



Office for Democratic Institutions and Human Rights

BELARUS

PARLIAMENTARY ELECTIONS

28 September 2008

OSCE/ODIHR Election Observation Mission Final Report



**Warsaw
28 November 2008**

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I. EXECUTIVE SUMMARY

Following a timely invitation from the Ministry for Foreign Affairs of the Republic of Belarus to observe the 28 September 2008 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) to Belarus on 12 August 2008, consisting of 15 experts and 40 long-term observers, further supplemented by 308 short-term observers prior to election day. The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other international standards as well as with Belarus' domestic legislation. For election day, the OSCE/ODIHR joined efforts with the OSCE Parliamentary Assembly (OSCE PA) to form the OSCE EOM. In total, the OSCE EOM included 449 short-term observers from 43 participating States.

In its Statement of Preliminary Findings and Conclusions, the OSCE EOM concluded that while "the authorities gave a number of clear signals of their interest to improve the election process [...] these elections ultimately fell short of OSCE commitments for democratic elections." While "there were some minor improvements, which could indicate a step forward", the OSCE EOM noted that "further substantial efforts are required if Belarus is to conduct genuinely democratic elections in line with OSCE commitments."

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

Positive steps included the slightly increased access of opposition representatives to District Election Commissions (DECs), a decision to repeat once the five-minute candidate spots on regional branches of the National State Television and Radio Company during prime time, and a recommendation by the Central Election Commission (CEC) to seal ballot box slots overnight during the five-day early voting period. Some opposition candidates noted progress in their ability to conduct meetings in authorised locations without interference.

Nevertheless, the election environment in Belarus, as created by the present election legislation, still did not allow genuine political competition and equal treatment of election competitors by the authorities. Serious concerns remain pertaining to fundamental rights of freedom of assembly and expression, and access to a plurality of views, constituting meaningful information necessary for voters to make an informed choice.

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

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

The elections were administered by a three-tiered election administration, consisting of a Central Election Commission, 110 DEC's and 6,525 Precinct Election Commissions (PEC's). While a decree of the President, similar to one issued for the 2004 parliamentary elections, allowed political parties who had nominated candidates to each appoint one advisory (non-voting) member to the CEC, the level of party representation on lower-level commissions was negligible, even taking into account the minor role of political parties in Belarus. The appointment of DEC's and PEC's remained legally at the discretion of regional and local authorities, and the tight control exercised by the executive branch over the appointment of commissions resulted in an extremely low rate of appointment of party nominees, especially from the opposition.

Election commissions met all administrative deadlines. However, deficiencies in the legislative framework were further compounded by a restrictive interpretation of relevant laws by election commissions, or the absence of adequate regulation of important aspects of the election process. In total, only 12 CEC sessions were held in connection with the 28 September parliamentary elections, out of which 5 were conducted during the period in which the OSCE/ODIHR EOM was deployed. Although limited in number, these were open and attended by accredited observers and media. However, certain election complaints were dealt with in a manner that lacked transparency and ran contrary to the CEC's principle of collegiality.

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

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

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

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

The Electoral Code does not provide any clear mechanism for securely keeping the ballot boxes after the start of the five-day early voting period, nor does it provide specific regulations for enhancing the integrity of the ballot. The lack of any official protocols to document voting on each day of early voting remains a concern for the transparency and accountability of the process. These outstanding issues allow the possibility of electoral malfeasance, and this issue continues to be a key element in interlocutors' professed lack of confidence in the electoral process. The decision of the CEC to seal ballot box slots on each night of early voting marked a positive step, but did not sufficiently address fundamental problems regarding the largely unregulated early voting period.

On election day, observers reported that voting was well conducted, overall, in those polling stations visited, but the integrity of the process was undermined by the vote count which was assessed by observers as bad or very bad in 48 per cent of observations. Despite repeated requests for meaningful access to observe the vote count since the deployment of the OSCE/ODIHR election observation mission in mid-August, observers reported that they were prevented or hindered from observing in 35 per cent of cases. Forty per cent of observers, including some of those who noted hindrances, reported not having a full view of the vote count proceedings, thus compromising the transparency of this fundamental element of the election process. In many cases, PEC protocols were not posted for public scrutiny, as required by law. In addition, 24 of 76 short-term observer teams specially allocated to observe the tabulation of election results at the DEC level were not given access to the process on the night of the election. Many returned the following morning to be told that the 'working session' was not to be observed and the formal session, which was observed, proved to be a mere announcement of the final results.

After announcing the final results, the CEC did not publish them by polling station, neither on its website, nor in any other format. Thus, another key element of public transparency and accountability was not acted upon, although the issue had been raised on a number of occasions by the OSCE/ODIHR EOM.

Post-election day complaints and appeals, as well, underscored certain key concerns regarding sufficient access to legal redress. As of 9 October, the CEC had received 35 post-election day complaints, including 24 complaints requesting the invalidation of election results. All were rejected by the DEC and the CEC as being without grounds. However, in many cases, plaintiffs were not able to put forward sufficiently documented cases since key election documents, such as copies of protocols, had been withheld from them. In addition, many DEC decisions were taken without waiting for the outcome of prosecutors' investigations. The mechanism for post-election day complaints and appeals will not permit meaningful legal redress on election results until it has been reviewed and amended.

The OSCE/ODIHR stands ready to support the efforts of the Belarusian authorities to address the issues outlined in this and previous reports, in order to bring the election process closer in line with OSCE commitments.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following a timely invitation from the Belarusian Ministry of Foreign Affairs to observe the 28 September 2008 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights deployed an Election Observation Mission on 12 August 2008. The OSCE/ODIHR EOM, which was headed by Ambassador Geert-Hinrich Ahrens, consisted of 15

experts and 40 long-term observers (LTOs) from 22 of the OSCE participating States; they were based in Minsk and in 14 regional centres. The OSCE/ODIHR EOM was further enhanced by the arrival of 308 short-term observers (STOs) prior to election day.

For election day observation, the OSCE/ODIHR EOM joined efforts with a delegation from the OSCE Parliamentary Assembly to form the OSCE EOM. Ms. Anne-Marie Lizin, Head of the OSCE PA delegation and a Vice-President of the OSCE PA, was appointed by the OSCE Chairman-in-Office as Special Co-ordinator to lead the OSCE short-term observers.

On election day, the OSCE EOM in total numbered 449 observers from 43 OSCE participating States, who observed the opening of 125 polling stations, the voting in some 1,350 of the 6,485 in-country polling stations, and the counting in 175 of these polling stations. The OSCE EOM also observed the handover of election materials and the tabulation of results in 84 of the 110 DEC. In addition, observers completed 1,119 reports throughout the five days of early voting.

The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, as well as with Belarus' domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference on 29 September 2008 and is available on the OSCE/ODIHR website (www.osce.org/odihr).

The OSCE/ODIHR EOM is grateful to the Ministry of Foreign Affairs, the CEC, and to other state authorities, political parties and civil society for their co-operation. The OSCE/ODIHR EOM also wishes to express its appreciation to the OSCE Office in Minsk and to the diplomatic representations of OSCE participating States for their co-operation throughout the observation period.

III. POLITICAL CONTEXT

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

The 28 September parliamentary elections were the third to be held under the 1996 Constitution that enshrined the President's dominant role within the Belarusian political system. In the context of this framework, within which the President retains tight control over all branches of government, elections offer little opportunity for genuine competition between political forces, and participation in elections takes place within a severely constrained and challenging environment.

This framework also limits the significance of political parties, including in the electoral process. Only 12 of the 110 outgoing parliamentary deputies represented political parties, all pro-government. The other 98 deputies were not affiliated with any party; most had been nominated by workers' collectives and are generally considered to be government supporters.

As such, political parties also played a minor role in these parliamentary elections. Parties are required by law to have local branches registered in those constituencies in which they wish to

field candidates. Many were not able to overcome this obstacle. Thus, they were not entitled to field candidates in certain constituencies. Most candidates in these elections ran as non-party affiliates, partially as a strategy to increase their chances for registration.

Notwithstanding their minor role, the main government-aligned parties included the Agrarian Party, the Communist Party of Belarus (CPB) and the Liberal Democratic Party (LDP).¹ The main registered opposition parties were the Belarusian Popular Front (BPF), the Party of Belarusian Communists (PCB), the Belarusian Social Democratic Party *Hramada* (BSDP-H), and the United Civic Party (UCP). These parties had united in 2005 under the United Democratic Front (UDF), an umbrella organization. The European Coalition, representing a group of unregistered opposition parties, was also active in supporting certain independent candidates.

IV. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

Parliamentary elections in Belarus are primarily regulated by the Constitution and the Electoral Code (EC). Although certain changes to the EC were introduced in October 2006, these amendments did not address many of the shortcomings noted in previous OSCE/ODIHR reports and OSCE/ODIHR and Council of Europe Venice Commission legal opinions. In particular, the EC continues to “not reflect the political pluralism required by OSCE commitments as it grants substantial, unchecked, and monopolistic control of all election processes to the executive branch of government.”²

The 110-member Chamber of Representatives of the National Assembly of Belarus (hereafter, Parliament) is elected for four-year terms on the basis of a two-round majoritarian system in 110 single mandate constituencies. If no candidate receives more than 50 per cent of all votes cast in the first round, a second round is held within two weeks between the two candidates with the most votes. The law establishes a 50 per cent turnout requirement for the first round to be considered valid, while a 25 per cent turnout is required in the second round.³ Such provisions could lead to cycles of failed elections. The EC continues to allow for the possibility to vote “against all”. As noted in previous reports and opinions of the OSCE/ODIHR and the Venice Commission, the “against all” vote possibility runs contrary to the principle of representation, since it permits voters to choose not to be represented at all.⁴

The October 2006 amendments brought minor technical clarifications of the law. In other instances, however, the law was amended to its detriment. For example, Article 68 was amended to remove the right of those who nominate candidates from appealing refusals on the registration of their candidates and limited this right solely to nominees. Also, it appeared that certain previously criticized practices and interpretations of the law have now been codified by the

¹ The LDP, which is generally considered to be pro-government, advised the OSCE/ODIHR EOM that it has taken a more centrist position on the political continuum.

² .Joint Opinion on the Electoral Legislation of the Republic of Belarus”, European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR, adopted by the Council for Democratic Elections on 12 October 2006 and the Venice Commission at its 68th plenary session (13-14 October 2006). [www.venice.coe.int/docs/2006/CDL-AD\(2006\)028-e.asp](http://www.venice.coe.int/docs/2006/CDL-AD(2006)028-e.asp)

³ The EC foresees repeat elections in constituencies with two or less candidates, if the first round turnout requirement is not met or if none of the candidates secures the required number of votes to win. Repeat elections are also called if a second round is run uncontested due to withdrawal/deregistration and the remaining candidate does not win more than 50 per cent of the votes cast or if all candidates withdraw or are deregistered.

⁴ In these elections, 499,890 people voted ‘against all’ (9.28 per cent). Not voting or casting invalid ballots should be sufficient indication of voters’ dissatisfaction. Otherwise, the ‘against all’ option only serves to artificially increase turnout figures.

amendments; for instance, the law now limits the right of checking voter list data only to individual voters. Other 2006 amendments broadened possibilities for de-registration of candidates, which is contrary to paragraph 7.5 of the 1990 Copenhagen Document.⁵

The EC provisions governing the nomination and registration of candidates establish excessive hurdles for registering as a candidate. Contrary to paragraph 24 of the 1990 Copenhagen Document, this permits refusal of registration for trivial reasons, disproportional to the aim of the law. This is illustrated in the following examples: the EC establishes a two-stage procedure for checking the validity of candidate support signatures, and allows signatures to be invalidated for not being dated personally; or allows for the invalidation of a whole signature sheet because that sheet contains voters from the same constituency who reside in different districts.

The problem is compounded since the EC does not provide specific details on how signature samples are to be selected and checked, and the current procedures result in variable and possibly arbitrary signature sampling and checking practices by election commissions. The EC allows rejection of registration if 15 per cent or more of signature samples are identified as being 'invalid', regardless of the total number of valid signatures collected. For example, if a nominee collects 1,500 signatures and 150 are found to be invalid (15 per cent of the requisite 1,000), the nominee can be rejected in spite of having 1,350 valid signatures - 350 more than is required by law. Thus, the procedure can become an exercise in finding mistakes, rather than a test of whether potential candidates enjoy adequate electoral support, so as not to become spurious contestants. In any case, the 1,000 signature threshold is also considered to be unduly high.⁶

The possibility of lodging complaints over rejected signatures is also strictly limited. Potential candidates were not made aware of the sampling methodology used by DEC's to check the submitted signatures, nor were they given timely access to their signature lists after submission. Thus, most were not in a position to prepare an adequate complaint, or to either prove or disprove the findings of the signature review, since the process was largely secretive. In the appeals before the CEC over signature rejections, it became apparent that the current procedures often resulted simply in the word of the DEC over that of the nominee.

The EC also gives election commissions the right to refuse registration on the basis of inaccuracies in nominees' income and property declarations, without taking into account the size or gravity of such an inaccuracy. In many cases, minor errors in these declarations were used as the basis for not registering certain nominees. This, in addition, challenges paragraph 2 of the 1990 Copenhagen Document, which states that the rule of law does not merely mean a formal legality.

The absence of concrete procedures for sampling and checking signatures, the lack of provisions to legally challenge the invalidation of signatures, and the lack of a mechanism to make justifiable corrections in income and property declarations, results in an increased distrust of stakeholders in the nomination procedures, and raises the possibility that political motives are ascribed to the rejection of certain candidate nominees. This further undermines transparency and decreases confidence in the electoral process.

⁵ According to which participating States will respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.

⁶ The Council of Europe (CoE) has recommended that requisite support signatures should not exceed one per cent of voters in the constituency concerned (Code of Good Practice in Electoral Matters, 2002, European Commission for Democracy through Law (Venice Commission)). In this case, given 110 constituencies, this would equate to roughly 640 signatures. Belarus has been an associate member of the Venice Commission since 1994.

Both the Constitution and the EC continue to deny the right to vote to those in preventive custody, which runs contrary to the principle of the presumption of innocence. This also runs contrary to paragraph 5.19 of the 1990 Copenhagen Document⁷. The EC furthermore denies the right to stand as candidate to those who have a criminal conviction, irrespective of the gravity of the crime committed. It is questionable whether this is in line with Article 64 of the Constitution, which prohibits “any direct or indirect limitation of citizens’ electoral rights” in excess of Constitutional limitations. In addition, this provision poses a challenge to the right of citizens to stand for office and be elected without unreasonable restrictions, contrary to the human right laid down in Article 25 of the International Covenant on Civil and Political Rights.

The EC contains a general provision for transparency and openness in the preparation and conduct of elections. The EC also allows for observation of the elections by domestic and international organizations. However, certain provisions could be used to limit legitimate observation activities and the scope for meaningful observation of the process. EC Article 13 prohibits observers to “be present next to ballot issuing desks”. This was used to limit the ability of stakeholders to observe whether voters presented correct identity documents, to scrutinize the voter list, and to observe how ballots were issued to voters. The provision in Article 13 that prohibits observers from “creating obstacles to the normal work of the commission and the conduct of voting” was interpreted very broadly by many election commissions in these elections, further limiting meaningful observation of the electoral process.

During these elections, the lack of clear provisions guaranteeing candidates and observers access to crucial information about the election process was used by election commissions and local authorities to withhold such information from stakeholders. For example, the EC does not specifically require local authorities, who are tasked with forming election commissions, to publish information about commission members’ place of work or the body that nominated them. This omission severely limits the possibility to publicly review the membership of election commissions or to challenge their composition on legal grounds. This limitation was further compounded in these elections by the refusal of courts to hear complaints related to the formation of election commissions.

Finally, the EC places limitations on conducting a meaningful campaign. In the first place, campaign financing comes formally from the state budget and only 1,750,000 BYR (approximately 580 EUR at the relevant time during the 2008 election process) is allocated to each candidate, to be used exclusively for printing campaign materials. Although private campaign financing is, in principle, allowed by the EC, the provision is not used, since any funds received by a candidate must be equally distributed among all registered candidates (i.e., if candidate X were to receive 100 EUR, this would have been divided by the number of candidates registered in the constituency, resulting in at least halving the amount retained by candidate X, unless s/he is the only candidate, in which case additional funding is less meaningful). This redistribution effectively discourages voters and organizations from financially contributing to the campaigns of specific candidates.

Campaigning by ordinary citizens is also strictly limited. The EC only provides state funding to candidates themselves (this may be implemented by their proxies); the use of private funds by any other citizen to campaign would constitute a violation. Political parties are also limited in their ability to campaign; they may only use their official party press and conduct outdoor

⁷ According to which everyone will be presumed innocent until proved guilty according to law.

campaign events if authorized to do so. The EC does, however, provide for indoor meeting places to be allocated to candidates by local authorities, in conjunction with DEC's.

In addition, the Law on Mass Events also impacts upon the election process in that it regulates the conduct of rallies and meetings during the campaign. Although changes to this law in 2006 shortened the required deadline for filing a permission request to hold outdoor campaign events from 15 to 5 days prior to the event, the law continues to require candidates to seek prior permission from authorities before they can hold meetings with voters; this remains open to abuse by the executive authorities. The law, in itself, challenges paragraph 9.2 of the 1990 Copenhagen Document.⁸ In addition, from the few requests to hold such meetings made by candidates and political groups during these elections, most were rejected by the authorities; other candidates spoke about the inefficacy of applying for permission to hold an outdoor event, given past difficulties.

These legal provisions for the financing and conduct of the election campaign are insufficient to provide voters with adequate information about candidates' policies and platforms. The financing requirements, in particular, make substantive election campaigning impractical.

V. THE ELECTION ADMINISTRATION

The parliamentary elections were administered by a three-tiered election administration, consisting of a Central Election Commission (CEC), 110 District Election Commissions (DEC's) and 6,525 Precinct Election Commissions (PEC's). Of these, 40 precincts were established in Belarusian embassies and consulates in 32 countries. The results of the out-of-country vote were allocated to *Kupalovsky* DEC No. 95 in Minsk.

A. THE CENTRAL ELECTION COMMISSION

The CEC is a permanent body with a five-year mandate and its current members were appointed, or re-appointed in the case of some members, on 22 January 2007. The CEC consists of 12 members, including its chairperson and the secretary of the CEC. Six of the CEC members are appointed by the President and 6 by the Council of the Republic (upper chamber of the National Assembly). As during the previous 2004 parliamentary elections, the President issued a decree on 24 June 2008 allowing political parties who nominated candidates to appoint advisory (non-voting) members to the CEC. Thus, eight non-voting members were appointed, four belonging to opposition parties. The current appointment procedure has resulted in no opposition representatives having full CEC membership. As a result, the CEC is not politically balanced and this raises questions on the part of election stakeholders as to the CEC's impartiality.

The work of the CEC is regulated by the EC and the 2002 CEC Rules of Procedure. Accordingly, the CEC is to be a permanent body and to conduct its work in a collegial manner. However, only the CEC chairperson and secretary are permanently employed staff, with many of the other members being based outside of Minsk. This did not allow for the CEC to work collegially. Since mid-August, the CEC met on only five occasions. Although the non-voting CEC members, especially the four opposition representatives, actively debated in all CEC sessions, this had no discernible impact on the CEC decision-making process. CEC members based outside Minsk did not generally take part in the session discussions, only in the voting, and CEC decisions taken at sessions observed by the OSCE/ODIHR EOM were generally voted unanimously. This approach

⁸ Which provides the right of peaceful assembly and demonstration to anyone, notwithstanding restrictions to this right prescribed by law and consistent with international standards.

gave an undue predominance to the views of the CEC chairperson and secretary in the session proceedings.

During the election process, CEC sessions were open and attended by accredited observers and media, but election commission minutes and other key documents were not made public and access to such documents was denied to OSCE/ODIHR EOM observers.

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

B. DISTRICT AND PRECINCT ELECTION COMMISSIONS

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

A total of 69,845 PEC members were appointed for the 6,485 precincts in-country. Of these, 36,071 were nominated by citizens, 21,869 by labour collectives, 9,032 by public associations, 2,712 by local executive bodies, and 161 by political parties. Of the 1,515 nominees proposed by opposition parties, 43 were accepted (3 per cent of the total nominated and 0.06 per cent of all PEC members). Thus, the tight control exercised by the executive branch over the appointment of commissions resulted in an extremely low rate of appointments of party nominees to PECs.

The high level of appointment of nominees from labour collectives to DECs and PECs particularly contributed to a lack of balance in their composition, since labour collectives are, as a rule, neither independent nor politically representative. The involvement of political parties in the work of election commissions, crucial to transparency and confidence in the process, was extremely low.

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

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

VI. VOTER REGISTRATION

In order to be included in the voter list of a precinct, a Belarusian citizen must be 18 years of age by election day and must permanently or temporarily reside within that precinct. The EC establishes that those who have been declared legally incompetent by a court, those serving a

prison sentence, and those in preventive custody are not eligible to vote. The total number of voters registered for these elections was 7,016,711.

Voter registration in Belarus can be characterised as typical of a Periodic List Voter Registration system. Voter lists were compiled for each precinct by relevant local administrations and were then updated by PECs. The current legal framework does not provide for a consolidated or centralized voter list at any level above the PEC. Thus, possibilities for performing expedient cross-checks for multiple voter registration or for errors in the data did not exist.

The EC allows voters to check their own personal details in voter lists, but does not provide for voter lists to be displayed in public places. Voters had to visit their respective PEC offices in person to check their data. Voter lists remained open and voters could be included on additional voting lists until the close of polls, provided that they could prove their identity and residence in the constituency in question. The current provisions are insufficient to prevent the possibility of a person voting twice.

VII. CANDIDATE REGISTRATION

In order to be eligible to stand for parliament, citizens must be 21 years of age and reside permanently in Belarus. Candidates can be nominated in 3 ways: by registered political parties, by labour collectives, and by initiative groups of citizens who collected at least 1,000 voter signatures. By the 18 August deadline, 8 political parties had submitted 59 nominations, 322 of 424 registered initiative groups had successfully completed the nomination process, and 113 labour collectives had submitted nomination applications.

Overall, 365 candidate nominations were accepted and were reviewed by DEC's until 28 August. Following the DEC verification, 275 candidates were registered, 89 were rejected, and 1 withdrew. Fifty-two of the 89 rejected nominees appealed to the CEC, after which 8 more candidates were registered, and 1 of the 52 withdrew. Another 2 were registered on appeal to the Supreme Court. This resulted in a total number of 285 registered candidates. However, following 22 withdrawals (including 12 from opposition parties), 263 candidates finally contested the elections. For detailed figures on candidate registration, please see Annex 1.

The EC requirement that a political party must have an organizational structure on the territory of the respective constituency in order to nominate a candidate represents an excessive regulation of the internal workings of political parties and creates unwarranted obstacles to candidacy.

VIII. THE ELECTION CAMPAIGN

The President had publicly called on 10 July for the upcoming elections to be conducted openly and democratically, and he reiterated this during a television appearance on 29 August and at a government session, dedicated to the election campaign, on 22 September.

The election campaign officially commenced on 28 August and got off to a slow start. It remained muted and barely visible throughout the country, with some candidates professing that there was effectively no campaign at all. Although it is assumed that voters must have been aware that elections were taking place, in many parts of the country observers had serious doubt that adequate information was available to voters regarding candidates and their platforms. Voters seldom had the possibility to meet more than one candidate at a time, and even when this did

occur, these occasions were limited to a bare presentation of programmes, followed by a questions and answers period. No public debate between candidates was observed during the course of the election.

The campaign took place in a strictly controlled environment and according to rules that placed narrow limits on campaigning and on the role played by political parties. This is contrary to paragraph 7.7 of the OSCE 1990 Copenhagen Document and challenges paragraph 7.6.⁹. Meetings took place in locations allocated free-of-charge by DEC, although often not enabling candidates to reach a significant portion of their electorate due to the limited number of venues allocated and their, at times, inconvenient locations. Some opposition candidates noted progress in their ability to hold meetings in authorised locations without interference, while others stressed that meetings which might express critical views regarding the authorities were not permitted.

Workers' collectives and enterprises also often arranged meetings, but pro-government candidates generally had preferential access. Only one outdoor event was observed and very few large scale meetings took place over the four-week period; most candidates tended to go door-to-door to meet with voters. Some opposition candidates and parties took deliberate decisions not to use the narrow possibilities offered for them to campaign, citing unreasonable restrictions, cumbersome bureaucratic procedures, a lack of recourse to provide voters with advance information, or lack of transportation to events in rural areas.

Regulations concerning the printing and distribution of campaign materials were also restrictive, thus limiting the possibility for candidates to reach out to wider groups of voters. Complaints were lodged with election commissions over refusals to print some campaign materials and on the oversight of some state-run printing houses to include required print data on the print run. In Minsk, five candidates from the opposition United Civic Party (UCP) withdrew from the race, complaining to the CEC that the printing house refused to print a leaflet covering their collective programme. This also calls into question the respect for commitments undertaken in paragraph 7.7 of the 1990 Copenhagen Document.

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

The 27 August request of the United Democratic Forces (UDF) to engage the government in an open dialogue on the election process remained unheeded. Opposition candidates continued to be divided over the issue of withdrawing from or possibly boycotting the elections, referring to their lack of confidence in the process of early voting and in the expected conduct of the vote count. After election day, opposition leaders opined that previous concerns had proven justified and they informed OSCE/ODIHR observers of their opinion that early voting had been tampered with and that irregularities had been noted by them on a wide scale, specifically during the early voting and vote count.

⁹ 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 presents 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 respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such 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.

Overall, the course of the campaign remained peaceful and free from violence. State authorities did not break up a demonstration on the evening of election day, which took place in the centre of Minsk. On the other hand, not directly related to the elections, but influencing the general political environment, a demonstration in remembrance of four high-profile personalities who disappeared in 1999-2000 that took place in the same location on 16 September was dispersed by police.

IX. THE MEDIA

A. BACKGROUND

According to the Belarusian Ministry of Information, there are currently 1,314 print media outlets, 9 information agencies, 66 television and 158 radio channels registered in Belarus,¹⁰ with state-owned media dominating the media landscape. There is a general lack of media presenting independent views and opinions,¹¹ in particular among broadcast media that serve as the main source of information. This challenges paragraph 7.7 of the 1990 Copenhagen Document.

The state holds a majority stake in all nationwide broadcast media originating in Belarus. The main state-funded National State Television and Radio Company comprises both television and radio broadcasters; namely *BT* and *BR*. Television *BT*, with its nationwide outreach, remains the dominant media vehicle for informing the public about political life. At least two other channels, *ONT* and *STV*, each cover a large part of the country. Major Russian TV channels, such as *Russia TV* and *NTV*, can be received in their original formats and in separate local versions. However, impartial coverage of Belarusian political life is limited.

The broadcast media does not facilitate public debate, exchange of opinions, investigation and commentary, which could offer the public a more fully informed view of those candidates seeking election. The broadcast sector lacks strong and independent media, willing to offer unbiased coverage of political events, including the election campaign.

Given the lack of independent electronic media, the main alternative sources of political information are internet and non-state print media, especially regional newspapers. However, many independent newspapers cannot disseminate their publications through state-owned distribution networks; this leaves them with limited options as far as distribution is concerned.¹² This, combined with the fact that circulation rates of these independent papers are usually lower than those of state-funded papers, makes access to alternative information sources limited.

The OSCE Representative on Freedom of the Media (FoM) condemned a wave of searches and confiscations targeting independent journalists in Belarus in March 2008 as “an unconcealed violation of OSCE commitments to protect the freedom of the press”.¹³ In a positive move following the elections, the computers and other equipment of certain of these media outlets was reported to have been returned by the KGB to them without explanation.

¹⁰ Website accessed on 1 October 2008: <http://www.mininform.gov.by>

¹¹ The OSCE Representative on Freedom of the Media has expressed concern over state control of the media. Cf. www.osce.org/publications/rfm/2008/07/32397_1169_en.pdf

¹² In December 2005, state-owned *Belpochta* and *Belsoyuzpechat* distribution companies ceased co-operation with several print media. According to the Belarusian Association of Journalists, both companies excluded more than 15 publications from their subscription catalogue and news stall distribution.

¹³ www.osce.org/fom/item_1_30442.html The raids were conducted in connection with criminal proceedings instituted in 2005 after online dissemination of animated cartoons allegedly defaming the President.

B. LEGAL FRAMEWORK FOR THE MEDIA

The Belarusian Constitution forbids censorship and guarantees freedom of thought and belief, and their free expression. It also provides for the right to receive and disseminate complete, reliable and timely information on political life. The EC, in its Article 46, remains the main legal platform for media campaigning during an election.

On 31 July, the CEC defined the rules for the candidates' free use of print¹⁴ and broadcast media. In the latter, each candidate was granted one five-minute pre-recorded address on regional branches of the National State TV and Radio Company. While the law required allocating slots during a period that would attract the largest audience, the CEC decided on a timeslot from 17:30 to 18:30. A number of interlocutors, including candidates, considered it as too early to reach such an audience and criticized the length as being too short. As a result, certain candidates declined their free airtime in protest.¹⁵

In a positive development, the CEC announced on 12 September that as an "unprecedented political step", spots of candidates that had recorded for an initial five-minute address would be aired a second time between 19:00 and 20:00, to purportedly allow for maximum outreach to voters. The OSCE/ODIHR EOM learned from the chairperson of the CEC that this decision was adopted outside regular CEC sessions and was based on consultations with the President of the Republic. In contrast with the initial time schedule of spots, information on the date and time of individual candidates' second appearances was published on the CEC website. In general, however, it was difficult for voters to know when candidates in their constituency would be appearing on TV and radio. Considering this was the only media coverage of candidates, voters' information about the campaign was limited.

Partially due to campaign finance restrictions, no private airtime was purchased by candidates during these elections. This resulted in a TV media campaign of only 10 minutes for each candidate, and it is arguable whether this provides sufficient information for voters to make an informed choice between candidates. The CEC's decision on the free time format was implemented in a restricted manner and had negative consequences for voters' opportunities to receive information. Had a more liberal approach been adopted by the CEC, a more extensive and equitable media format could have resulted.¹⁶

On 31 July, the CEC also established a Media Supervisory Council to oversee the conduct of the electoral campaign in the media and to act as a focal point on related complaints and appeals. The Council was chaired by the Deputy Minister of Information, and its membership consisted exclusively of representatives of state bodies and state-funded media. The Council convened twice prior to the candidate registration deadline and did not find any violations with regard to eight complaints, mostly on early campaigning. The Council apparently did not receive any further complaints during the course of the campaign. In the last week of the campaign, when state-funded *BT* regularly aired one-sided negative information on the opposition and its candidates, the Council did not apply any remedial action and did not ensure the EC's provision requiring "equal rights in the use of state mass media" for candidates.

¹⁴ Candidates were entitled to have their platforms published in either local state-funded newspapers or in the following national state-funded newspapers: *Belorusskaya Niva*, *Narodnaya Gazeta*, *Respublika* and *Zvyazda*.

¹⁵ 19 candidates did not make use of their free airtime on television, and 22 candidates did not do so on radio.

¹⁶ In particular, the CEC adopted its decision on free airtime well before the concrete number of nominees was known. Had their decision taken into account the actual number of nominees, it is possible that more extensive coverage could have been provided.

C. OSCE/ODIHR EOM MEDIA MONITORING

On 15 August, the OSCE/ODIHR EOM commenced its media monitoring, based on qualitative and quantitative analyses of 4 TV channels, 1 radio station and 10 newspapers.¹⁷ The monitoring sought to evaluate whether media provided impartial and balanced coverage of candidates, other political entities, and other relevant information to enable voters to make an informed choice. It assessed both the amount of time and space allocated to candidates and the tone of the coverage.

Except in some individual cases, the state-funded media generally adhered to legal requirements on free airtime and news space. In some regions, however, OSCE/ODIHR EOM observers reported unequal treatment of candidates in their free presentations.

The media monitoring findings reflecting the media editorial policy during the campaign showed that reporting, except in non-state newspapers, was devoid of genuine political discourse among campaign contestants. Most of the media monitored focused, almost exclusively, on procedural and technical aspects of the election process, stressing the smooth, stable and calm pace of the campaign. State-funded media, at the same time, concentrated their coverage on state authorities and official bodies, often pointing out achieved results and successes. Candidates were generally referred to only as a group, and coverage of individual candidates was largely absent. Thus, voters could learn about candidates' platforms almost exclusively through the limited free media time.

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

Media coverage of the campaign was, therefore, not sufficient to enable voters to gain meaningful information about candidates in order to make an informed choice during these elections, running contrary to paragraphs 7.7 and 7.8 of the 1990 Copenhagen Document¹⁸.

Broadcast media coverage was dominated by reporting on the President, combining both working and ceremonial occasions, as well as on other authorities and official bodies, such as the government and the CEC.

In its coverage, state-funded media gave the preponderance of time to the President. During the official campaign, *BT* and *BR*, respectively, dedicated 47 and 35 per cent of their political prime time news to the President; this was exclusively positive or neutral in tone. Moreover, the President's various addresses, stressing achievements and a firm control over state policy, were

¹⁷ State-owned *BT* (*First National TV*), *ONT*, *STV*, the Russian Federation channel *RTR v Belarussii* (TV channels); *BR* (*First National Radio*); *Narodnaya Gazeta*, *SB – Belarus Segodnya*, *Respublika*, *Zvyazda*, (state-funded newspapers), *Belorusy i Rynok*, *BelGazeta*, *Komsomolskaya Pravda v Belarussii*, *Narodnaya Volya*, *Nasha Niva* and *Obozrevatel* (non-state newspapers).

¹⁸ According to paragraph 7.8. 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.

given extensive coverage by *BT*. Additionally, *BT* dedicated 17 and 11 per cent, respectively, to the government and the CEC. Another state-funded broadcaster, *BR*, dedicated 93 per cent of its political news coverage to the authorities. As for the tone of this coverage, it was overwhelmingly positive or neutral.

When informing about candidates, broadcasters tended to present them as a unitary, anonymous group. While *BT* devoted the highest proportion (9 per cent) of its political prime time news coverage to candidates as a group, the channel was the only one that frequently presented critical remarks about opposition candidates. In the last week of the campaign, this negative reporting on opposition forces and their campaigns, including a boycott by certain political interlocutors, visibly intensified. *BT* portrayed them, including individual candidates, in a discrediting manner.

In general, other broadcast media adopted a similar approach, focusing primarily on the authorities, specifically the President, and significantly less on candidates or political parties. For example, *ONT* devoted 58 per cent of its political prime time news and analytical programming to the President, exclusively positive and neutral in its tone. Only the local variant of 'Russia TV' offered viewers a slightly different view on Belarusian politics, presenting information in a tone that was more balanced.

All broadcast media monitored ignored coverage of certain events and issues, which to a certain extent impacted the campaign. These included the release of political prisoners or discussions on a possible election boycott. In connection with the latter, if political leaders were shown, they were largely marginalized or characterized negatively with no opportunity to present their own views. In addition, coverage by state-funded broadcast media significantly distorted information about the OSCE/ODIHR EOM's preliminary findings and conclusions, presenting only elements of its assessment that could be interpreted in a more positive or constructive manner, but not providing citizens with a balanced and objective picture.

Newspapers and independent web sites offered readers a more diverse approach. While state-funded newspapers presented information focused on a calm, organized campaign and the leading role of the authorities (*Belarus Segodnya* devoted 64 per cent of coverage to the President), non-state newspapers showed a variety of views, including stories of individual candidates and parties. *Narodnaya Volya*, for example, devoted the highest portion of its print space to candidates, 22 per cent, but showed preferential treatment of the opposition United Civic Party. *BelGazeta*, on the other hand, pursued a rather balanced portrayal of the political arena, both in tone and quantity. Readership of such media, however, is generally limited due to relatively low circulation and internet use.

X. PARTICIPATION OF WOMEN

Under the Belarusian constitution, women enjoy equal rights with men. No specific measures are in place to encourage female candidates or to increase the participation of women in the elections. Of the 110 deputies in the outgoing parliament, 32 were women (29 percent) while 18 of the 56 indirectly elected members of the upper house were women (31 per cent). The representation of women in parliament is above the international average.¹⁹ Nevertheless, the position of women in politics appears to be less prominent; there is only 1 female minister of 24 in the current

¹⁹ Belarus is ranked 23rd in the world in the Global Gender Gap Report 2007 (World Economic Forum) and by the Inter-Parliamentary Union (<http://www.ipu.org/wmn-e/classif.htm>)

government,²⁰ and of the 7 regional governors, none are women. One political party is headed by a woman.²¹

There are no legally-established electoral quotas for women in Belarus and, as such, political parties, labour collectives, and initiative groups are free to decide on the number of women they nominate. Of the 263 candidates who ran in these elections, 54 (21 per cent) were women. It is generally perceived that majoritarian systems provide less incentive for women to be nominated than party-list proportional systems. Nevertheless, 35 women were elected to the new parliament, slightly more than in the previous one. The majority of women stood as non-affiliated candidates, nominated through signature collection. Women ran in all regions²², mostly in Minsk city and the Minsk region. However, overall women ran in only 48 of the 110 constituencies.

Despite the high representation of women in the Belarusian parliament, women candidates did not play a prominent role in the context of the election campaign. Gender-equality topics were not addressed in the electoral platforms of candidates, and issues affecting women did not feature prominently as part of the campaign discourse. Some female opposition candidates claimed to have been subjected to pressure from local administration and election commission bodies.

Belarus is party to the UN Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) since 1981, and the Optional Protocol from 2004, and the International Covenant on Civil and Political Rights. A new National Plan of Action to Ensure Gender Equality for 2008 to 2010 was adopted in September, although with a purely formal approach to gender equality, a short timeframe for implementation, and a lack of indicators and mechanisms for oversight. Nevertheless, it is a step forward, and the existing national and international frameworks provide a basis for the equal participation of men and women in political life and decision-making processes.

A number of women's organizations are active in promoting gender equality and women's involvement in politics. However, no co-ordinated efforts by civil society to enhance women's participation in the electoral process were observed. Civil society organisations, in general, and women's organisations, in particular, possess useful knowledge and competence in the field of gender equality. It appears that the implementation of CEDAW and the Action Plan would benefit from more dialogue and co-ordination between such organisations and state authorities.

Women were well represented in the election administration, particularly on DEC's and in its troika positions (chairperson, deputy and secretary). Involvement of women was also high in PEC's; in nearly 50 percent of polling stations visited by OSCE EOM observers on election day, the PEC chairperson was a woman. Of the 12 CEC members, five are women, including the CEC chairperson.

XI. PARTICIPATION OF NATIONAL MINORITIES

According to the 1999 population census, four main national groups reside in the Republic of Belarus. The most numerous group is the Belarusian (81.2 per cent), followed by Russians (11.37 per cent), Poles (3.94 per cent), and Ukrainians (2.36 per cent). Issues related to the participation of national minorities in these elections were not raised during the course of the campaign. In one

²⁰ Ms. Anna Konstantinovna Deiko, Minister of Tax and Levies.

²¹ The Communist Party of Belarus, headed by Ms. Tatyana Golubeva.

²² In addition to the city of Minsk, which has the status of a region, there are six regions in Belarus.

case, a potential candidate claimed that he had been refused registration because of his Polish ethnicity.

XII. DOMESTIC AND INTERNATIONAL OBSERVERS

The EC provides for election observation by a wide range of stakeholders, including parliamentary deputies, representatives of local administration, political parties, public associations, citizens' groups, labour collectives and international observers.

The CEC informed that 21,426 domestic observers had been registered to observe both the early voting and on election day (3 by the CEC, 455 by DEC's, and 20,968 by PEC's). However, there was no large-scale independent non-partisan domestic observation effort undertaken on election day.

Under current legislation, the right to domestic observation is not limited to representatives of political parties, initiative groups who nominate candidates and to independent domestic organisations, but it also extends to the executive and state labour collectives.

According to the CEC, for these elections 929 international observers from 46 countries were accredited, including 466 from the OSCE, 335 from the CIS Executive Committee, 30 from the Parliamentary Assembly of Russia and Belarus, 33 from the CIS Inter-Parliamentary Assembly, 4 from the Eurasian Economic Union, 16 from the CEC's of CIS countries, 38 from diplomatic representations in Minsk, and 7 others.

XIII. PRE-ELECTION DAY COMPLAINTS AND APPEALS

The OSCE/ODIHR previously noted that "no concrete provisions could be found in the legislation of Belarus concerning complaints against decisions of electoral commissions. The regulation stipulating that higher electoral commissions decide over the claims and complaints received concerning the work of other electoral commissions is not sufficient."²³ These concerns remain. In addition, the EC fails to delineate a clear procedure for appealing decisions of local authorities on the formation of election commissions. In general, courts refused to consider appeals against decisions of local authorities forming election commissions due to the lack of a specific clause in the EC that would regulate such an appeal.

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

The remaining pre-election day complaints to the CEC were dealt with either by the CEC chairperson or by CEC staff. The CEC chairperson told the OSCE/ODIHR EOM that she had the right to deal with complaints individually, as per the CEC's Rules of Procedure,²⁴ which is a questionable interpretation of the relevant provisions. This approach to dealing with complaints

²³ Joint Opinion on the Electoral Legislation of the Republic of Belarus", European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR, adopted by the Council for Democratic Elections on 12 October 2006 and the Venice Commission at its 68th plenary session (13-14 October 2006). [www.venice.coe.int/docs/2006/CDL-AD\(2006\)028-e.asp](http://www.venice.coe.int/docs/2006/CDL-AD(2006)028-e.asp).

²⁴ see point 31 of the CEC Rules of Procedure.

lacks transparency and runs contrary to the CEC's principle of collegiality. In addition, the absence of formal CEC decisions on certain complaints appears to have limited the possibility of further judicial review by the Supreme Court.

The OSCE/ODIHR EOM was able to observe CEC sessions where the 52 appeals on non-registration were heard. The CEC decided in favour of candidates in 8 of these cases. The CEC decided to "follow the letter of the law" when deciding on non-registration appeals and upheld a number of DEC decisions made on the basis of minor inaccuracies in nominees' income and property declarations. The EC gives election commissions the right to refuse registration on the basis of inaccuracies in those declarations. However, it does not oblige them to do so, nor does it regulate the scale of the inconsistency that may serve as sufficient grounds for non-registration. This challenges paragraphs 2 and 24 of the 1990 Copenhagen Document.²⁵ The CEC argued that it could decide only on whether DEC decisions were in line with the law and not assess the grounds for non-registration. Such an approach runs contrary to paragraph 5.10 of the 1990 Copenhagen Document, which provides for effective redress against administrative decisions.

According to the EC, nominees had three days in which to appeal their rejection of registration to the CEC. Since certain DECs were not available on the day after the registration deadline to provide copies of their decisions²⁶, this impacted nominees' ability to appeal the decisions. Some nominees had neither been provided with copies nor, at times, even access to the relevant documents (protocols of signature verification, expert opinions, etc.) that served as the justification for their non-registration. In general, the EC does not specify a possibility to challenge specific facts that underlie a decision not to register a candidate, and provides no procedural guidance to that effect. This also resulted in nominees having almost no possibility to effectively challenge the issues that were used to justify their non-registration, which runs contrary to paragraph 5.10 of the 1990 Copenhagen Document.²⁷

Nineteen of the CEC decisions on appeals were further appealed to the Supreme Court. Two of these were not heard on procedural grounds. Out of the remaining 17 cases, the Supreme Court overturned two of the CEC's decisions. The role of other courts was minimal, and courts appeared to be distancing themselves from the process by not admitting some cases on procedural grounds.

Prosecutors across the country received some 186 complaints during the election campaign. In at least one instance (in Kopyl), a check by the prosecutor revealed problems in the nomination of PEC members, but the same people were then reappointed through different nomination procedures. The Belarusian Helsinki Committee challenged this new appointment in court, but the case was judged inadmissible on jurisdictional grounds. After the start of the campaign, the CEC's Media Supervisory Council did not meet, as it had apparently received no complaints.

²⁵ According to paragraph 2 participating States are determined to support and advance those principles of justice which form the basis of the rule of law. They consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression. Paragraph 24 provides that participating States will ensure that the exercise of all the human rights and fundamental freedoms set out in the Copenhagen Document will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law. Any restriction must relate to the objectives of the applicable law and must be proportionate to them.

²⁶ Because they had left for Minsk to submit relevant registration documentation to the CEC.

²⁷ According to which the right of everyone to have an effective means of redress against administrative decisions are among the elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings.

XIV. EARLY VOTING, ELECTION DAY VOTING AND COUNTING

A. EARLY VOTING

Procedures for early voting established in the EC did not satisfactorily guarantee the integrity of the five-day early voting period. The process of early voting was problematic in its lack of oversight, regulation, and clear procedures. One issue involved the lack of quorum in PECs on each day of early voting, another was the security of election materials stored overnight. In order to partially address these concerns, the CEC passed a decision on 18 September to have all ballot box slots sealed after each day of early voting. While this decision marked a positive step, it did not sufficiently address the fundamental problems of accountable and transparent regulation of early voting.

During the early voting period, 1,843,856 (26.3 per cent) citizens voted. The lack of procedural regulation in the EC was compounded by incidents of teachers being pressured to vote early, as reported by OSCE/ODIHR EOM observers; announcements were posted at schools, instructing teachers to vote early and informing them that lists needed to be drawn up of those who had not yet voted. Similar pressure was observed with students, who were offered one day of leave if they voted early and at the same time, lists were drawn up of those who had not voted early (implying sanctions). Labour collectives were observed to have been transported by bus to vote early in an organized manner.

In addition, ballot boxes for these elections were not uniform in design, produced individually by DEC and PECs. This lack of regularity meant that it was nearly impossible to determine whether a ballot box had been tampered with. In addition, a variable approach was noted by OSCE/ODIHR observers with regard to securing and sealing the ballot boxes, particularly the ballot box slots overnight.

As a result, the current approach to early voting remained vulnerable to abuse and further undermined confidence in the electoral process.

B. OPENING AND POLLING PROCEDURES

On election day, 449 OSCE EOM observers were deployed to observe the opening of polling stations, the process of voting, the vote count, and the tabulation of the votes at DEC and PECs. This included 76 specially designated teams to observe the tabulation process.

Observers generally evaluated the opening procedures as good or very good in 100 per cent of the 125 cases observed. Candidate or party observers were only present in 14 per cent of cases observed. The early voting ballot boxes were reported as not being in plain view, as required by law, in 23 per cent of cases observed. Police were present inside polling stations in 40 per cent of cases observed at the opening, although OSCE EOM observers reported that this did not appear to present any problems. There are no legal provisions in Belarusian legislation on police presence in polling stations.

OSCE EOM observers submitted 1,570 reports on voting procedures in polling stations on election day. In 94.7 per cent of cases, they evaluated the voting process as good or very good. Very little tension or unrest was reported, and only one case of intimidation of voters was noted. Campaign materials were displayed inside polling stations in 3 per cent of cases. Candidate or party observers were only observed in 18 per cent of cases.

Observers reported that they did not have a full view of the voting process in 9 per cent of polling stations visited, but that PEC chairpersons were generally actively accommodating requests from observers for information. Observers reported more than two people voting in one booth in 13 per cent of polling stations visited, and 9 cases of people voting more than once were observed. In addition, in 76 per cent of cases, there was no notice of candidates that had withdrawn since the printing of the ballots, as required by law; thus, there was a possibility that voters were unknowingly wasting their votes by voting for someone who was no longer running. In polling stations observed, seventy-three per cent of voters requiring assistance were assisted by a person not of their own choosing, in contravention of the legal procedures.

During these elections, a number of key concerns not specified in the EC were not sufficiently regulated by the CEC. One was the lack of clear detailed regulations on the printing of ballots, the number of ballots to be printed, the percentage of extra ballots, and their security features. The question of who kept the surplus of ballots and how this surplus was secured remained unclear to the OSCE/ODIHR EOM. Moreover, the current practice of pre-franking ballots allows for possible misuse, especially if reserve ballots are not properly secured.

The PECs demonstrated a variable interpretation of EC Article 13 in their approach to observers on election day. As reported by OSCE EOM observers, the provision for non-interference in the work of the electoral commissions was often formalistically interpreted by PECs, who at times seated observers as far as ten meters away from the voting and counting areas.

The size of precincts was also noted as a problem in some cases on election day. The present polling station minimum of 20 voters is too small to guarantee the secrecy of the ballot, while the current maximum of 3,000 voters is overly large to expediently facilitate voting on election day.

Finally, the number of voters voting by mobile ballot box was unusually high in certain locations and raised concerns as to the integrity of the process, due to the largely unregulated use of the mobile ballot box, which also raised the issue of accountability and transparency of mobile voting.

C. COUNTING PROCEDURES

The election process deteriorated considerably during the count procedures, violating paragraph 7.4 of the Copenhagen commitments of the OSCE.²⁸ The current procedures do not provide for transparency and accountability of the vote count. Observers reported the counting procedures as being bad or very bad in 48 per cent of polling stations observed. In 49 per cent of cases, early votes were not compared with the number of entries in the voter lists, and the voter list was not used to determine the total number of voters that had voted in 33 per cent of counts observed. In 54 per cent of observations, ballots from the early voting ballot box were not counted separately from others ballots. In addition, the number of unused ballots was not immediately recorded in the results protocol in 51 per cent of cases. In 61 per cent of cases, the number of voters who had voted were also not entered into the results protocol before the ballot boxes were opened.

In more than half of cases, the early, mobile, and stationary ballots boxes were counted separately, as required. OSCE EOM observers could not see the voters' mark in 52 per cent of counts; thus there was no way of knowing whether the ballots were being counted accurately. Deliberate falsification was observed in 8 cases by observers, including ballot box stuffing and

²⁸ Which provides that votes are to be cast by secret ballot or by equivalent free voting procedure, and they are counted and reported honestly with the official results made public.

falsification of protocols. There were also instances of protocols being signed in advance of the results being established. The results from stationary ballot boxes were not entered into the results protocol in 47 per cent of counts observed.

Observers did not have a full view of the closing and counting process in 40 per cent of polling stations observed, and 35 per cent reported that they were prevented or hindered in their observation. Numerous cases were noted of counting procedures taking place in complete silence with small slips of paper being passed between commission members; this significantly undermined any transparency in the count. From observers comments, in some instances it was noted that there were significant discrepancies between turnout observed and the number of votes noted in PEC protocols.²⁹ In nearly a quarter of cases, protocols were not publicly displayed.

The PECs, at times, denied OSCE EOM observers access to voter lists, information on the number of voters who voted early, or the number of voters who voted by mobile ballot box. Also, the EC lacks specific procedures guaranteeing meaningful observation of the count. Combined with the absence of a requirement to provide observers with a certified copy of the protocol, it became practically impossible to determine whether ballots were counted and results reported accurately.

XV. TABULATION AND ANNOUNCEMENT OF ELECTION RESULTS

The above problems were compounded during the transfer of election materials to DEC's and in their tabulation. Four OSCE EOM observer teams reported that election materials did not go to DEC's, but rather to local executive committees. Twenty-four of the 76 specially-designated DEC observer teams were told that no tabulation would take place on election night, and that they should return in the morning. Many returned the following morning to be told that the 'working session' of the DEC was not to be observed while the formal session, which could be observed, proved to be a mere announcement of the final results; the EC makes no distinction between working sessions and other election commission sessions that are to be publicly accessible.

OSCE EOM observers noted that in 55 per cent of tabulations observed, they were not able to observe the figures being entered into the spreadsheet tables. In 18 cases, observers noted discrepancies between the PEC results and the numbers being entered during the DEC tabulation. Overall, observation teams evaluated the tabulation as being bad or very bad in 23.4 per cent of observations.

On 3 October, the CEC held a session in which it adopted the official results of the elections to the Chamber of Representatives of the National Assembly of Belarus. They found that 7,016,711 voters had been registered to vote and that 5,387,981 ballots had been issued. This resulted in an overall turnout of 76.7 per cent. Of this total, more than a third of voters (26.3 per cent) had voted before election day during early voting.

The CEC also announced that the 50 per cent turnout threshold had been reached in each of the 110 constituencies, and that a candidate had been elected in the first round in each, having succeeded in taking more than 50 per cent of the vote. Thus, no second round or repeat elections were announced. No opposition candidate succeeded in being elected to parliament.

²⁹ For example, one of the OSCE EOM observer teams deployed as a stationary team that spent all of election day in the same polling station, reported seeing a total of 154 voters during the day while, according to the official results protocol, the turnout in that polling station had been given as 456 voters.

After the announcement of final results, the CEC did not publish them disaggregated by precinct, either on its website or in any other format. Thus, a key element of public transparency and accountability was not acted upon, although the issue had been raised on a number of occasions by the OSCE/ODIHR EOM. Further information on the election results is included in the Annex to this report.

XVI. ELECTION DAY-RELATED COMPLAINTS AND APPEALS

The EC provides for complaints on election day to be heard by commissions immediately. As of 9 October, the CEC had received a total of 35 complaints related to elections results, of which 24 requested the invalidation of election results. Eighteen were sent back to DEC's for their review. In all 18 instances, these were rejected. Four complaints requesting recounts were also rejected. However, the DEC's had already decided on the election results before hearing all complaints. Nine of the DEC decisions on post-election requests for invalidation were further appealed to the CEC, and were heard by the CEC on 13 October; all were rejected as being without grounds.

EC Article 82 prescribes that complaints requesting invalidation of elections can be filed by candidates to the DEC's no later than the next day after elections. This deadline appears unduly short, considering that the EC also sets a three-day deadline for the delivery of DEC protocols to the CEC, and a five-day deadline for publication of the election results by DEC's. In fact, 3 candidates missed this deadline and their complaints were not considered. The DEC's, on the other hand, work according to the standard time schedule for reviewing these complaints (i.e. 3 days, which may be extended to 10 days if circumstances require verification). By law, DEC's can establish the election results prior to deciding on all complaints.

The same Article 82 gives the CEC the right to order a recount at the DEC. This Article also allows for elections to be invalidated "if, during the elections or during the count of votes or during determination of results of elections, there were violations of the Code that could have impacted the outcome of the elections". However, the EC does not list the violations or any criteria to determine what violations may be deemed sufficient to invalidate an election. Leaving such an important decision to the subjective discretion of DEC's opens the door to variable and arbitrary interpretations. In addition, according to this provision, DEC's are expected to evaluate their own violations "during the determination of results of elections", which does not guarantee the objectivity of the process. Neither does the EC delineate any violations where a recount should be ordered by the CEC; this leaves the matter entirely open to interpretation.

Considering the limited rights of observers and the current practice of withholding important information and documents from observers, the ability of candidates to collect sufficient evidence to justify an invalidation or recount request is minimal. Further, some DEC's did not invite the plaintiffs to attend the sessions at which their complaints were being heard. These circumstances, together with extremely short deadlines for filing complaints requesting invalidation, make realistic challenges of the election results improbable.

Many of the plaintiffs referred to circumstances that required investigation beyond the abilities of election commissions, thus some of the complaints were referred to prosecutors for investigation. However, prosecutors appeared to be working according to different deadlines for hearing post-election complaints, and DEC decisions on complaints were made without waiting for the outcomes of prosecutors' investigations. As such, the mechanism for post-election day complaints and appeals does not presently allow for meaningful legal redress.

XVII. RECOMMENDATIONS

The following recommendations are offered for consideration by the Belarusian authorities, political parties and civil society, to further support their efforts to conduct elections in line with OSCE commitments and other standards for democratic elections. The OSCE/ODIHR stands ready to assist the authorities and civil society of Belarus to further improve the electoral process.

A. GENERAL

1. The Belarusian authorities could seriously consider, and formulate effective and concrete steps, to act upon previous recommendations made by the OSCE/ODIHR in past election reports and legal opinions. These remain fundamental to the improvement of the electoral process.

B. LEGAL FRAMEWORK

2. The Belarusian authorities could engage in open and meaningful dialogue with all election stakeholders, including opposition, in amending the legal framework for elections in Belarus; this remains a primary barrier to conducting elections in accordance with OSCE commitments. In particular, the Election Code (EC) should be amended to:
 - provide clear, detailed procedures for key stages of the electoral process (e.g., formation of election commission, candidate nomination and registration, early voting, counting and tabulation) that guarantee inclusiveness, transparency, security and integrity,
 - remove undue barriers to candidate registration and allow for making corrections to registration documents submitted. Registration procedures should be inclusive, with the aim of determining only token voter support to avoid spurious candidacies. Procedures should not present unreasonable hurdles to citizens in their exercise of the fundamental right to stand as candidates,
 - establish a framework that allows candidates to conduct a campaign free from state control, with access to sufficient resources to conduct a meaningful campaign. At the same time, the EC should lift limitations on the right of individual voters and political parties to campaign for or against candidates,
 - provide for a complaints and appeals mechanism that allows an effective means of redress for both candidates and individual voters. Recommendations provided in the 2006 Joint Opinion could be used as a guideline in developing such amendments,
 - clearly distinguish between media providing information about candidates' campaigns and 'campaigning'; this would allow media to be more substantive and informative in their coverage of the election campaign,
 - the right of observers to attend all meetings of commissions at all levels, to observe election activities at any time, and to obtain copies of protocols, tabulations, minutes and other documents at all levels, should be guaranteed more clearly by the EC and fully respected in practice.
3. The Law on Mass Events could be amended to comply with international standards on freedom of assembly, allowing for the effective exercise of this right during the election campaign. In particular, citizens should only be obliged to inform the relevant authorities on the holding of such an event, rather than having to seek permission in advance.

C. ELECTION ADMINISTRATION

4. Election commissions could be constituted on the basis of nominations by political parties to ensure an inclusive and diverse balance of interests, and in such a manner as to provide a functional separation from state bodies:
 - simultaneous service in the state administration should be proscribed,
 - compositions of election commissions that result in the transfer of pre-existing hierarchical professional relationships should be forbidden,
 - the principle of collegiality should be the basis of each election commissions' work, grounded in a shared commitment to abide by the EC and other rules of procedure,
 - the composition of all election commissions on the basis of full, voting members from political parties could be a priority in establishing a balanced election administration. Opposition parties should have guaranteed representation on election commissions.
5. For elements not dealt with by the EC, the CEC could adopt clear and detailed procedures in their regulations concerning key stages of the election process; these should guarantee inclusiveness, transparency, security and integrity.
6. Ballots could be printed under the guidance and supervision of the CEC, and detailed legal provisions should be adopted to deal with security issues. In addition, the CEC should adopt a decision on the concrete number of ballots to be printed, based on the actual number of registered voters, plus a reserve percentage.
7. EC Article 17.2 could be amended to set a higher minimum number and a lower maximum number of voters per polling station than at present, in order to reduce the possibility of compromises to the secrecy of the vote, and reduce the risk of overcrowding and excessive queuing at polling stations.

D. CANDIDATE REGISTRATION

8. Consideration should be given to allowing all registered political parties to nominate candidates in each constituency, regardless of their registration at the regional level, provided that the candidate and party satisfy other legitimate requirements.

E. VOTER REGISTRATION

9. A cohesive system of voter registration in a nationwide register could be developed, maintained and updated on a continuous basis that would allow for cross checks and limit shortcomings, specifically non-registration of voters or multiple entries.
10. Voter lists could be closed at a certain period prior to election day, and further entries only permitted with a court decision of the appropriate level.

F. ELECTION CAMPAIGN

11. Executive authorities should not play a significant role in the election campaign and candidates should be given more freedom in arranging their own campaigns, including campaign events.

12. The content of candidates' programmes or appearances should not be subject to amendment by any other body. All candidates should be provided with the freedom to choose, within the framework provided by the law, the modality of their presentation.

G. MEDIA

13. The state-funded broadcaster, National State Television and Radio Company, could be transformed into a genuinely independent public service broadcaster, with an editorial line independent of the state authorities.
14. The media, in particular state-funded broadcast media, could consider a variety of formats that would provide voters with comprehensive and meaningful information on candidates, important aspects of the election process including voter education, and on the system of seeking remedy for complaints.
15. Candidates' free campaign slots could be broadcast immediately before or after the main evening news, enhancing voters' opportunity to learn about the candidates. A format, such as debates or candidate interviews, that can draw the interest of a larger audience, could be considered.
16. An independent media regulatory body could be established, with the aim of decreasing the role of the state; it should include a more diverse membership, including media professionals and civil society representatives.

H. VOTING, COUNTING, TABULATION AND ANNOUNCEMENT OF RESULTS

17. The CEC could strengthen safeguards to ensure secrecy of the vote during mobile voting. Mobile ballot boxes should only be dispatched to voters who have requested the service, having proved a justified reason.
18. All ballots should be stamped just prior to being issued to a voter, and ballots found in the ballot box without a stamp should be invalidated.
19. Ballot boxes could be uniform in production and secured with safety seals that have unique identification numbers, which are duly recorded in the PECs' journals.
20. Steps could be taken to introduce further guarantees for the integrity of the five-day early voting period. Such guarantees should be a prerequisite for keeping early voting as a voting option.
21. As required by law, the turnout and results figures from the early voting ballot box, the mobile ballot box and the stationary ballot box should be counted and recorded separately. These figures should also be entered separately into the PECs' results protocol and made public at every level. Further efforts and training in this area are required.
22. Additional regulations are required to make the counting process more transparent and secure. Each voter's mark on each ballot could be announced out loud and shown to observers so that each person present at the count may see the voter's mark. The total number of votes cast for each candidate should also be announced aloud.

23. Each PEC should be obliged to provide an official and legally binding copy of the PEC's results protocol immediately to any accredited observer requesting such a copy.
24. The CEC should publish all election results, broken down by polling station. This would increase public accountability, since elections are held at the behest of the public.

I. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

25. Parliament and the state authorities could create more favourable conditions for civil society organisations to operate, and benefit from their competence on participation issues.
26. State authorities could engage in dialogue with civil society and political parties regarding methods of monitoring and improving the implementation of CEDAW and the National Action Plan on Gender Equality.

ANNEX: ELECTION RESULTS

A. Final Election Results at DEC Level³⁰

Const. #	Total number of voters	Voters, who received ballots	Turnout	Voters taken part in voting	Invalid ballots	Against all votes	Against all, %
1	69335	47900	69.08%	47844	1097	4739	9.91%
2	69670	47390	68.02%	47334	1915	5171	10.92%
3	72544	50651	69.82%	50617	1979	5553	10.97%
4	72433	59570	82.24%	59559	1262	5056	8.49%
5	62849	44166	70.27%	44142	1323	4322	9.79%
6	59578	42886	71.98%	42879	1064	5033	11.74%
7	56065	48839	87.11%	48826	1480	4019	8.23%
8	64324	53865	83.74%	53865	1304	3686	6.84%
9	56373	44367	78.70%	44346	1063	4090	9.22%
10	65400	57540	87.98%	57530	1510	2627	4.57%
11	67194	56007	83.35%	55999	515	7940	14.18%
12	62399	44208	70.85%	44137	1181	1267	2.87%
13	56528	39119	69.20%	39119	1433	1738	4.44%
14	67933	46106	67.87%	46099	1855	4792	10.40%
15	67270	54069	80.38%	54067	493	9084	16.80%
16	59530	46176	77.57%	46175	1320	1904	4.12%
17	56180	47063	83.77%	47026	1258	1258	2.68%
18	59627	48350	81.09%	48346	848	2622	5.42%
19	60764	51332	84.48%	51308	1166	2919	5.69%
20	63898	56380	88.23%	56333	982	2814	5.00%
21	70106	66016	94.17%	66015	826	3393	5.14%
22	65106	60246	92.54%	60227	947	1850	3.07%
23	68621	62914	91.68%	62906	1648	4830	7.68%
24	65465	61257	93.57%	61249	1310	5944	9.70%
25	65573	50877	77.59%	50858	794	11548	22.71%
26	66194	55501	83.85%	55493	1243	4129	7.44%
27	63911	57411	89.83%	57352	1330	4165	7.26%
28	59117	41624	70.41%	41564	866	4829	11.62%
29	65846	60526	91.92%	60502	1057	3385	5.59%
30	55718	51074	91.67%	51043	1362	3683	7.22%
31	65825	45989	69.87%	45968	1040	4434	9.65%
32	69120	49301	71.33%	49290	1497	6937	14.07%
33	65652	47576	72.47%	47558	993	3954	8.31%
34	69241	39567	57.14%	39494	512	1583	4.01%
35	65946	46096	69.90%	46065	284	3693	8.02%
36	68784	50683	73.68%	50681	1225	5624	11.10%
37	68925	59081	85.72%	59081	1029	2969	5.03%
38	56604	52004	91.87%	52004	1346	1346	2.59%
39	56919	50593	88.89%	50589	1145	1124	2.22%
40	68966	53409	77.44%	53409	1285	6392	11.97%
41	61218	54338	88.76%	54337	1206	3450	6.35%
42	84465	64179	75.98%	64170	1379	3798	5.92%
43	59187	56725	95.84%	56725	763	2928	5.16%

³⁰

No published figures have been made publicly available at the PEC level.

44	62122	50048	80.56%	50023	1111	2836	5.67%
45	60006	54473	90.78%	54473	455	7901	14.50%
46	66849	52798	78.98%	52798	938	3978	7.53%
47	55426	51334	92.62%	51327	1354	4392	8.56%
48	67593	54984	81.35%	54978	518	8703	15.83%
49	67546	47396	70.17%	47379	1206	3138	6.62%
50	65535	43674	66.64%	43661	1080	4420	10.12%
51	70331	44799	63.70%	44792	1151	4982	11.12%
52	68033	53644	78.85%	53611	1480	5299	9.88%
53	55266	46588	84.30%	46583	986	5626	12.08%
54	67992	52701	77.51%	52701	707	6720	12.75%
55	63765	57648	90.41%	57646	1147	2737	4.75%
56	57196	46698	81.65%	46692	487	6985	14.96%
57	59357	50940	85.82%	50935	503	6822	13.39%
58	58950	44464	75.43%	44464	954	2985	6.71%
59	58828	47653	81.00%	47646	625	9912	20.80%
60	56015	48375	86.36%	48372	396	8153	16.85%
61	58285	50290	86.28%	50289	1193	4606	9.16%
62	69794	44314	63.49%	44314	1198	4071	9.19%
63	68348	48264	70.62%	48263	528	7618	15.78%
64	63937	52400	81.96%	52396	604	10593	20.22%
65	66977	49740	74.26%	49727	1148	4238	8.52%
66	68943	49707	72.10%	49685	1509	6439	12.96%
67	72226	58266	80.67%	58261	1047	4842	8.31%
68	57507	54370	94.55%	54359	1079	4231	7.78%
69	67887	47901	70.56%	47865	780	8032	16.78%
70	64993	53576	82.43%	53558	1703	4880	9.11%
71	61822	56929	92.09%	56924	894	8078	14.19%
72	58221	51830	89.02%	51830	497	6641	12.81%
73	62587	49442	79.00%	49439	1432	6248	12.64%
74	60679	48386	79.74%	48374	1476	7628	15.77%
75	65638	45594	69.46%	45530	1256	4139	9.09%
76	71211	61634	86.55%	61622	1691	6957	11.29%
77	61894	54258	87.66%	54258	1189	5243	9.66%
78	59247	40428	68.24%	40397	984	3094	7.66%
79	70253	51607	73.46%	51585	1116	2933	5.69%
80	61003	52996	86.87%	52992	918	2742	5.17%
81	62262	50931	81.80%	50921	1150	5466	10.73%
82	65331	59872	91.64%	59865	1071	3127	5.22%
83	60342	52647	87.25%	52647	1437	3350	6.36%
84	70845	48675	68.71%	48633	1133	4743	9.75%
85	68408	47212	69.02%	47146	706	3917	8.31%
86	66824	49194	73.62%	49191	1135	5052	10.27%
87	65731	50562	76.92%	50560	901	3394	6.71%
88	59738	51971	87.00%	51958	1127	4346	8.36%
89	67702	49852	73.63%	49676	1332	4225	8.51%
90	65535	57846	88.27%	57811	1010	3215	5.56%
91	56767	34783	61.27%	34754	997	2828	8.14%
92	57011	36068	63.26%	36058	1413	1413	3.92%
93	55396	33310	60.13%	33249	608	3287	9.89%
94	66590	38340	57.58%	38172	631	2252	5.90%
95	70499	43171	61.24%	43036	791	6624	15.39%
96	64568	41156	63.74%	41086	881	4557	11.09%
97	58953	35737	60.62%	35673	721	3038	8.52%

98	57159	36910	64.57%	36898	930	4957	13.43%
99	62159	38679	62.23%	38632	975	2129	5.51%
100	58512	37101	63.41%	37068	518	4397	11.86%
101	58093	37565	64.66%	37537	262	3452	9.20%
102	57649	34769	60.31%	34543	240	3759	10.88%
103	59154	36757	62.14%	36712	378	4523	12.32%
104	60688	38679	63.73%	38563	611	5788	15.01%
105	64222	41270	64.26%	41025	704	5813	14.17%
106	63126	41162	65.21%	41080	1327	3370	8.20%
107	61244	38099	62.21%	38047	1013	2991	7.86%
108	68548	43998	64.19%	43931	872	2889	6.58%
109	70027	47939	68.46%	47732	712	2946	6.17%
110	65163	40606	62.31%	40563	938	2578	6.36%
TOTAL	7016711	5387981	76.79%	5384647	113999	499890	9.28%

B. Statistics on Deputies Elected to the Chamber of Representatives

The CEC adopted the official results of the elections to the Chamber of Representative of the National Assembly of Belarus at its session on 3 October 2008.

1. Gender statistics:

F		M	
35	31.82%	75	68.18%

2. Re-election:

30 of 110 deputies were re-elected. Of those re-elected, 9 are female and 21 are male.

Region	# Re-elected deputies
Brest	7
Gomel	7
Grodno	3
Minsk	1
Minsk City	6
Mogilev	3
Vitebsk	3

3. Political Party Affiliation:

Of the elected deputies, only 7 are affiliated with a political party (all pro-government):

- a. Communist Party of Belarus: 6
- b. Belarusian Agrarian Party: 1

No deputies from the opposition have been elected to the current Parliament.

C. List of Elected Deputies, by Region and Constituency

Oblast	Constituency	Nominee	Gender	Re-elected	Party
BREST					
Brest	1	Velichko Oleg Ivanovich	M	Re-elected	No party affiliation
Brest	2	Bogdanovich Larisa Nikolaevna	F		No party affiliation
Brest	3	Onishchuk Anna Tarasovna	F		No party affiliation
Brest	4	Fedoruk Nina Fedorovna	F	Re-elected	No party affiliation
Brest	5	Van'kovich Anatoly Stepanovich	M	Re-elected	No party affiliation
Brest	6	Pishch Svetlana Sergeevna	F		No party affiliation
Brest	7	Majsyuk Vladimir Vladimirovich	M	Re-elected	CPB
Brest	8	Andrejchuk Nikolaj Konstantinovich	M		No party affiliation
Brest	9	Kazimirchik Evgeny Aleksandrovich	M	Re-elected	No party affiliation
Brest	10	Zdanovich Vladimir Matveevich	M	Re-elected	No party affiliation
Brest	11	Kovalevich Leonid Nikolaevich	M		No party affiliation
Brest	12	Zozulya Aleksandr Ivanovich	M		No party affiliation
Brest	13	Vershalovich Larisa Georgievna	F	Re-elected	No party affiliation
Brest	14	Mandrovskaya Zinaida Mihajlovna	F		No party affiliation
Brest	15	Shevchik Konstantin Fedorovich	M		No party affiliation
Brest	16	Kul'sha Nina Gerasimovna	F		No party affiliation
Total Brest	16		7F / 9M	7	
VITEBSK					
Vitebsk	17	Gritskevich Gennady Pavlovich	M		No party affiliation
Vitebsk	18	Ovchinnikov Viktor Vasil'evich	M		No party affiliation
Vitebsk	19	Semashko Sergej Aleksandrovich	M	Re-elected	No party affiliation
Vitebsk	20	Losyakin Aleksandr Mihajlovich	M		No party affiliation

Vitebsk	21	Bajkov Vasily Mihajlovich	M		No party affiliation
Vitebsk	22	Andrejchenko Vladimir Pavlovich	M		No party affiliation
Vitebsk	23	Mihalevich Anfim Ivanovich	M		No party affiliation
Vitebsk	24	Skovorodko Vladimir Yur'evich	M	Re-elected	No party affiliation
Vitebsk	25	Antonova Inna Vasil'evna	F		No party affiliation
Vitebsk	26	Gherelo Vladimir Il'ich	M		No party affiliation
Vitebsk	27	Adashkevich Vladimir Stepanovich	M	Re-elected	No party affiliation
Vitebsk	28	Yughik Petr Vladimirovich	M		No party affiliation
Vitebsk	29	Kazuro Eduard Petrovich	M		No party affiliation
Vitebsk	30	Popkov Aleksandr Andreevich	M		No party affiliation
Total Vitebsk	14		1F / 13 M	3	
GOMEL					
Gomel	31	Chikilev Aleksandr Stepanovich	M		No party affiliation
Gomel	32	Belyaev Aleksandr Arsenovich	M		No party affiliation
Gomel	33	Shevko Aleksandr Aleksandrovich	M	Re-elected	No party affiliation
Gomel	34	Kuznetsova Larisa Fedorovna	F	Re-elected	No party affiliation
Gomel	35	Filimonchik Tat'yana Stepanovna	F		No party affiliation
Gomel	36	Shat'ko Aleksandr Viktorovich	M	Re-elected	No party affiliation
Gomel	37	Majorov Vladimir Sergeevich	M		No party affiliation
Gomel	38	Kughanov Vladimir Ivanovich	M	Re-elected	No party affiliation
Gomel	39	Rusyj Mihail Ivanovich	M	Re-elected	BAP
Gomel	40	Batan Vladimir Ivanovich	M		No party affiliation
Gomel	41	Tihanskaya Raisa Aleksandrovna	F	Re-elected	CPB
Gomel	42	Artyushenko Evgeny Antonovich	M		No party affiliation
Gomel	43	Konoplich Sergej Mihajlovich	M		No party affiliation
Gomel	44	Isachenko Alla Ivanovna	F		No party affiliation
Gomel	45	Mihasev Vladimir Il'ich	M		No party affiliation

Gomel	46	<u>Kovaleva Valentina Ivanovna</u>	F	Re-elected	No party affiliation
Gomel	47	<u>Dashkevich Georgy Viktorovich</u>	M		No party affiliation
Total Gomel	17		5F / 12M	7	
GRODNO					
Grodno	48	El'yashevich Leonid Vladimirovich	M		No party affiliation
Grodno	49	Antonenko Aleksandr Il'ich	M		No party affiliation
Grodno	50	Maskevich Sergej Aleksandrovich	M	Re-elected	No party affiliation
Grodno	51	Remsha Marina Ivanovna	F		No party affiliation
Grodno	52	Gorbachenok Nikolaj Nikandrovich	M		No party affiliation
Grodno	53	Luzina Valentina Mihajlovna	F		No party affiliation
Grodno	54	Kleban Tamara Mihajlovna	F		No party affiliation
Grodno	55	Orda Mihail Sergeevich	M	Re-elected	No party affiliation
Grodno	56	Stepuro Vasily Ignat'evich	M		No party affiliation
Grodno	57	Bogush Filipp Filippovich	M		No party affiliation
Grodno	58	Kostyuk Mechislav Bronislavovich	M		No party affiliation
Grodno	59	Golubeva Tat'yana Gennad'evna	F	Re-elected	CPB
Grodno	60	Biryukova Mariya Mihajlovna	F		No party affiliation
Total Grodno	13		5F / 8M	3	
MINSK					
Minsk	61	Petrovich Vladimir Vikent'evich	M		No party affiliation
Minsk	62	Guminsky Viktor Aleksandrovich	M	Re-elected	No party affiliation
Minsk	63	Gur'yanov Vasily Pavlovich	M		No party affiliation
Minsk	64	Spil'nichenko Igor' Azorovich	M		No party affiliation
Minsk	65	Kot Oleg Ivanovich	M		No party affiliation
Minsk	66	Lyutikov Vasily Vladimirovich	M		No party affiliation
Minsk	67	Demidchik Gennady Iosifovich	M		No party affiliation

Minsk	68	Usik Vasily Petrovich	M		No party affiliation
Minsk	69	Levitskaya Anna Viktorovna	F		No party affiliation
Minsk	70	Ghgun Nikolaj Anatol'evich	M		No party affiliation
Minsk	71	Sinyakov Vladimir Evtehovich	M		No party affiliation
Minsk	72	Novik Elena Aleksandrovna	F		No party affiliation
Minsk	73	Dikovitskaya Elena Mihajlovna	F		No party affiliation
Minsk	74	Kleshchuk Inessa Anatol'evna	F		No party affiliation
Minsk	75	Obolensky Evgeny Vyacheslavovich	M		No party affiliation
Minsk	76	Lavrukevich Anna Nikolaevna	F		No party affiliation
Minsk	77	Bogatko Ivan Nikolaevich	M		No party affiliation
Total Minsk	17		5F / 12M	-	
MOGILEV					
Mogilev	78	Shamal' Elena Vladimirovna	F		No party affiliation
Mogilev	79	Karpyak Vladimir Valentinovich	M		No party affiliation
Mogilev	80	Glaz Anatoly Tihonovich	M		No party affiliation
Mogilev	81	Osmolovskaya Tat'yana Sergeevna	F	Re-elected	No party affiliation
Mogilev	82	Sakadynets Oleg Stepanovich	M	Re-elected	No party affiliation
Mogilev	83	Belkina Tamara Alekseevna	F		No party affiliation
Mogilev	84	Vasilenko Vladimir Nikolaevich	M		No party affiliation
Mogilev	85	Yushkevich Aleksandr Nikolaevich	M	Re-elected	No party affiliation
Mogilev	86	Isachenko Tat'yana Nikolaevna	F		No party affiliation
Mogilev	87	Mel'nikov Evgeny Aleksandrovich	M		CPB
Mogilev	88	Rozganov Aleksandr Ivanovich	M		No party affiliation
Mogilev	89	Kryghevich Sergej Ivanovich	M		No party affiliation
Mogilev	90	Ivanov Valery Nikolaevich	M		No party affiliation
Total Mogilev	13		4F / 9M	3	

MINSK CITY

Minsk City	91	Yurgelevich Galina Nikolaevna	F	Re-elected	No party affiliation
Minsk City	92	Vysotsky Aleksandr Nikolaevich	M		No party affiliation
Minsk City	93	Pavlovich Anatoly Vladimirovich	M	Re-elected	No party affiliation
Minsk City	94	Davyd'ko Gennady Bronislavovich	M	Re-elected	No party affiliation
Minsk City	95	Leonenko Valentina Stepanovna	F		No party affiliation
Minsk City	96	Korop Roman Leonidovich	M	Re-elected	CPB
Minsk City	97	Kozlov Aleksej Maksimovich	M		No party affiliation
Minsk City	98	Tolkachev Viktor Ivanovich	M		No party affiliation
Minsk City	99	Shilova Svetlana Dmitrievna	F		No party affiliation
Minsk City	100	Karpenko Igor' Vasil'evich	M	Re-elected	CPB
Minsk City	101	Kuz'mich Aleksej Fedorovich	M		No party affiliation
Minsk City	102	Lukashenok Valentina Nikolaevna	F		No party affiliation
Minsk City	103	Suhovej Svetlana Ivanovna	F		No party affiliation
Minsk City	104	Ghuravskaya Valentina Iosifovna	F		No party affiliation
Minsk City	105	Samosejko Nikolaj Leonidovich	M		No party affiliation
Minsk City	106	Polyanskaya Galina Vladimirovna	F	Re-elected	No party affiliation
Minsk City	107	Bus'ko Vitaly Leonidovich	M		No party affiliation
Minsk City	108	Kazak Nikolaj Stanislavovich	M		No party affiliation
Minsk City	109	Misuragin Ignaty Artemovich	M		No party affiliation
Minsk City	110	Shcherbachevich Tamara Georgievna	F		No party affiliation
Total Minsk City	20		8F / 12M	6	
TOTAL REPUBLIC	110		35 F / 75 M	30	

D. Candidates Registered for the 2008 Parliamentary Elections

1. In total, there were 263 candidates registered (54 Female³¹ / 209 Male):
 - a. Party-nominated: 80 (10 Female / 70 Male), including:
 - i. Pro-government:
 1. Belarusian Agrarian Party (BAP): 1
 2. Communist Party of Belarus (CPB): 11
 3. Liberal-Democratic Party (LDP): 8
 4. Republican Party of Labour and Justice (RPLJ): 3Total: 23
 - ii. Opposition:
 1. Belarusian Party of Communists (BPC): 14
 2. Belarusian Popular Front (BPF): 13
 3. Belarusian Social-Democratic Hramada (BSDH): 1
 4. Belarusian Social-Democratic Party (Hramada) (BSDP(H)): 11
 5. United Civic Party (UCP): 18Total: 57
 - b. 183 with no declared party affiliation (44 Female / 139 Male).
2. 33 incumbent deputies were registered as candidates (10 Female / 23 Male).
3. On election day, 16 constituencies of 110 were uncontested (only one candidate). An average of 2.39 candidates contested each constituency. A more detailed breakdown is provided in the following table:

Number of Candidates	Number of Constituencies
1	16
2	54
3	26
4	11
5	2
7	1
	110

4. 22 candidates withdrew over the course of the campaign (4 Female / 18 Male). 5 of these were deputies seeking re-election (all male). 9 had no declared party affiliation, while 13 represented the following political parties: (i) BPF: 3; (ii) CPB: 3; (iii) UCP: 7

³¹ The 54 female candidates ran in 48 constituencies.

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 coordinates 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).