

**INTERIM REPORT 1**  
**8-24 February 2006**

**I. EXECUTIVE SUMMARY**

Following an invitation on 19 January 2006, the OSCE/ODIHR established an Election Observation Mission (EOM) on 7 February in order to observe the lead up to the 19 March presidential election. In addition to the 37 long-term observers currently deployed, the OSCE/ODIHR has requested the participating States to send 400 short-term election observers to monitor proceedings on election day and the tabulation of election results.

- The Central Commission on Elections and National Referenda (CEC) has registered four candidates to contest the election: Mr. Gaydukevich, Mr. Kazulin, incumbent President Mr. Lukashenka and Mr. Milinkevich, thus voters have the potential for a genuine choice among candidates.<sup>1</sup>
- The election administration has now been appointed at all levels. The EOM has had access to the formal sessions of the CEC and Territorial Election Commissions (TECs). However, only a very small number of the persons appointed to TECs and Precinct Election Commissions (PECs) were nominated by political parties.
- The election campaign began 17 February with the registration of the candidates. Several instances of obstacles to campaigning have been reported to the EOM, including detention of campaign activists, searches of campaign offices, confiscation of campaign materials and interruption of campaign meetings.
- While the Election Code provides for election monitoring by international and domestic observers, those involved in domestic observation are under pressure by the authorities. Four civic activists, some of whom are involved in independent domestic election observation efforts, are currently in detention under provisions of the recently amended Criminal Code.
- The EOM commenced its monitoring of the media on 12 February. Outside the free airtime available to all candidates, so far, three of the candidates have received little exposure while Mr. Lukashenka receives extensive coverage in his capacity as incumbent President.

**II. MISSION INFORMATION**

Following an invitation from the Minister of Foreign Affairs, H.E. Sergei Martynov, on 19 January 2006 an OSCE/ODIHR Election Observation Mission (EOM) was established in Belarus for the 19 March election. The EOM, headed by Ambassador Geert Ahrens (Germany), consists of 47 election experts and long-term observers from 18 OSCE participating States. The main office is in Minsk, with long-term observers (LTOs) based in 15 cities around the country. On 14 February, EOM observers received accreditation documents from the CEC. LTOs were deployed to the regional centres on 16 February. The OSCE/ODIHR has requested 400 short-term observers (STOs) to monitor proceedings on 19 March and the tabulation of results.<sup>2</sup>

The National Assembly of the Republic of Belarus invited the OSCE Parliamentary Assembly (OSCE PA) to send observers. The OSCE Chairman-in-Office, Belgian Foreign Minister Karel De Gucht, has

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<sup>1</sup> This is the order in which the candidates appear on the ballot. In this report, the names of the candidates are spelt as they appear on the ballot paper.

<sup>2</sup> Early voting will take place on the five days prior to 19 March.

appointed the President of the OSCE PA, Alcee L. Hastings, as Special Co-ordinator for the OSCE short-term observation in Belarus.

On 16 February, the OSCE/ODIHR EOM held its inaugural weekly meeting with representatives from the diplomatic Missions of OSCE participating States. The EOM is meeting officials from the Ministry of Foreign Affairs on a weekly basis and is grateful for its assistance.

### **III. ELECTION CONTEXT**

The 19 March presidential elections will be the third since Belarus gained independence in 1991 and the second since the adoption of the 1996 Constitution. President Lukashenka is seeking a third consecutive term, following changes to the Constitution passed in the October 2004 referendum which abolished the two-term limit for presidential office holders and enabled the incumbent to compete in future presidential elections.<sup>3</sup>

Following the 2004 parliamentary elections, opposition parties have no representation in parliament, and pursuant to legislation requiring re-registration under a 'legal address', many regional party branches have been de-registered. Once a party has been de-registered, it cannot make nominations for persons to serve on elections commissions in those regions.

Within the last two years, a number of non-governmental organizations have had their registration with the authorities revoked or refused, including some NGOs involved in domestic election observation.

Two of the registered candidates, Mr. Kazulin<sup>4</sup> and Mr. Milinkevich<sup>5</sup> have publicly expressed their lack of confidence in the fairness of the election contest.

### **IV. CANDIDATE REGISTRATION**

The election was called on 16 December 2005 (92 days before the 19 March 2005 election day). Candidate nominations must be supported by 'initiative groups' of voters comprising not less than 100 persons. Initiative groups had to apply for registration with the CEC no later than 85 days before election day (23 December). To be registered as a candidate, the initiative group needed to collect the signatures of at least 100,000 eligible persons (hereafter 'supporting signatures'). Initiative groups had 30 days to collect signatures commencing 80 days before election day (28 December). Initially, the CEC registered eight initiative groups. However, only four prospective candidates submitted a sufficient number of supporting signatures.<sup>6</sup>

Observers have heard numerous accounts of reported unequal access to the collection of signatures in student dormitories and workplaces, and pressure exerted over opposition activists, including threats of dismissal from employment or expulsion from university.

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<sup>3</sup> The 2004 Referendum was held simultaneously with the parliamentary elections on 17 October 2004. While the ODIHR observed the parliamentary election process, it did not observe the referendum, and only commented on it to the degree that it impacted on the parliamentary election process.

<sup>4</sup> Mr. Kazulin received political support inter alia from the Belarusian Social-Democratic Party (Hramada), the Movement "Will of the People", Internet community "Third Way" and "Electronic Borisov".

<sup>5</sup> Mr Milinkevich received political support inter alia from the United Civic Party, The Belarusian Popular Front Party, the Belarusian Labour Party, The Belarusian Party of Communists, the Belarusian Social-Democratic Party Hramada, Women's Party "Nadezhda", Party of Freedom and Progress (unregistered), the Belarusian Green Party, The Belarusian Social-Democratic Party Narodnaya Hromada (unregistered), the Association "Malady Front" and the Right Alliance Organization.

<sup>6</sup> Two initiative groups did not collect supporting signatures at all, one collected an insufficient number and one prospective candidate withdrew from the process.

By law, the Territorial Election Commissions (TECs) had the responsibility to verify the authenticity and number of supporting signatures. The Code stipulates how TECs must conduct the verification process. TECs had up to 15 days to verify signature sheets.

Between 27 January and 11 February, prospective candidates had to submit income and property declarations to the CEC. Declarations were required not only for the candidate himself, but also for close relatives, including the respective spouse and parents of the spouse. If after formal registration as a candidate, the CEC is made aware of an inaccuracy in a candidate's declaration, the candidate could face de-registration. However, the CEC informed the EOM that verification of the income and property declarations has been completed. Additionally, the Election Code provides other grounds for the de-registration of a previously registered candidate, such as violations of certain campaign provisions.

At a formal ceremony on 17 February<sup>7</sup>, the CEC registered four presidential candidates: Mr. Gaydukevich (Liberal Democratic Party), Mr. Kazulin (Social Democratic Party Hramada), incumbent President Mr. Lukashenka (non-party)<sup>8</sup>, and Mr. Milinkevich (non-party). Mr. Kazulin and Mr. Milinkevich profile themselves as in opposition to President Lukashenka.

## V. LEGAL FRAMEWORK

The Constitution of the Republic of Belarus (1996) contains general provisions on elections. The Election Code (2000) is the main act regulating the conduct of elections. The Election Code has been extensively reviewed on previous occasions by the OSCE/ODIHR. Numerous and substantial shortcomings were noted in OSCE/ODIHR election reports, and recommendations were made that could bring the Code more closely in line with OSCE commitments for democratic elections. However, the Code has not been amended since 2000.

For elections to be valid, 50 per cent of registered electors must participate in the election. To be elected, the winning candidate requires more than half of the "votes of citizens who participated in the election". If no candidate secures this number of votes, a second round will be held within two weeks between the two candidates who received the largest number of votes.

In 2005, the Criminal Code (1999) was amended. *Inter alia*, it incorporated new provisions that restrict the activities of NGOs and civic initiatives. For example, article 193<sup>1</sup> provides that participation in an unregistered or liquidated organization/political party is a criminal offence. Another provision criminalizes "discrediting Belarus" to an international organization or foreign government. Persons charged under these provisions could be imprisoned for up to two years. Under provisions of the Criminal Code it is an offence to insult or slander the President or insult state officials. The aforementioned provisions of the Criminal Code could limit civil and political rights of non-State organisations to fulfil their legitimate rights as stakeholders in the electoral process.

The Law on Mass Events (1997)<sup>9</sup> covers several types of assembly including 'gatherings' and 'meetings' (hereafter 'events'). The Law contains a number of provisions that could, if applied rigidly to campaign events, limit their scale and restrict their timing. For instance, the Law requires that a request for conducting a meeting be filed 15 days in advance. Encouragingly, the CEC informed the EOM that the 15-day notice period required by law to hold an indoor meeting would not be applied during the campaign period. The EOM will monitor the application of the Law on Mass Events to assess if its application restricts peaceful assembly, candidates' campaigns, and citizens' access to political information.

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<sup>7</sup> The ceremony took place four days before the legal deadline for candidate registration. In effect, the decision to register candidates before the deadline 'extended' the official campaign period thereby giving candidates more time to campaign.

<sup>8</sup> Mr Lukashenka is supported by some 40 public associations and organizations.

<sup>9</sup> Amended 1998 and 2003

## VI. ELECTION ADMINISTRATION

The presidential election will be organized by the Central Commission for Elections and National Referendums (CEC), 165 Territorial Election Commissions (TECs) and 6,586 Precinct Election Commissions (PEC). Forty one polling stations are established in diplomatic missions of the Republic of Belarus abroad. The election administration for the presidential elections was established in line with the applicable legislation.

The CEC is a permanent body with a five-year mandate expiring in January 2007. It has 12 members, six appointed by the President and six by the Council of the Republic, the Upper House of the National Assembly. The Chairperson, the Secretary and the Head of the Legal and Organizational Department are professional election administrators. Other CEC members participate in the work of the CEC and attend its formal sessions. Each candidate is entitled to appoint 30 authorised representatives. Candidate representatives are entitled to file complaints and appeals, attend CEC sessions and address the CEC at its sessions. Its sessions and those of lower level commissions are also open to observers and the media.

The CEC publishes many of its decisions in the press and maintains a website where documents related to the election process are posted.<sup>10</sup> The OSCE/ODIHR EOM has met regularly with the CEC Chair and Secretary and with Department Heads. The EOM has received prompt responses to its requests for information and clarification of legal issues.

The TECs are bodies appointed for the administration of the Presidential election. TECs correspond to the structure of the State administration at sub-national level. Thus, there are seven 'Regional (Oblast)' Election Commissions, six 'Town' Election Commissions (established mainly in regional centres) and 152 'District' (Rayonaya) election commissions (one per administrative district, one per town or, one per ward of a larger town or city that has the status of an administrative district). In general, each TEC has 13 members.

TEC members were appointed at joint sessions of local legislatures and local executives (hereafter the appointing authorities) held on or before 28 December 2005. TEC members could be nominated by a variety of bodies/organisations including: public associations, labour collectives, political parties, and individual applicants supported by citizens. There is no formula regarding the precise composition of TECs. Of the 2,124 TEC members, 'self-nominees' were the most frequently appointed (44.8 per cent), with labour collectives nominating 23.4 per cent of appointed members.<sup>11</sup> 9.6 per cent of TEC members are local government officials. Only 56 TEC appointed members (2.6 per cent) were nominated by a political party. Of these, 47 were nominated by the Communist Party of Belarus. The remaining TEC members were nominated by public associations.

The appointing authorities finalised the composition of PECs on or before the 1 February deadline. Almost half of all PEC members were individual applicants (49.3%) and labour collectives nominated over one third of PEC appointees (35.4%). There are very few appointees who were nominated by a political party (0.2%), while 5% of PEC members are local government officials. The remaining PEC members were nominated by public associations. Some two-thirds of the PEC members are women. The EOM is evaluating the appointment criteria and whether TEC and PEC members were appointed from among the various nominating bodies in a non-discriminatory manner.

The CEC has already published and distributed procedural manuals to TECs and PECs. The manuals are comprehensive and contain information on the entire election process including voting, vote counting and election result aggregation procedures. In addition, the approved sample forms applicable to the 2006 presidential election have been printed and distributed.

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<sup>10</sup> [www.rec.gov.by](http://www.rec.gov.by)

<sup>11</sup> Based on information supplied to the EOM by the CEC.

Voter lists are compiled for each electoral precinct. There is no consolidated or centralized list at any level above the individual precinct. Each PEC receives a preliminary voter list from the local administration and is required to verify and update the list as necessary. This process should be completed 15 days before election day (4 March). The CEC manual for PECs advises PEC members to perform door-to-door checks to verify the draft voter lists. The updated list should be available for 'familiarization' at the PEC premises. A regulation adopted by the CEC provides that a citizen may check only his or her own entry on the voter list.

The Electoral Code does not provide for the 'closure' of voter registration prior to election day nor does it require PECs to provide the public or higher level commissions with data on the number of citizens registered as voters in the election precinct. A voter whose name did not appear on the voter list can be added up to the close of polls on election day upon presentation of valid documents. Thus the number of registered voters may only be known after the election has taken place.

## VII. MEDIA

According to the Ministry of Information website, there are 1,222 print media outlets, eight information agencies, 54 TV and 154 radio channels registered in Belarus. State structures have a majority holding in all nationwide broadcast media that originate in Belarus. Some major Russian TV channels can be received in Belarus, but some of their programmes are replaced with locally produced items.

The Election Code provides general provisions on the right of registered candidates to appear in the State mass media on an equal basis. On 12 December, the CEC established the Supervisory Council to monitor the conduct of the election campaign in the media. On 8 February, the CEC adopted a more detailed regulation in this regard.<sup>12</sup> According to the regulation, each candidate has a right to publish five typewritten pages of campaign materials in seven state newspapers<sup>13</sup> and to air two pre-recorded campaign presentations on television and two presentations on radio (hereafter, formal presentations), each lasting no longer than 30 minutes.<sup>14</sup> These are free of charge. However, the CEC regulation does not deal with televised debates between the candidates. On 21 February, formal presentations began to be aired and they will continue until 6 March. To date, Mr. Gaydukevich, Mr. Milinkevich and Mr. Kazulin have aired formal presentations. Mr Lukashenka did not use the slot allocated to him for his formal presentation.

Since 12 February, the OSCE/ODIHR EOM has been conducting qualitative and quantitative analysis of the prime time broadcasts of four TV channels and one radio channel as well as contents of nine newspapers.<sup>15</sup> However, one of the nine papers, the independent *Narodnaya Volya*, which until recently was distributed countrywide on a daily basis, faces distribution problems. Since October 2005, it is no longer distributed through the official media distribution network.

Initial results of the EOM media monitoring show the State media cover the activities of Mr. Lukashenka at length, almost always in his official presidential capacity. The media has reported on the procedural aspects of the administration of elections and the activities of the CEC.

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<sup>12</sup> Regulation on the Procedure for Using State Mass Media during Preparation and Conduct of the 2006 Presidential Elections in the Republic of Belarus.

<sup>13</sup> *Belorusskaya Niva, Narodnaya Gazeta, Respublika, Sovetskaya Belorussiya, Znamya Yunosti, Zvyazda* and *7 Dnei*.

<sup>14</sup> On 17 February, the CEC held a lottery to establish the order in which the free campaign presentations would be broadcast.

<sup>15</sup> The monitored media outlets include: state-owned TV channel BT1 (First National TV channel), TV channels owned by joint-stock companies with a majority state holding - ONT (Nationwide TV) and STV (Capital TV), the Russian Federation channel RT (TV channel Russia) and the state owned radio station BR1 (First channel of Belarusian National Radio), four state-funded newspapers (*Narodnaya Gazeta, Respublika, Sovetskaya Belorussiya* and *Zvyazda*) and five non-state newspapers (*Bel Gazeta, Belarusy I Rynok, Komsomolskaya Pravda v Belorussii, Narodnaya Volya* and *Obozrevatel*).

To date, the coverage of the candidates in regular news and current affairs programmes has been very limited on all the monitored broadcast media. However, most of the electronic media monitored by the EOM did broadcast segments of the candidates' speeches made at the official registration ceremony on 17 February. None of the monitored media outlets aired candidates' speeches in full. Mr. Lukashenka's speech received the largest amount of time on each of the broadcast media outlets that covered the event. Following the candidate registration ceremony, attempts were reportedly made by unknown persons to prevent Mr Kazulin from holding a press conference at the Belarus Press Centre.

## **VIII. THE CAMPAIGN**

The election campaign began 17 February, after the registration of candidates. In the run up to registration as a candidate, Milinkevich campaigners were regularly stopped by police for possession of campaign materials, and several campaign activists were detained.

At the same time, a high-profile campaign titled "For Belarus!" has been organized in the extended pre-election period and is now running simultaneously with the official campaign. This is the same slogan used to campaign in favour of the 2004 constitutional referendum, the passage of which has enabled President Lukashenka to contest this election. A formal complaint has been filed with the CEC by the Milinkevich campaign regarding this campaign.

The OSCE/ODIHR EOM met with four persons engaged in campaigning for presidential candidates who were subject to searches by the state security forces. Two persons, both campaign activists for Milinkevich, were detained on 23 February in Minsk while distributing campaign leaflets. The police claimed the venues were not officially sanctioned for such activity. In Mogilev, the head of Milinkevich's local campaign headquarters was detained on 21 February for six hours for no stated reason, while his legally printed campaign materials (26,170 leaflets) were seized. The materials were returned on 24 February. In Novopolotsk, a Milinkevich supporter was detained on four separate occasions in February while engaging in campaigning. On 23 February, the Administrative Commission of Novopolotsk charged him with violating the administrative code and sentenced him with the maximum fine of 145,000 BLR.

On 14 February, in Baronovichi an internal Milinkevich campaign meeting was broken up by police and the candidate's supporters detained on the grounds that apartments cannot be used as party offices. On 22 February, in Gomel a campaign meeting on behalf of Mr. Kazulin was broken up and 30 persons briefly detained by security forces as they were not carrying identification documents.

While campaign events are being held, so far candidates' formal campaigns are not highly visible.

## **IX. RESOLUTION OF ELECTORAL COMPLAINTS**

Election complaints may be filed with election commissions, courts, prosecutors, and in some cases local authorities. Decisions of election commissions can be appealed to superior election commissions or courts. Decisions of the CEC can be appealed to the Supreme Court. Some formal complaints were filed with the CEC and prosecutors concerning the collection of supporting signatures.

According to the CEC, it has received a total of 170 election-related written appeals between 16 December 2005 and 24 February 2006, including those related to signature collection and activities of initiative groups, candidate registration, campaigning, formation of commissions, requests for clarifications and suggestions for amendment of election legislation.

## X. DOMESTIC AND INTERNATIONAL OBSERVERS

The Election Code provides for election monitoring by international and domestic observers. However, those involved in domestic election observation are under pressure by the authorities. On 21 February, the offices and homes of some civic activists, including those involved in domestic observation, were searched by security forces. Equipment and documents were seized, and four persons were detained by the KGB. The searches took place in various towns across Belarus, including Minsk, Vitebsk, Gomel, Mogilev, Polotsk, Novopolotsk and Bykhov. The KGB issued a statement on 23 February that those arrested were charged with the unlawful management of an unregistered civic organization under the new provisions of the Criminal Code.

Besides the OSCE/ODIHR, the Commonwealth of Independent States (CIS) has established a Mission of observers to the presidential election. The CIS Observation Mission also includes deputies of the Parliamentary Assembly of the Union of Belarus and Russia and representatives of the CIS Economic Court. The CIS Observation Mission released its first interim report on 21 February.<sup>16</sup>