁸ Polling stations opened on time, PEC members were present and all essential materials were available. However, some procedural problems were noted. In 14 per cent of observed polling stations, ballot boxes were not placed in clear view of PEC members and observers, and in 4 per cent of polling stations ballot boxes were not shown to observers during the opening procedures. Political parties' observers were present in 29 per cent of observed polling stations for the opening and citizen observers were present in 74 per cent of cases. In nine per cent of polling stations, unauthorized persons were present. In total, 1,370 observation forms were submitted during the opening and voting process.

Voting took place in a calm environment. While the overall assessment of the voting process was good or very good in 94 per cent of cases, in 6 per cent of observations the electoral process was marred by problems and irregularities. This included group voting (9 per cent of observations), seemingly identical signatures in voters' lists (6 per cent), the ballot box for early voting not being placed in clear view of PEC members and observers (13 per cent), ballot boxes not being properly sealed (5 per cent), and indications of ballot box stuffing in 3 polling stations.

The electoral code provides for mobile voting for those unable to visit a polling station in person regardless of the reason. In some precincts, more than one third of voters casting their ballot on election day used mobile voting. Ballot boxes for mobile voting were not securely sealed in 94 per cent of cases, and there were indications of ballot box stuffing of the mobile voting ballot boxes in five polling stations observed.

Mobile voting could be limited to homebound voters with a compelling reason. These voters could be required to file a motivated request in advance of election day.

Citizen observers were present during the voting process in 85 per cent of polling stations observed. However, observers were restricted in their observation in 11 per cent of observed polling stations and

⁶⁸ Polling stations with an overall bad assessment were in electoral districts 3, 7, 42, 52, 61, 107, and 108.

8 per cent of observers reported that they did not have a clear view of the voting procedures. At 7 per cent of visited polling stations unauthorized persons were present and in 11 polling stations unauthorized persons were directing or interfering in the work of the PEC.

C. ELECTION DAY: COUNTING PROCEDURES

The electoral process deteriorated considerably during the count and was evaluated as bad or very bad in 37 per cent of cases, which raises considerable concern. The lack of properly delineated counting procedures do not provide for transparency and accountability and meant that an honest count, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document, could not be guaranteed. Serious procedural errors or omissions were observed in 21 per cent of polling stations observed. Counting procedures were observed in 125 polling stations.

Before opening ballot boxes, spoiled ballot papers were not counted in 17 per cent of polling stations, the total number of voters in the voters list was not established and announced in 21 per cent of observed counts and the total number of voters who received ballot papers was not established and announced in 23 per cent of cases, as required by the Electoral Code.

International observers noted that the count was often conducted in silence and that they were not given a meaningful opportunity to observe the count in 36 per cent of polling stations. The results by candidate were not announced in 29 per cent of counts observed. Problems with reconciling results were observed in 76 per cent of polling stations observed during the completion of the protocols. Results were not checked against the control equations in 20 per cent of polling stations observed, figures were not recorded accurately in 13 per cent of cases, and official protocols were pre-signed by PEC members in 11 polling stations. Protocols from PECs were not immediately submitted to DEC in four cases observed.

Clear, open, and transparent procedures for the count should be established and strictly implemented by the PECs. Consideration should be given to announcing the mark on each ballot and showing it to commission members, observers, and candidate proxies. The tallying of results and completion of results protocols should be conducted in an open manner that provides for meaningful observation of the process.

D. ELECTION DAY: TABULATION AND ANNOUNCEMENT OF RESULTS

The conduct of the tabulation process was assessed as bad or very bad in 12 of the 81 DEC observed.⁶⁹ International observers reported being restricted in their observations in 15 DEC observed. The tabulation of results was not considered well organized in seven per cent of observations and protocols were not entered into a summarized table in eight per cent of cases observed.

At seven DEC, international observers were informed that tabulation was postponed until Monday morning and no DEC protocol was produced.⁷⁰ Notwithstanding this delay, at 00:30 on election night the CEC announced preliminary results for all electoral districts.⁷¹ At this stage, the CEC did not announce the number of valid and invalid votes, votes by candidate, or votes against all.

⁶⁹ The tabulation process was assessed as bad in the following DEC: 10, 16, 18, 26, 34, 35, 40, 48, 49, 75, 85, and 88.

⁷⁰ This was observed at DEC 20, 21, 31, 32, 35, 40, and 100.

⁷¹ For instance, at the DEC 40 the tabulation was finalized 16 hours after the preliminary results for that district were announced by the CEC. In addition, the OSCE/ODIHR EOM observed that many other DEC only finalized their tabulation in the morning or early afternoon on Monday 24 September, including DEC 4, 7, 8, 9, 22, 23, 24, 27, 29, 30, 33, 34, 38, 39, 41, 42, 43, 47, 49, 50, 59, 60, 62, 84, 85, 86, 87, and 88.

On 28 September, the CEC announced the final election results, which confirmed the preliminary results. The CEC stated an overall turnout of 74.6 per cent, and that the 50 per cent turnout threshold had been reached in each of the 110 electoral districts. Several citizen observation groups questioned the turnout figures released by the CEC and argued that the elections should have been declared invalid because the actual turnout figure did not reach the 50 per cent threshold. The CEC did not publish the final results broken down by polling station either on the CEC website or in any other format, which undermined the transparency of the final results and limited the possibility for electoral stakeholders to submit complaints should electoral rights be infringed.

To enhance transparency and confidence in the election results, preliminary and final results should be published with a complete breakdown of the vote by district and polling station. Results should not only include the total number of voters and turnout at each polling station, but also the numbers of valid and invalid votes, votes cast for each candidate, votes cast against all candidates, and the number of spoiled ballot papers.

Candidates were elected in the first round in 109 districts, having obtained more than 50 per cent of the votes cast. In electoral district 36, an uncontested candidate failed to receive more than 50 per cent of votes cast and the CEC announced that a new election would take place in this district. Despite a four-fold increase in the number of nominees by political parties, of the 109 deputies elected, only 5 are representatives of political parties.⁷² Of the 68 candidates supported by the *Belaya Rus* public association, 63 were elected. Twenty-nine women won seats in the new parliament (26.6 per cent), down from 35 in the previous legislature (31.8 per cent).

XIII. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of Belarus with a view to supporting efforts to conduct elections in line with OSCE commitments and other international standards for democratic elections. These recommendations should be read in conjunction with past recommendations contained in the 2008 and 2010 OSCE/ODIHR EOM final reports, as well as the 2010 OSCE/ODIHR and Venice Commission Joint Opinion. The OSCE/ODIHR stands ready to assist the authorities of Belarus to further improve the electoral process.

A. PRIORITY RECOMMENDATIONS

1. Electoral reform should be undertaken well in advance of the next elections. Authorities should formulate concrete and effective steps to address the recommendations identified in this report, as well as previous reports of the OSCE/ODIHR and Venice Commission. The process should be transparent and inclusive of all sections of society.
2. Clear, open, and transparent procedures for the count should be established and strictly implemented by the PECs. Consideration should be given to announcing the mark on each ballot and showing it to commission members, observers, and candidate proxies. The tallying of results and completion of results protocols should be conducted in an open manner that provides for meaningful observation of the process.

⁷² None of the 139 candidates nominated solely by a political party won a seat in the new legislature.

3. To enhance transparency and confidence in the election results, preliminary and final results should be published with a complete breakdown of the vote by district and polling station. Results should not only include the total number of voters and turnout at each polling station, but also the numbers of valid and invalid votes, votes cast for each candidate, votes cast against all candidates, and the number of spoiled ballot papers.
4. The role of the President in appointing senior election officials to the Central Election Commission could be reconsidered so as to increase confidence in its independence and its impartial application of the Electoral Code.
5. The withdrawal of voter and candidate rights of citizens in prison or pre-trial detention, irrespective of the gravity of the crime committed, should be removed from the law. Any restrictions on voter and candidate rights should be proportional and clearly outlined in the law.
6. Election commissions and courts should refrain from an overly formalistic approach to handling complaints. The law should not be interpreted to adversely limit the basic rights and freedoms as proclaimed by the Constitution and provided in international standards. Election commissions and courts should give thorough and impartial consideration to the substance of all complaints and appeals.
7. The legal framework should be amended to ensure that all acts and decisions of election commissions are subject to judicial appeal.

B. OTHER RECOMMENDATIONS

Legal Framework

8. Measures should be taken to ensure unrestricted access of citizen and international observers to the entire electoral process, especially unrestricted movement within polling stations during voting, counting, and tabulation so that they are able to observe all parts of the process.
9. Consideration could be given to removing the turnout requirement for elections to be deemed valid, or at least removing it in the case of repeat elections. This would avoid the possibility of indefinitely repeating elections because of an insufficient turnout.

Election Administration

10. Clear criteria for the nomination and appointment of lower-level election commissions could be considered so as to ensure greater inclusivity and to promote confidence in the work of the election administration. Consideration could be given to ensuring that no less than one third of the members of lower-level commissions are appointed by political parties.
11. Training of the election administration could be enhanced especially in regard to early voting, counting, and tabulation procedures, with an emphasis on transparency and accountability.
12. District boundaries should be revised in order to minimize existing deviations in the number of registered voters per district and to ensure the equality of the vote, in line with the Electoral Code as well as international standards and good practice.

Voter Registration

13. Consideration should be given to developing a centralized voter register that would allow for national crosschecking of multiple registrations.
14. In line with good practice, consideration should be given to removing the possibility for voters to register on election day to avoid the possibility of multiple registrations. A legal deadline for closing voter lists could be introduced, with additional entries permitted only on an exceptional basis and in accordance with clearly defined legal requirements.

Candidate Registration

15. The Electoral Code should be amended to provide clear and reasonable criteria and mechanisms for candidate registration that is proportionate to the aim of the law. In this regard, consideration should be given to detailing the process of signature verification and providing reasonable criteria for denial of registration on the grounds of discrepancies in their income and/or asset declarations. Candidates should be provided with the opportunity to correct mistakes that are inadvertent, minor, or technical in character.

Campaign

16. All electoral stakeholders should be able to exercise their right to assemble during elections, including during the pre-election and post-election periods without the threat of arrest. Any cases of pressure, intimidation or detention of voters or candidates should be thoroughly investigated in a timely manner and those responsible should be held accountable.
17. The content of candidates' programmes should not be subject to approval and/or amendment by election commissions or any other body. All candidates should be free to craft their message to the electorate as they wish, including calls for boycott, within the limits of the law.

Campaign Finance

18. The current right of the election administration to deregister candidates for excessive campaign spending should be reconsidered. The grounds for determining whether a candidate has exceeded the spending limit, as well as the provisions for appealing deregistration on these grounds, should be clearly outlined in the law.
19. Campaign finance reports, as envisaged in the Electoral Code, should be made publicly available in a timely fashion.

Media

20. The legal framework for the media sector should be reformed to ensure full protection of the principle of freedom of speech. Defamation should be decriminalized in line with international good practice.
21. Consideration should be given to diversifying the membership of the Media Supervisory Council to promote public confidence in the impartiality of its work. Consideration should be given to include private media professionals and representatives of civil society.

22. State-owned broadcast media should adhere to its obligation to provide impartial and balanced coverage in their news and political programs to all parties and candidates.

Complaints and Appeals

23. All complaints to the CEC concerning violations of the Electoral Code should be considered by the full body and a formal written decision sent to the complainant in order to ensure access to effective remedy and a meaningful opportunity to appeal to a court. All decisions should be made public in a timely manner.

Early Voting and Election Day

24. Measures to improve the security of ballot boxes should be considered. This could include the use of numbered ballot box seals that are recorded in protocols for early voting and election day.
25. Mobile voting could be limited to homebound voters with a compelling reason. These voters could be required to file a motivated request in advance of election day.

ANNEX: FINAL RESULTS⁷³

District	Total no. of voters	Included on e-day	Ballots issued	Turnout %	Early voting	Mobile voting	Stationary voting	Against all	Invalid votes
1	70,105	842	43,430	61.9	15,779	2,461	25,175	4,799	719
2	63,336	452	38,573	60.9	15,097	1,422	22,035	4,787	767
3	59,046	125	37,334	63.2	15,474	1,107	20,723	5,310	833
4	63,805	51	49,418	77.5	19,727	3,196	26,495	5,677	575
5	62,263	351	46,671	74.9	19,771	1,495	25,370	7,884	675
6	63,966	421	46,787	73.1	21,839	1,430	23,508	3,853	571
7	69,895	373	62,871	90.0	21,756	7,593	33,522	8,411	409
8	63,873	367	53,015	83.0	17,112	7,275	28,628	10,082	655
9	63,490	456	51,414	81.0	15,806	6,044	29,558	11,394	1,185
10	62,149	38	52,317	84.2	18,364	6,446	27,507	2,880	828
11	67,948	422	56,131	82.6	17,207	5,646	33,277	6,638	1,096
12	62,123	602	49,508	79.7	14,708	6,467	28,332	6,402	1,407
13	60,300	254	46,727	77.5	14,936	2,426	29,365	3,587	1,073
14	63,670	942	45,854	71.9	10,192	1,605	33,959	10,082	1,139
15	68,219	87	56,681	83.1	14,622	2,888	39,170	5,281	923
16	56,543	43	42,419	75.0	16,944	1,510	23,965	2,113	635
17	62,423	932	48,261	77.3	20,431	1,865	25,961	5,506	768
18	61,061	764	42,824	70.1	15,942	1,748	25,097	5,100	719
19	64,177	239	55,613	86.6	19,999	5,138	30,468	6,086	865
20	63,304	655	46,194	72.9	20,219	3,307	22,644	3,957	696
21	62,858	32	55,559	88.4	18,764	10,539	26,254	6,414	978
22	61,316	65	53,260	86.9	17,088	12,797	23,369	2,669	784
23	66,127	223	57,839	87.5	18,117	8,608	31,111	6,032	1,011
24	62,736	279	55,662	88.7	18,841	12,838	23,983	6,333	970
25	69,001	102	55,269	80.1	22,515	372	32,382	6,308	1,046
26	68,983	166	53,289	77.2	20,528	5,562	27,145	5,556	1,111
27	62,574	104	52,362	83.6	18,814	8,838	24,671	5,259	1,110
28	60,941	31	37,801	62.0	14,202	4,695	18,870	4,067	744
29	64,298	99	53,782	83.6	20,244	8,459	25,069	4,748	992
30	57,156	180	50,467	88.3	18,697	11,491	20,265	5,863	842
31	63,449		42,478	66.9	13,618	1,675	27,182	4,826	988
32	67,840		48,563	71.6	13,281	2,680	32,595	9,896	826
33	64,521		41,274	63.9	12,776	1,497	26,985	3,283	400
34	67,892		46,262	68.1	13,501	4,946	27,787	5,020	1,101
35	65,622		45,993	70.1	13,109	2,685	30,187	5,915	734
36	74,986	183	42,177	56.2	14,016	1,678	26,457	34,200	2,394
37	70,728	18	62,531	88.4	25,608	2,602	34,321	4,644	1,040
38	67,264	1	58,799	87.4	21,502	3,944	33,353	4,013	672

⁷³

Data according to final results published on the CEC website: <http://rec.gov.by/Elections-PPNS5-Itogi>.

39	57,329		51,450	89.7	17,640	2,908	30,902	4,062	833
40	70,969	98	52,730	74.3	16,775	2,875	33,080	5,586	1,115
41	59,198	11	49,499	83.6	18,727	4,596	26,170	4,510	819
42	68,100	40	50,380	74.0	17,880	984	31,510	4,367	703
43	65,336	69	57,292	87.7	18,475	2,660	36,157	3,787	904
44	61,616	618	46,230	75.0	16,451	3,533	26,243	3,247	547
45	58,973	340	50,798	86.1	19,780	4,370	26,646	5,120	804
46	66,326	199	49,280	74.3	17,808	2,762	28,709	4,341	878
47	59,415	167	54,537	91.8	23,709	4,807	26,013	4,956	841
48	57,310	57	47,944	83.6	14,415	4,084	29,419	6,556	544
49	69,442	45	48,057	69.2	14,482	1,501	32,068	3,819	719
50	68,235	38	48,458	71.0	16,305	2,756	29,394	4,169	719
51	68,093	32	47,694	70.0	16,951	1,889	28,836	6,127	902
52	68,415	51	55,610	81.3	15,976	5,574	34,059	8,811	1,168
53	57,570	16	49,015	85.1	15,068	5,363	28,580	3,149	779
54	60,778	256	43,006	70.7	11,314	2,266	29,415	3,936	694
55	56,443	25	51,067	90.5	18,296	5,855	26,916	4,215	558
56	56,581	50	48,174	85.1	15,883	11,146	21,145	6,786	900
57	55,658	53	47,965	86.2	15,417	10,963	21,585	6,339	674
58	60,934		46,567	76.4	16,503	6,839	23,225	4,836	1,017
59	57,609	22	44,279	76.8	15,883	7,320	21,046	6,867	844
60	59,440	50	52,732	88.7	20,701	9,530	22,499	5,975	271
61	64,710	108	55,398	85.6	20,097	10,000	25,301	5,322	1,049
62	69,876		47,457	67.9	16,613	2,250	28,568	8,452	657
63	60,600		46,035	76.0	16,504	5,285	24,246	4,313	873
64	59,273	129	38,832	65.5	14,830	2,429	21,564	5,190	817
65	68,859	19	58,102	84.4	16,236	6,464	35,398	5,445	1,102
66	57,848	40	52,695	91.1	16,681	7,621	28,393	6,188	757
67	62,091	583	48,230	77.7	18,589	3,605	26,028	7,214	917
68	67,192	187	42,233	62.8	13,678	1,503	27,042	5,701	886
69	69,519	144	57,666	82.8	19,612	6,958	30,990	6,195	1,221
70	62,716	293	53,120	84.7	17,674	7,678	27,768	5,214	1,002
71	65,584	40	52,941	80.7	18,935	9,307	24,699	5,660	958
72	65,372	107	45,004	68.8	15,154	1,854	27,988	6,886	1,607
73	70,578	371	57,692	81.7	14,568	11,427	31,694	3,833	1,143
74	60,985	173	51,415	84.3	14,682	12,625	24,108	9,809	449
75	58,602	50	45,526	77.7	15,400	8,581	21,534	3,664	1,416
76	76,850		48,392	63.0	10,866	2,747	34,779	8,371	766
77	63,145	49	42,556	67.4	12,414	6,635	23,499	5,876	246
78	60,098	296	40,266	66.9	11,640	4,308	24,287	4,378	789
79	70,231	109	53,068	75.5	18,233	1,757	33,051	6,396	793
80	61,062	249	52,030	85.2	17,184	8,246	26,597	5,333	580
81	61,081	118	56,839	93.0	26,786	6,199	23,843	4,036	1,104
82	58,854	105	50,348	85.5	22,443	7,851	20,020	5,729	799

83	56,463	52	48,922	86.6	16,478	5,116	27,319	2,791	823
84	67,509	71	50,421	74.6	19,532	4,105	26,721	2,838	562
85	65,032	19	46,264	71.0	17,022	6,137	23,025	3,944	757
86	66,176	7	49,857	75.3	15,845	1,255	32,727	6,238	1,418
87	64,148	186	45,963	71.6	13,675	3,358	28,896	3,482	817
88	65,007	183	55,523	85.3	16,931	9,738	28,809	5,349	1,229
89	63,318	341	53,197	83.9	23,801	6,806	22,486	8,595	1,197
90	65,006	129	57,291	88.1	18,922	8,830	29,487	4,947	1,164
91	62,492	64	37,255	59.6	15,329	1,072	20,854	3,062	641
92	61,386	79	36,932	60.2	13,959	3,708	19,259	3,759	661
93	61,060	68	37,939	61.8	18,979	1,972	16,804	3,750	603
94	64,687	124	34,728	53.6	11,490	488	22,703	2,567	336
95	69,053	74	41,634	60.2	18,166	1,884	21,486	4,910	491
96	62,716	30	36,939	58.9	14,483	469	21,957	4,417	104
97	60,794	21	35,887	59.0	13,252	424	22,186	5,635	117
98	65,753	98	39,861	60.6	14,294	1,366	24,195	4,413	577
99	63,158	171	37,642	59.5	13,426	477	23,683	3,540	534
100	61,291	129	36,297	59.1	11,976	395	23,874	3,534	493
101	61,935	22	36,447	57.7	12,702	1,000	22,024	5,283	515
102	63,638	43	37,901	58.7	16,456	335	20,579	5,045	438
103	66,225	32	37,992	57.1	14,563	453	22,787	3,520	165
104	59,851	36	35,502	58.5	13,254	922	20,819	4,874	290
105	62,300	1,180	38,158	61.2	15,317	1,317	21,480	4,331	697
106	67,106	268	39,820	59.2	20,388	1,479	17,892	5,026	558
107	67,818	275	39,160	57.7	15,345	2,817	20,970	3,677	447
108	69,391	65	42,967	61.7	20,414	1,157	21,256	2,895	686
109	74,342	68	45,815	61.5	22,121	495	23,106	4,722	733
110	63,891	54	39,420	61.6	14,562	2,533	22,237	4,668	787

Constituency no.	Candidate's name	Votes	Percentage	Party
1	VALYUSHICKIY Viktor Ivanovich	25,501	58.7	Nonpartisan
2	MILOSHEVSKIY Valentin Stanislavovich	25,949	67.3	Nonpartisan
3	BOGDANOVICH Larisa Nikolaevna	23,719	63.6	Nonpartisan
4	BAZANOV Vladimir Aleksandrovich	32,191	65.1	Nonpartisan
5	POLITIKO Olyga Sergeevna	38,077	81.6	Nonpartisan
6	STECKO Aleksandr Nikolaevich	38,686	82.7	Nonpartisan
7	YAZUBEC Nikolay Mefodyevich	54,051	86.0	Nonpartisan
8	PUZIREVSKIY Vladimir Ivanovich	42,076	79.4	Nonpartisan
9	YURKEVICH Aleksandr Ivanovich	38,828	75.5	Nonpartisan
10	DOROGOKUPEC Yuriy Ivanovich	39,283	75.1	Nonpartisan
11	KOVALEVICH Leonid Nikolaevich	43,341	77.2	Nonpartisan
12	ZOZULYA Aleksandr Ivanovich	31,839	64.3	Nonpartisan
13	VERES Valentina Ignatyevna	32,258	69.0	Nonpartisan

14	MANDROVSKAYA Zinaida Mihaylovna	34,535	75.5	Nonpartisan
15	POLEYCHUK Aleksandr Ivanovich	44,961	79.3	Nonpartisan
16	YAROSHEVICH Aleksandr Nikolaevich	25,272	59.6	Nonpartisan
17	GRICKEVICH Gennadiy Pavlovich	36,463	75.6	Nonpartisan
18	VOLKOV Mihail Nikolaevich	30,368	71.0	Nonpartisan
19	BOHAN Sergey Nikolaevich	41,370	74.4	Nonpartisan
20	CECOHO Aleksandr Vladimirovich	29,287	63.4	Nonpartisan
21	SHITYKO Vladimir Vladimirovich	44,172	79.5	Nonpartisan
22	ANDREYCHENKO Vladimir Pavlovich	46,149	86.7	Nonpartisan
23	SHIKSHNYAN Petr Genrihovich	43,680	75.5	Nonpartisan
24	PAPKO Vasily Parfenovich	38,100	68.4	Nonpartisan
25	DEVYATOVSKIY Vadim Anatolyevich	40,834	73.9	Nonpartisan
26	DOBRININA Lyudmila Anatolyevna	40,108	75.3	Nonpartisan
27	DEDUSHKIN Vladimir Mihaylovich	37,475	71.6	Nonpartisan
28	GUYVIK Natalya Vasilyevna	21,231	56.2	Nonpartisan
29	MORHAT Mechislav Viktorovich	35,134	65.3	Nonpartisan
30	POPKOV Aleksandr Andreevich	36,887	73.1	Nonpartisan
31	FESAK Viktor Dmitrievich	28,832	67.9	Nonpartisan
32	ZHMAYLIK Valeriy Alekseevich	37,834	77.9	Nonpartisan
33	LEVSHUNOV Oleg Fedorovich	26,190	63.5	Nonpartisan
34	POCHINOK Mihail Iosifovich	33,797	73.1	Nonpartisan
35	LOPATINA Anna Lyucianovna	31,635	68.8	Nonpartisan
36	No winner (majority 'against all')			
37	NAUMCHIK Alla Aleksandrovna	50,839	81.3	Nonpartisan
38	SHOSTAK Petr Nikolaevich	45,099	76.7	Nonpartisan
39	MIHALYKOVA Lyudmila Stepanovna	37,505	72.9	Nonpartisan
40	APANASYUK Leonid Nikolaevich	35,216	66.8	Nonpartisan
41	UDODOV Aleksandr Petrovich	36,917	74.6	Nonpartisan
42	RASSOHA Nikolay Fedorovich	39,375	78.2	Nonpartisan
43	KONOPLICH Sergey Mihaylovich	42,967	75.0	Nonpartisan
44	VASHKOV Adam Semenovich	37,848	81.9	Nonpartisan
45	SCHEPOV Vladislav Aleksandrovich	35,365	69.6	Nonpartisan
46	FILIPPOVICH Galina Vasilyevna	32,640	66.2	Nonpartisan
47	CHEKAN Svetlana Vladislavovna	38,416	70.5	Nonpartisan
48	SEGODNIK Aleksandr Ivanovich	40,818	85.2	Nonpartisan
49	BERESNEVA Elena Petrovna	31,437	65.4	Nonpartisan
50	MIHNO Vasily Kondratyevich	31,358	64.7	Nonpartisan
51	LISKOVICH Viktor Andreevich	35,631	74.7	Nonpartisan
52	MEZHUEV Aleksandr Veniaminovich	45,630	82.1	Nonpartisan
53	KUCHINSKAYA Natalya Gennadyevna	41,128	83.9	Nonpartisan
54	GUSCHA Valeriy Ivanovich	31,274	72.7	Nonpartisan
55	ERMANTOVICH Leonid Alekseevich	40,924	80.1	Nonpartisan
56	KOHANOV Anatoliy Pavlovich	40,488	84.0	Agrarian party
57	NAUMOVICH Andrey Nikolaevich	40,952	85.4	Nonpartisan

58	SOPIKOVA Alla Nikolaevna	35,558	76.4	Nonpartisan
59	KOKASH Valeriy Vladimirovich	36,538	82.6	Nonpartisan
60	USHKEVICH Sergey Iosifovich	46,484	88.2	Nonpartisan
61	SCHETYKO Viktor Vladimirovich	40,895	73.8	Nonpartisan
62	KRASOVSKAYA Tamara Petrovna	38,322	80.8	Nonpartisan
63	GUMINSKIY Viktor Aleksandrovich	35,778	77.7	Nonpartisan
64	HARITONCHIK Dmitriy Ivanovich	26,662	68.7	Nonpartisan
65	GAYDUKEVICH Valeriy Vladimirovich	42,792	73.7	Nonpartisan
66	BOYKO Anatoliy Stepanovich	40,373	76.6	Nonpartisan
67	KLESCHUK Inessa Anatolyevna	30,617	63.5	Nonpartisan
68	OBOLENSKIY Evgeniy Vyacheslavovich	25,241	59.8	Nonpartisan
69	DANILEVICH Taisa Ivanovna	41,573	72.2	Nonpartisan
70	IVANCHENKO Nikolay Mihaylovich	34,483	64.9	Nonpartisan
71	CIDIK Vladislav Stanislavovich	36,245	68.5	Nonpartisan
72	LAZOVSKAYA Galina Boleslavovna	30,597	68.0	Nonpartisan
73	KULESH Stanislav Francevich	38,550	66.8	Nonpartisan
74	RUSAK Viktor Vladimirovich	41,157	80.0	Nonpartisan
75	MURASHKO Ilya Aleksandrovich	31,983	70.3	Nonpartisan
76	LEVICKAYA Anna Viktorovna	33,527	69.3	Nonpartisan
77	MYAKINNIK Aleksandr Petrovich	36,426	85.6	Nonpartisan
78	PLAKSICKIY Nikolay Grigoryevich	28,771	71.5	Nonpartisan
79	MISHUR Zhanna Nikolaevna	36,451	68.7	RPLJ
80	SHAMALY Elena Vladimirovna	41,591	79.9	Nonpartisan
81	KONONCHUK Tatyana Petrovna	48,508	85.4	Nonpartisan
82	VOLKOV Mihail Mihaylovich	33,466	66.5	Nonpartisan
83	KRAVCOV Vladimir Vasilyevich	42,510	86.9	Nonpartisan
84	VASILENKO Vladimir Nikolaevich	28,560	56.7	Nonpartisan
85	SENYKEVICH Eduard Aleksandrovich	28,496	61.7	Nonpartisan
86	STAROSTINA Lyudmila Viktorovna	36,792	73.8	Nonpartisan
87	STANKEVICH Igory Stanislavovich	30,645	66.7	Nonpartisan
88	ROZGANOV Aleksandr Ivanovich	42,878	77.3	Nonpartisan
89	KOLTUNOV Nikolay Anisimovich	38,171	71.9	Nonpartisan
90	AGEEV Aleksandr Viktorovich	46,677	81.5	Nonpartisan
91	NEHAYCHIK Oksana Vladimirovna	25,262	67.8	Nonpartisan
92	DUDKIN Sergey Veniaminovich	24,497	65.8	Nonpartisan
93	BORODENYA Valeriy Anatolyevich	26,045	69.0	Nonpartisan
94	MOZHEYKO Leonid Pavlovich	19,276	55.6	Nonpartisan
95	LEONENKO Valentina Stepanovna	22,858	55.0	KPB
96	KLIMOVICH Natalya Anatolyevna	21,952	59.5	Nonpartisan
97	CHEREVACH Vladimir Olegovich	21,004	58.6	Nonpartisan
98	ALEKSEENKO Vasiliy Anatolyevich	26,291	66.0	Nonpartisan
99	SHILOVA Svetlana Dmitrievna	23,415	62.3	Nonpartisan
100	PALYCHIK Gennadiy Vladimirovich	23,699	65.4	Nonpartisan
101	KUZYMICH Aleksey Fedorovich	21,351	59.8	KPB

102	KUBRAKOVA Lyudmila Petrovna	22,601	60.5	Nonpartisan
103	ZHURAVSKAYA Valentina Iosifovna	23,182	61.3	KPB
104	SAVANOVICH Mihail Fedorovich	21,551	61.6	Nonpartisan
105	SAMOSEYKO Nikolay Leonidovich	24,795	65.1	Nonpartisan
106	SHEVCOV Dmitriy Evgenyevich	25,127	63.2	Nonpartisan
107	BUSYKO Vitaliy Leonidovich	25,345	64.8	Nonpartisan
108	ZHILINSKIY Marat Gennadyevich	29,553	69.0	Nonpartisan
109	VALEVACH Zigmund Antonovich	28,844	63.1	Nonpartisan
110	VOLCHENKOV Aleksandr Anatolyevich	23,957	60.9	Nonpartisan

ABOUT THE OSCE/ODIHR

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

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

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

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