



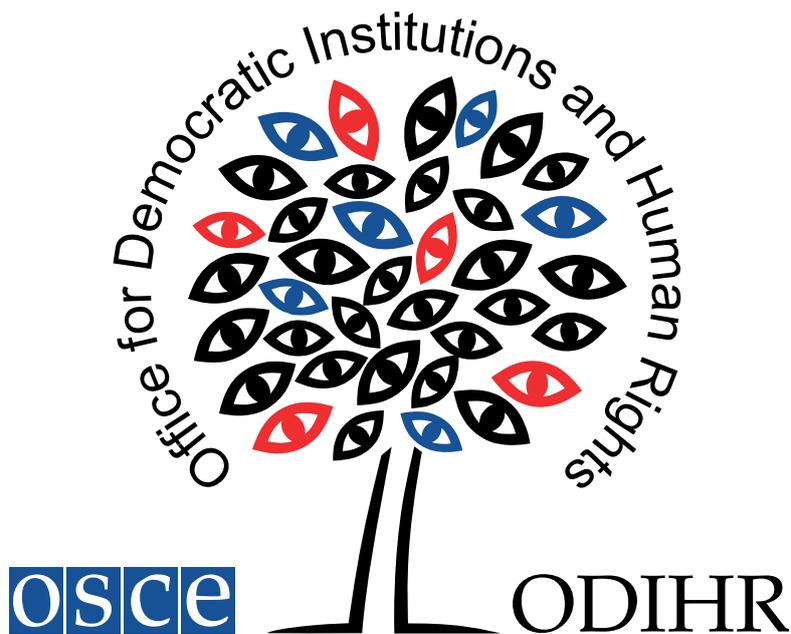
Office for Democratic Institutions and Human Rights

# REPUBLIC OF BELARUS

## PRESIDENTIAL ELECTION

11 October 2015

OSCE/ODIHR Election Observation Mission  
Final Report



Warsaw  
28 January 2015

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**REPUBLIC OF BELARUS  
PRESIDENTIAL ELECTION  
11 OCTOBER 2015**

**OSCE/ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an official invitation from the authorities of the Republic of Belarus, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) to observe the 11 October 2015 presidential election. The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as with national legislation. For election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe (PACE) to form an International Election Observation Mission (IEOM). Each of the institutions involved in this IEOM has endorsed the 2005 Declaration of Principles for International Election Observation.

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

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

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

The CEC did not publish the total number of ballots printed and distributed, and overall, the process lacked accountability and was not accessible to observers. TECs organized basic training for PEC leadership on early voting and election day procedures; the trainings varied in comprehensiveness and methodology.

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Belarusian and Russian.

PECs are responsible for voter registration based on data provided by local authorities. There is no permanent or centralized voter list, which does not provide legal safeguards against multiple registrations. Prior to election day, the CEC announced a total of 6,995,181 voters were registered to vote. The voter registration system is overly permissive, allowing registration in polling stations on election day without sufficient legal safeguards. In general, the OSCE/ODIHR EOM experienced difficulties in obtaining basic voter information from election commissions, which lessened the transparency of the election administration significantly.

The CEC registered 8 of 15 initiative groups that applied for signature collection and subsequently registered 4 candidates. All initiative groups were able to collect signatures across the country. Contrary to the law, state-subsidized associations participated in the signature collection of the incumbent. Signature verification was insufficiently transparent, undermining confidence in the process.

In a positive development, after several releases in 2014, the remaining internationally acknowledged political prisoners were released by the President in August 2015 but were prohibited by law to stand as candidates.

For the first time, a woman participated as candidate in a presidential election. Women are well represented on election commissions, with some 59 and 72 per cent of the TEC and PEC members, respectively. Women held all secretary positions at TEC's, but constituted only one-third of TEC chairpersons. Of the 12 CEC members, 4 are women, including the CEC chairperson.

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

The campaign was characterized by an uneven playing field for contestants and the blurring of the line between partisan interest and the State, contravening paragraphs 5.4, 7.6 and 7.7 of the 1990 OSCE Copenhagen Document. While the incumbent's campaign manager stepped down from her ministerial post for the duration of the campaign, high-ranking public servants and officials still campaigned on his behalf. Several state-subsidized public associations and institutions campaigned for him, and some campaign events took place in state-run enterprises.

The 2013 amendments to the Electoral Code increased limits on donations and expenditures, but abolished public funding for campaigning. Candidates had the right to use their own resources and contributions for campaigning, but most had low levels of income and expenditures. In a move widely welcomed by the contestants, the period for collection and use of funds was prolonged. Charities, religious and state-subsidized organizations are legally not allowed to contribute to campaign funds, but several state-subsidized public associations provided financial and in-kind contributions during the signature collection and to the campaign of the incumbent. The CEC published information on the total income and expenditures of candidates; however, the entire financial reports of candidates were not publicly available. Overall, campaign finance regulations did not ensure sufficient transparency and equality of opportunity for campaigning and competition.

Candidates were provided with a platform to convey their messages despite a restrictive media environment. The OSCE/ODIHR EOM media monitoring results showed that the incumbent was by far the most visible due to extensive coverage of him in his institutional capacity. In addition, some

state-owned media provided the public with political information favourable to him, and actively encouraged voter participation. Free access to state-owned media was given on an equal basis in an uncensored format, which contestants welcomed and media provided the public with voter information. A live debate took place on 3 October among three campaigns, except for the incumbent.

Several decisions of election commissions, including on the final results, may not be legally challenged and there are undue limitations on who can lodge a complaint, depending on the issue. More than 2,000 applications and complaints were filed in the election period; almost all were rejected. Most complaints alleged irregularities concerning voting and counting, the misuse of administrative resources for signature collection and campaigning in favour of the incumbent and the appointment of TEC and PEC members. The CEC considered only 4 of some 400 complaints in open sessions. On a positive note, the CEC maintained a register of complaints and appeals. Yet, the CEC did not publish any detailed information on the complaints and appeals. Overall, the resolution of electoral complaints was insufficiently transparent and did not provide effective remedy.

The Constitution and the legal framework provide for equal participation between genders in the electoral process. For the first time, a woman stood as a presidential candidate. Women were well-represented on election commissions, comprising some 59 and 72 per cent of TEC and PEC members, respectively. Women held all secretary positions in TECs, but constituted only one-third of TEC chairpersons. Of the 12 CEC members, 4 are women, including the chairperson.

A total of 43,572 citizen and 928 international observers were accredited. Some two-thirds of all accredited citizen observers represented state-subsidized public associations. The rights of citizen and international observers were interpreted and implemented restrictively. Observers are not entitled to follow all stages of the electoral process and election commissions have wide discretion to deny them access, which is at odds with international good practice. Three independent citizen observer groups carried out long-term observation and regularly published their findings. The CEC chairperson made public comments criticizing the work of some citizen observers. While citizen observers from public associations were present in most polling stations observed on election day, they frequently could not identify which organization they represented.

All voters could vote up to five days prior to election day without having to provide justification. Overall, IEOM observers assessed positively the early voting process. However, in more than 50 per cent of cases, observers were denied access to check voter lists and in some cases were prevented from following procedures. Complaints were filed in a number of PECs alleging discrepancies between reported turnout and the number of signatures in the voter lists, and inconsistent completion of daily protocols.

On election day, the voting process was assessed positively in 94 per cent of observations. A large number of IEOM observers were not allowed access to check the voter lists, and those who allowed noted seemingly identical signatures in 47 polling stations. Stacks of ballots indicating ballot box stuffing were noted in five polling stations. Such observations point towards serious violations.

The count was assessed negatively by observers, with some 30 per cent of polling stations assessed as 'bad' or 'very bad', indicating significant problems. One in five visited PECs did not perform basic reconciliation procedures such as counting the number of signatures on the voter lists and mandatory crosschecks, an important safeguard. IEOM observers reported significant procedural errors or omissions in one in three counts observed, including falsification of results. IEOM observers in five instances noted indications of ballot box stuffing during the count. Such elements cast doubts over the accuracy of the reported results.

The tabulation process was assessed negatively in 33 of 133 TECs observed, which is significant. Several TECs postponed tabulation until the following day for no defined reason and without the presence of PEC members. Such actions did not instil confidence in the accuracy of the reported results. On 16 October, the CEC announced the final election results, but did not publish a breakdown by polling station, thereby circumventing a major transparency safeguard and undermining public confidence.

Overall, concerns with access and transparency were noted by IEOM observers throughout all stages of election day. In seven per cent of polling stations where voting was observed, IEOM observers were restricted in their observations and in six per cent were not granted full co-operation by PEC members. In one-third of polling stations observed during the vote count IEOM observers reported that several PECs took deliberate actions to diminish observer access. In addition, the tabulation of the results in TECs lacked transparency. IEOM observers were restricted in their observations in 77 TECs and did not have a clear view of the process in 23 TECs. No meaningful observation was possible in 14 TECs.

Independent citizens' observer organizations and one candidate challenged the election results at different levels. Some 1,326 complaints were filed on early voting and election day irregularities. One candidate filed a general complaint to the CEC listing 1,287 alleged violations and requested the CEC to invalidate the nationwide election results, which was rejected. Overall, the handling of election day complaints fell short of providing effective remedy and possibly left infringements unsanctioned.

## II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an official invitation from the authorities of the Republic of Belarus and based on the recommendation of a Needs Assessment Mission conducted from 14 to 17 July, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 26 August for the 11 October 2015 presidential election.<sup>2</sup> The EOM was headed by Ambassador Jacques Faure and consisted of 13 experts based in Minsk and 36 long-term observers deployed throughout the country. Mission members were drawn from 21 OSCE participating States.

For election day, the OSCE/ODIHR EOM joined efforts with observer delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) to form an International Election Observation Mission (IEOM). Kent Hårstedt was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observers. Jim Walsh headed the OSCE PA delegation and Reha Denemeç headed the PACE delegation. In total, there were 399 observers from 36 countries, including 327 long-term and short-term observers (STOs) deployed by the OSCE/ODIHR, as well as 59 parliamentarians and staff from the OSCE PA, and 13 from the PACE. Voting was observed in 1,520 of 6,129 polling stations, counting was observed in 173 polling stations, and tabulation was observed in 133 of the 146 territorial election commissions (TECs).

The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation.

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<sup>2</sup> [See all previous OSCE/ODIHR reports on Belarus.](#)

This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Minsk on 12 October.

The OSCE/ODIHR EOM wishes to thank the authorities of Belarus for the invitation to observe the election, the Central Commission for Conduct of Elections and National Referenda (CEC) for its co-operation and for providing accreditation, and the Ministry of Foreign Affairs and other authorities for their assistance. It also expresses its appreciation to the representatives of political parties, media, civil society, and other interlocutors for sharing their views. The OSCE/ODIHR EOM also wishes to express its gratitude to the diplomatic representations of OSCE participating States for their co-operation and support.

### III. POLITICAL BACKGROUND

The 11 October presidential election was called by the House of Representatives of the National Assembly on 30 June. It was the fifth presidential election since Belarus gained independence in 1991. The 1994 Constitution was amended twice by a popular referendum: in 1996, increasing the power of the presidency, and in 2004, abolishing the two-term presidency limit.<sup>3</sup> These amendments allowed incumbent President Alyaksandr Lukashenka to stand for a fifth term in office.

Belarus is a presidential republic where the head of state enjoys extensive powers. The political system is characterized by weak party structures.

The OSCE/ODIHR has observed the past six national elections since 2001, which all have been assessed as falling short of OSCE commitments and international obligations and standards for democratic elections. The last presidential election held in December 2010 resulted in street protests and arrests of seven presidential candidates and several hundred citizens, civil society activists and journalists. On 22 August, the six remaining political prisoners, convicted among others, for participating in these events, were released before the end of their terms. As the right to stand excludes persons with criminal convictions, they were not able to stand in this election; furthermore, activities such as participation in unauthorized events can lead to a reinstatement of their sentences.

The election was held amidst an economic downturn, concerns about the regional security situation. The election was viewed as an important test on the way to improving relations with the country's partners.

### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

#### A. ELECTORAL SYSTEM

The president is elected for a five-year term in a two-round majoritarian contest. If no candidate gains more than 50 per cent of the total number of votes cast in the first round, a second round is held within two weeks between the top two candidates. In a second round, a candidate has to obtain

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<sup>3</sup> The Council of Europe's Commission for Democracy through Law (Venice Commission) in its [Opinion on the Referendum of 17 October 2004 in Belarus](#) stated at the time that "the question concerning the possibility for Mr. Lukashenka to again be candidate in the forthcoming election is in direct and clear contravention of this law (the Constitution). It can therefore not be decided by referendum."

over 50 per cent of the votes to get elected. In addition, a turnout over 50 per cent is required for the election to be valid. This requirement is applicable to both rounds, which could potentially lead to cycles of failed elections.

## **B. LEGAL FRAMEWORK**

The election is regulated primarily by the Constitution and the Electoral Code.<sup>4</sup> The legal framework remained essentially unchanged since the last presidential election and previous OSCE/ODIHR reports assessed it as not adequately guaranteeing the conduct of elections in line with OSCE commitments and international standards. Despite welcome post-electoral engagement, amendments introduced in 2013 and 2014 also did not address key OSCE/ODIHR recommendations.<sup>5</sup> Furthermore, contrary to paragraph 5.8 of the 1990 OSCE Copenhagen Document, no public consultations were held with relevant stakeholders prior to adopting these amendments.<sup>6</sup>

*A comprehensive legal reform should be considered and developed on the basis of previous OSCE/ODIHR recommendations, including OSCE/ODIHR and Venice Commission Joint Opinions, and through an inclusive process with all relevant stakeholders.*

Noted shortcomings of the legal framework include unclear rules on the composition of election commissions and the signature verification process by TECs as well as a lack of procedural safeguards for early voting, voting, counting, and tabulation, including no requirement to publish disaggregated election results, which is contrary to paragraph 7.4 of the 1990 OSCE Copenhagen Document.<sup>7</sup> There are insufficient legal safeguards against the misuse of administrative resources, limitations on the rights of observers and other electoral stakeholders as well as ineffective electoral dispute resolution. Overall, these legal shortcomings do not ensure the transparency and integrity of the electoral process.

*The Electoral Code should be amended to include substantial procedural safeguards that ensure integrity and transparency of all stages of the electoral process, in particular the composition of election commissions, the verification of support signatures, observers' rights, the conduct of early and mobile voting as well as an honest counting and tabulation of votes.*

More broadly, legal amendments in 2011 and 2012 increased existing limitations on fundamental freedoms of association, assembly and expression.<sup>8</sup> The law gives the authorities wide discretionary powers to deny registration or deregister political parties and public associations, and criminalizes

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<sup>4</sup> These are supplemented by the 1997 Law on Mass Actions, the 2008 Law on Mass Media, the 1999 Civil Procedure Code, the 1999 Criminal Code, the 2003 Code of Administrative Offences and Central Election Commission Resolutions.

<sup>5</sup> In final reports on the 2010 and 2012 elections, the OSCE/ODIHR EOMs made 38 recommendations, of which 16 were repeated in both reports. Only three recommendations were partly addressed. In 2013, Belarus invited and hosted the OSCE/ODIHR on two occasions to discuss previous recommendations and planned amendments. Subsequently, no requests for a formal legal review of the draft or adopted amendments were made.

<sup>6</sup> Paragraph 5.8 states that the legislation will be adopted at the end of a public procedure.

<sup>7</sup> Paragraph 7.4 states that participating States will ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public.

<sup>8</sup> Amendments were introduced to the Electoral Code, the laws on Mass Actions, Mass Media, Public Associations, Political Parties, the Criminal Code, and the Codes of Criminal Procedures and Administrative Offences.

foreign funding of human rights organizations.<sup>9</sup> Despite repeated applications, no new political party has been able to register since 2000, which is at odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document.<sup>10</sup> The amendments introduced burdensome procedures for obtaining permission to hold public assemblies and increased sanctions for organizing unauthorized meetings.<sup>11</sup> Freedom of expression was further limited by a ban on calls and acts of disruption, cancellation or postponement of elections in addition to existing criminal and administrative offences for defamation and insult. Such disproportionate and unreasonable legal restrictions do not guarantee the free will of voters and is contrary to 1990 OSCE Copenhagen Document, the 1996 United Nations Human Rights Committee (UNHRC) General Comment No. 25 of the International Covenant on Civil and Political Rights (ICCPR) and other international obligations and standards.

*All relevant laws and decrees should be amended to ensure that any restrictions on fundamental freedoms have the character of exceptions, be imposed only when necessary in a democratic society, be proportionate to a legitimate aim and not be applied in an arbitrary and overly restrictive manner.*

The Electoral Code prescribes two types of sanctions, warnings and deregistration, which may be imposed by election commissions on a candidate for a number of infringements. In addition, courts may impose fines and prison sentences. Whereas fines for grave offences appear to be insignificant and therefore not sufficiently dissuasive, deregistration of an election contestant should only be a sanction of a last resort after serious and repeated breaches of the law.

*The law should be amended to prescribe an exhaustive list of possible electoral violations and respective sanctions, which should be proportionate and dissuasive.*

## V. ELECTION ADMINISTRATION

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

The CEC was appointed in 2011 and is the only permanent election body; only the chairperson and secretary are employed full-time. Of the 12 CEC members, 6 are appointed by the president, including the chairperson, and 6 by the Council of the Republic, nominated by a joint decision of legislative councils and executive committees at regional and Minsk city level. The CEC has eight full-time staff, including the head of the CEC legal and administrative department, who is also a CEC member. Four CEC members are women, including the chairperson. The CEC chairperson

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<sup>9</sup> The Law on Political Parties and the Law on Public Associations prescribe an overly burdensome process for registration and give the Ministry of Justice wide discretionary powers to reject applications on formalistic grounds, including grammatical and spelling mistakes in applications. Presidential Decrees no. 24 as of 28 November 2003 and no. 5 as of 31 August 2015 prohibit the use of foreign funds by public associations for a number of purposes including elections, meetings, seminars and other political activities. Receipt of foreign funds is an administrative offence under Article 23.24 of the Code of Administrative Offences. A repeated administrative offence within the same year is a criminal offence under Article 369.2 of the Criminal Code.

<sup>10</sup> Paragraph 7.6 provides that participating States will respect the right of individuals and groups to establish in full freedom, their own political parties and other organizations. Most recently, on 14 August, the organizing committee of the Belarusian Christian Democracy was denied registration by the Ministry of Justice. On 14 October, the Supreme Court upheld the decision following an appeal.

<sup>11</sup> [The 2012 OSCE/ODIHR and Venice Commission Joint Opinion on the Law on Mass Events](#) notes that the current regulation of freedom of assembly raises a number of serious concerns regarding its compliance with international standards.

was highly visible in the media throughout the election period, at times making opinionated comments on candidates and observers. Three presidential candidates nominated members with an advisory vote to the CEC, and the 4 candidates appointed a total of 117 proxies countrywide.<sup>12</sup>

*The authorities should reconsider the mechanism of appointment of CEC members to ensure that sufficient safeguards are in place for its independence and impartiality and to improve public confidence in the election administration.*

The CEC exhibited a welcoming attitude towards international observers. It made technical preparations and passed all decisions within legal deadlines. All decisions were passed unanimously and, together with regulations and the guidelines, were published on the CEC website in a timely manner.

The CEC prepared guidelines for TECs and PECs and basic training materials for lower-level commissions.<sup>13</sup> The CEC left a number of topics effectively unregulated, including the use of photo recording devices in polling stations, the layout of voter lists and the procedure for modification of voter lists, which did not ensure uniform implementation by lower-level commissions.

*Detailed procedures for aspects left unregulated by the Electoral Code should be developed by the CEC to enhance accountability, inclusiveness, transparency, security and integrity of the process and to ensure clear and uniform rules for lower-level election commissions.*

Although the Electoral Code provides that election commissions are independent from any state body, the government had a key role in appointing commission members. TECs are formed by joint decision of legislative councils and executive committees at regional and Minsk city level; and PECs by decision of district or city executive committees, or local administrations. At least one third of their members had to be nominated by political parties and public associations, not more than one third could be civil servants, and each nominating body could have only one member on each commission. The law prevents heads of local executive and administrative bodies to be members of election commissions. Nevertheless, the OSCE/ODIHR EOM noted that other senior management professionals of these bodies such as deputy heads or heads of departments held managerial positions on some TECs or directed their work.<sup>14</sup>

The legal formula for the composition of TECs and PECs could potentially have ensured a balanced representation of different viewpoints. However, the absence of clear legal criteria for the selection of election commissioners allows local authorities full discretion in the appointment process.<sup>15</sup> This gave them *de facto* decision-making authority in election commissions. Opposition groups had only a few members appointed to TECs and PECs and none in managerial positions.<sup>16</sup> Their complaints over non-inclusion of their nominees were, as a rule, dismissed as ‘groundless’. In contrast, pro-

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<sup>12</sup> The Electoral Code provides that candidates have the right to nominate a member with an advisory vote to the CEC and up to 30 proxies countrywide. The incumbent did not nominate an advisory member.

<sup>13</sup> In particular, CEC Resolution No.11 of 14 May, (PEC Manual) says that the “PEC chairperson is not entitled to ignore observers’ request and should ensure they are located in a place where they can observe the vote count.” However, PEC leadership had wide discretion in the treatment of observers. See Election Day Section.

<sup>14</sup> OSCE/ODIHR EOM observations from TEC Zavodskoi, Minsk city; TECs Buda-Kashelovo and Rogachev, Gomel *oblast*; TEC Leninskiy in Grodno city, TECs Berestovitsa and Svisloch in Grodno *oblast*; and several TECs in Mogilev *oblast*.

<sup>15</sup> The concern has been previously been raised in the 2010 [OSCE/ODIHR and the Venice Commission Joint Opinion on the amendments to the Electoral Code](#).

<sup>16</sup> OSCE/ODIHR EOM interlocutors from the “Right to Choose 2015” coalition, a citizen observation group, noted that out of 374 members proposed to PECs only 10 were appointed; in general, around half of one per cent of appointed commissioners belonged to independent organizations or opposition parties.

government public associations were successful with at least 8 in 10 of their nominees being appointed to commissions.<sup>17</sup> In total, local authorities appointed some 2,623 TEC and 66,941 PEC members. Overall, the nomination process was not inclusive and lacked transparency. Opposition and a number of civil society representatives, including citizen observers and human rights defenders, expressed a lack of confidence in the independence and impartiality of the election administration.

*To ensure a genuinely pluralistic composition of election commissions and to promote confidence in the election administration, consideration should be given to revising the system for nominating and appointing election commissions and to ensuring the inclusion of commission members nominated by contestants at all levels of the election administration.*

TECs held sessions generally open to observers. TECs organized basic training for PEC leadership on early voting and election day procedures. The OSCE/ODIHR EOM observed that the trainings varied in comprehensiveness and methodology. Women were well-represented on election commissions, consisting of some 59 and 71 per cent of the TEC and PEC members, respectively. Women held all secretary positions at TECs, but constituted only one-third of TEC chairpersons.

The CEC produced material on the candidates, which was mailed to voters and displayed in designated spaces and polling stations. The CEC printed posters with general voter information; however it did not initiate any voter information campaign in the media. Stencils and candidate information in Braille were available to visually impaired voters.<sup>18</sup> Most election material was produced in both Belarusian and Russian, but some only available in Russian.

The CEC ordered the printing of some 7,285,000 ballots based on estimates of the number of voters, but it did not publish the total number of ballots printed and distributed. Overall, the ballot printing and distribution process lacked accountability and was not accessible to observers.

## VI. VOTER REGISTRATION

Citizens who are 18 years old by election day have the right to vote at the precinct where they reside. The Electoral Code establishes that those declared legally incapacitated by a court, imprisoned with criminal convictions or held in pre-trial detention are not eligible to vote.<sup>19</sup> Disenfranchisement of prisoners regardless of the gravity of the crime committed and of those in pre-trial detention is at odds with the principle of universal suffrage.<sup>20</sup> On a positive note, on 24

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<sup>17</sup> *Belaya Rus* got 90.1 per cent of nominees appointed; Republican Youth Union (BRSM) – 87.8 per cent; and Federation of Trade Unions (FTU) – 84 per cent.

<sup>18</sup> In response to criticism for not paying sufficient attention to voting by persons with disabilities, on 24 September, the CEC passed a decision, which among other measures, requested the BRSM to provide volunteers to facilitate disabled voters' access to polling stations and assist them during voting. Such a measure is problematic given that the pro-government BRSM was also involved in signature collection and campaigning in favor of the incumbent.

<sup>19</sup> On 28 September 2015, Belarus signed the United Nations Convention on the Rights of Persons with Disabilities; but it has not yet been ratified. The convention requires states to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”

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

September, the CEC passed a resolution granting voting rights to citizens under arrest for criminal convictions up to three months.<sup>21</sup>

*The blanket denial of suffrage rights of citizens in pre-trial detention or serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense committed. The blanket restrictions on the suffrage rights of persons declared mentally incompetent should be removed or decided on a case-by-case basis, depending on specific circumstances.*

PECs are responsible for voter registration based on data provided by local authorities. There is no permanent or centralized voter register.<sup>22</sup> The absence of a unified voter list excluded the possibility to crosscheck for multiple registrations. PECs used various practices for verification, including door-to-door checks. Voter lists were not publicly displayed; however, they were available to voters in polling stations for scrutiny and correction upon request. After the verification of voter lists was completed on 25 September, the CEC announced a total of 6,995,181 voters were registered, including 5,742 voters abroad. The CEC did not provide disaggregated information on registered voters below the *oblast* level. Furthermore, the OSCE/ODIHR EOM and some citizen observer groups encountered difficulties in accessing voter lists and obtaining basic voter information from TECs and PECs, including during early voting and on election day. This lessened the transparency of the election administration process significantly.

*Prior to election day, voters should be able to inspect the voter register and request changes to their information. The final voter lists should be published along with disaggregated information. Observers and candidate representatives should be given access to voter lists.*

The law requires that a voter may only be registered in one polling station.<sup>23</sup> However, the voter registration system is overly permissive, allowing registration in polling stations on election day without sufficient legal safeguards.<sup>24</sup> By CEC resolution, citizens could be added to the voter list at their place of temporary residence based on minimal proof (e.g., a lease contract) in addition to a valid passport containing residency information. In this case, the PEC was required to send a notification requesting such voters to be removed from the voter list at their place of permanent residence; no information was available on the total number of such cases.<sup>25</sup> The CEC also decided to accept several types of documentation as proper voter identification, but only for citizens who were already registered on a voter list.

*A legal deadline for voter registration prior to election day could be introduced, with additional entries permitted only in accordance with clearly defined legal requirements subject to judicial control.*

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<sup>21</sup> CEC Resolution No. 78 allowed those imprisoned under house arrest to exercise their right to vote.

<sup>22</sup> Section I.1.2 of the 2002 [Venice Commission Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) requires permanent voter registers if they are to be reliable.

<sup>23</sup> The CEC did not issue instructions to PECs on the compilation and verification of voter lists. Furthermore, CEC Resolution no. 23 of 1 July, on the procedure for citizens' participation in voting abroad did not contain any requirement for removing entries of voters registered to vote abroad from voter lists in-country.

<sup>24</sup> Section I.1.2.vi of the Code of Good Practice states that voter registration should not take place at polling stations on election day.

<sup>25</sup> The CEC only released information about the number of voters added to the voter lists on election day, which totalled 16,752 voters.

## VII. CANDIDATE REGISTRATION

Belarus-born citizens older than 35 years with a permanent residence in the country for the last 10 years are eligible to stand as candidates, provided that they do not have an unexpunged criminal record. Restrictions on the right to stand due to residency may be considered at odds with Belarus' international obligations.<sup>26</sup> A presidential candidate is nominated by an initiative group of no less than 100 voters.

*The 10-year residency requirement for persons who are otherwise eligible to stand for election should be reconsidered.*

The CEC registered 8 initiative groups out of 15 applications.<sup>27</sup> After registration, initiative groups are required to collect 100,000 supporting signatures of voters. Three of the eight groups did not submit the required number of signatures. In addition, one candidate was denied registration after TECs detected absent or inconsistent information about the voters signing or people collecting the signatures.<sup>28</sup> Subsequently, on 10 September, the CEC registered four candidates. For the first time, a woman stood as a presidential candidate. In general, all four initiative groups were able to collect supporting signatures across the country. Some OSCE/ODIHR EOM interlocutors raised concerns about a lack of equal opportunity pointing to the misuse of administrative resources by the incumbent in the signature collection process.<sup>29</sup>

The verification of registration documents was carried out by TECs in closed sessions. The rules on signature verification are unclear and at odds with international good practice and allow for arbitrary decisions by TECs, which cannot be appealed.<sup>30</sup> Also contrary to good practice, TECs were required to check only a sample of the submitted supporting signatures. Overall, the verification potentially constitutes a barrier on candidacy, being insufficiently transparent and undermining confidence in the process.<sup>31</sup>

*Authorities should ensure equal conditions for signature collection for candidate registration. In line with good electoral practice, the number of supporting signatures could be reduced and all signatures should be subject to verification in a transparent and objective manner.*

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<sup>26</sup> Paragraph 15 of the 1996 UNHRC General Comment No. 25 to the ICCPR states that any restrictions on the right to stand must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as residence. See also paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document. The 10-year residency requirement has been previously criticized for being too lengthy; see also the 2010 [OSCE/ODIHR and the Venice Commission Joint Opinion on the amendments to the Electoral Code](#).

<sup>27</sup> Of the 7 applications, 3 were denied because the initiative group had less than 100 members, 1 for applying after the deadline, 1 for missing documents, 1 for not meeting the 10-year residency requirement, and 1 because the nominated candidate has a previous criminal conviction for participation in the 2010 protests.

<sup>28</sup> TECs invalidated 123,705 of 130,404 signatures submitted for Viktor Tereshchenko. The Supreme Court rejected an appeal by Mr. Tereshchenko against the CEC decision denying him registration.

<sup>29</sup> The head of the incumbent's initiative group was the chairman of the FTU with over four million members. He stated at a public CEC session that the resources of the FTU were used for signature collection. A total of 1.7 million signatures were collected for the incumbent.

<sup>30</sup> The Code of Good Practice states that the law should not require more than one per cent of the signatures within a constituency and that the checking process must cover all signatures. The required 100,000 supporting signatures equal some 1.43 per cent of the electorate in the nationwide constituency.

<sup>31</sup> See also the European Court of Human Rights judgment in the case [Tahirov v. Azerbaijan, application no. 31953/11](#), 11 June 2015.

## VIII. ELECTION CAMPAIGN

### A. CAMPAIGN ENVIRONMENT

The election campaign officially commenced after the registration of candidates on 10 September. Candidates could campaign across the country and convey their messages in an unhindered manner. The campaign was low-key but became more active in the last two weeks and consisted mostly of meetings with voters and leafleting. The relative public disinterest was accentuated by modest turnout at most campaign events observed by the OSCE/ODIHR EOM. In contrast, materials produced by the local executive authorities calling on voters to vote were highly visible.

Candidates' programmes focused on peace and stability, the country's neutral status and on the economic downturn. The incumbent emphasized his accomplishments while two other candidates also partly referred to his achievements and criticized the opposition. Only one candidate, whose platform focused chiefly on socio-economic issues, was critical of the incumbent and openly questioned the integrity of the electoral process. These gave voters a limited choice.

The incumbent's proxies included a number of high-ranking state officials, many of whom did not go on leave while campaigning.<sup>32</sup> A gathering organized by the Ministry of Defence called on all current and former military personnel and their families to support the candidacy of the President.<sup>33</sup> These incidents created an uneven playing field and blurred the line between the incumbent's campaign and the State, contravening paragraphs 5.4 and 7.6 of the 1990 OSCE Copenhagen Document.<sup>34</sup>

Shortly before election day, the Exarch of the Russian Orthodox Church in Belarus endorsed his candidacy during a widely publicized church ceremony attended by state officials and religious leaders. In a welcome move, the Minister of Labour and Social Protection stepped down for the duration of the campaign to serve as the manager of the incumbent's campaign.

Several predominantly state-subsidized public associations actively campaigned for the incumbent.<sup>35</sup> His campaign used a nationwide network of the *Belaya Rus* offices as reception centres for voters' concerns. Public associations disseminated a large number of posters featuring the incumbent's campaign slogan, but without the imprint data required by law.<sup>36</sup> The graphical style of this material appeared to mix the incumbent's campaign message and voter information sponsored by local executive. Symbols and slogans used in the incumbent's campaign were also featured in state media's election-related reporting and during 58 public concerts organized countrywide by the Federation of Trade Unions, the Ministry of Culture and the *ONT TV* state broadcaster.<sup>37</sup>

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<sup>32</sup> For instance, the Speaker of House of Representatives, four out of six *oblast* governors, the Chairperson of the *Belteleradiocompany*, and the General Director of the state-owned enterprise *Belaruskaliy*.

<sup>33</sup> The call was published on the Ministry of Defence's website. Article 23 of the [1994 OSCE Code of Conduct on Politico-Military Aspects of Security](#) states that while providing for the individual service member's exercise of his or her civil rights, states will ensure that its armed forces as such are politically neutral.

<sup>34</sup> Paragraph 5.4 provides for a clear separation between the State and political parties. Paragraph 7.6 states that political parties and organizations will be provided with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment.

<sup>35</sup> For instance, the FTU, the Public Association of Veterans, the BRSM, *Belaya Rus* and the Union of Women with membership between half and three-quarters of the country's population.

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

<sup>37</sup> On 25 September, Ms. Korotkevich filed a complaint claiming that the same logo was used by the incumbent. Rejecting the complaint, the CEC argued that all candidates could use the logo.

Local executives designated indoor and outdoor spaces and venues for campaigning within legal deadlines and mostly respected the requirement to publicize the information. Campaigning was possible only in designated locations and after notifying the local or election administration.<sup>38</sup> One candidate's attempt to hold an event in a different location was stopped by officials.<sup>39</sup> In contrast, the proxies of the incumbent organized meetings with voters, some not labelled as campaign meetings, in state-run enterprises, which in some cases took place under a guise of work meetings and without prior notification.<sup>40</sup> This gave the incumbent an undue advantage and is at odds with paragraph 7.7 of the 1990 OSCE Copenhagen Document as well as with national legislation.<sup>41</sup>

*Authorities should ensure that there is a clear separation of the State and partisan interest, equal treatment of contestants before the law and that the campaign is conducted in a fair and free environment. Authorities should ensure that campaigning is held in line with national legislation, including without abuse of official position, involvement of employees or other subordinate persons, and support for campaigning provided by state-subsidized associations.*

Electoral stakeholders other than candidates and their proxies are obliged to follow an overly burdensome permission procedure to conduct outreach activities during the campaign period.<sup>42</sup> Requests for public meetings by several oppositional political parties were rejected.<sup>43</sup> In contrast, some political parties and public associations were permitted to hold a large number of events in support of the incumbent.<sup>44</sup> Nonetheless, several opposition politicians held a number of unauthorized public events in Minsk and other large cities questioning the legitimacy of the election. Although these events were not prevented from taking place by the authorities before election day, their organizers were tried in court and fined for conducting them without permission.<sup>45</sup>

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<sup>38</sup> Although in line with legislation, it is at odds with principles of freedom of assembly and paragraph 9.2 of the 1990 OSCE Copenhagen Document, which states that everyone has the right to assemble peacefully and restrictions must be based on law and consistent with international standards.

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

<sup>40</sup> OSCE/ODIHR EOM observations in Bobruisk, Grodno, Gomel, Minsk, Vitebsk and Mogilev. In one case, OSCE/ODIHR EOM observers were barred from observing an event held in a state enterprise in Minsk city. While the CEC stated on 10 October, that the incumbent conducted 750 indoor and 166 outdoor meetings, the head of his campaign claimed that 1,057 meetings with voters were held. Overall, the OSCE/ODIHR EOM observed 96 campaign events.

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

<sup>42</sup> The notification-based procedure applies to candidates and their proxies only. The Law on Mass Events, which regulates public gatherings outside the election period, applies to all other election stakeholders.

<sup>43</sup> For instance, the Belarusian Party of the Left 'Fair World' reported that that all of its 65 requests for meetings with voters were rejected; the United Civil Party claimed that all 8 of its requests were rejected; and all 16 requests by members of the organizing committee of the Belarusian Christian Democracy were rejected.

<sup>44</sup> The Communist Party of Belarus informed the OSCE/ODIHR EOM on 25 September, that it was able to hold events for the incumbent. Similar statements were made by representatives of several public associations as well as the head of the incumbent's campaign.

<sup>45</sup> On 1 and 11 October, the President warned that no protests will be tolerated on or after election day. On 11 October, five protestors were detained for their participation in a rally in Minsk. Other participants were summoned by police allegedly based on news footage of the event.

## B. CAMPAIGN FINANCE

In a positive step, the 2013 amendments to the Electoral Code increased the limits on donations by citizens and legal entities as well as on expenditures; however some candidates and other stakeholders opined that these remain low and do not allow for meaningful campaigning.<sup>46</sup> Each candidate could spend up to equivalent of EUR 85,000. For the first time, monetary public funding was abolished, which hampered the outreach capacities of contestants.<sup>47</sup> In a positive step, nominated candidates were allowed to open campaign funds early in order to finance signature collection, which some did. However, these funds could not be used for posters or media advertisement.

Third-party financing is not regulated and in-kind donations are not reported. Whereas charities, religious and state-funded organizations are not allowed to contribute to campaign funds, several predominantly state-funded public associations offered monetary and in-kind contributions in favour of the incumbent.<sup>48</sup> This contributed to an uneven playing field among contestants and runs contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document. Candidates had the right to use their personal resources and contributions by citizens and legal entities, deposited to their campaign fund.<sup>49</sup> Some OSCE/ODIHR EOM interlocutors cited a statement by the President from 2013 warning businesses against funding the opposition as having a chilling effect on their readiness to donate to other candidates' campaign funds.

As required by law, the CEC published information on total income and expenditures of candidates on its website on a weekly basis, and all candidates submitted financial reports to the CEC prior to the election. However, the reports were not comprehensive and the law does not require publishing of the reports nor of disaggregated income and expenditures of candidates.<sup>50</sup> Candidates were required to submit their final financial reports within five days after election, and as of 13 November, no further update on income and expenditures was published on the CEC website. The law does not require an audit and the CEC stated that it has no means to check whether candidates received or spent undeclared funds. The absence of information available for public scrutiny and the lack of audits limited the transparency and accountability of campaign finance and challenges international standards and good practice.<sup>51</sup>

*Consideration could be given to re-introducing monetary public funding, in view of enhancing equal opportunities of contestants. To increase the transparency and accountability and to enable voters to make an informed choice, the CEC could consider publishing comprehensive and disaggregated candidate reports on income and expenditures in a timely manner.*

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<sup>46</sup> An individual may donate up to approximately EUR 180 and a legal entity up to approximately EUR 460. One EUR equals approximately BYR 20,000.

<sup>47</sup> In-kind state support was in the form of premises for campaign events, campaign materials and free airtime. Article 1 of the [Council of Europe, Committee of Ministers Recommendation 4\(2003\)](#) suggests that the state support may be financial.

<sup>48</sup> Including *Belaya Rus*, FTU, Union of Workers, Union of Veterans, Union of Cultural workers, BRSM, Women's Union, Veterans' Union, Officers' Union.

<sup>49</sup> Mr. Lukashenka declared income of EUR 79,000 and expenditure of EUR 20,000, Ms. Korotkevich income EUR 1,300 and expenditure EUR 700, Mr. Gaidukevich income EUR 2,100 and the same expenditure, and Mr. Ulakhovich income EUR 1,600 and the same expenditure.

<sup>50</sup> The CEC declined a request by the OSCE/ODIHR EOM to review the documents and invoices submitted by Mr. Lukashenka, although it allowed review of such documents submitted by the other three candidates. In addition, the CEC denied access to campaign finance information requested by a media outlet.

<sup>51</sup> See Article 7.3 of the UN Convention Against Corruption and paragraph 206 of the OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations.

## IX. MEDIA

### A. GENERAL OVERVIEW

A variety of private and state-owned media operate in the country, with only the latter reaching nationwide coverage and distribution. State-owned outlets dominate the media landscape and enjoy significant financial support from the authorities. In contrast, OSCE/ODIHR EOM interlocutors informed that private media often face political pressure, resulting in the widespread practice of self-censorship among journalists and media outlets.<sup>52</sup> Newspapers are distributed through state distribution networks that favour state-owned publications, forcing independent and opposition print media to sell directly from their offices or rely on volunteers for distribution.

Media from the Russian Federation is widely distributed and some unregistered media broadcast from Poland. Journalists require accreditation to work for foreign media and Belarusian media based abroad, and the Ministry of Foreign Affairs has wide discretionary powers to deny them accreditation.<sup>53</sup> Furthermore, journalists who are employed by media registered in Belarus are banned from working for foreign media and Belarusian media based abroad and journalists, who work without accreditation, can be fined.<sup>54</sup> Overall, these legal requirements and their implementation constitute disproportionate and unreasonable restrictions on the freedom of expression and the right to disseminate information.<sup>55</sup>

*Authorities could reconsider the requirement for accreditation and allow journalists who are members of domestic media to work for foreign media and Belarusian media based abroad.*

Internet represents an increasingly important platform to access independent viewpoints. However, the freedom of expression online has been constrained by the 2014 amendments to the Law on Mass Media, which extended the existing restrictions on traditional media to online media. Their owners are liable for any content posted, potentially including user comments, blogs and social networks. In case of a suspected violation, the Ministry of Information is entitled to restrict access to websites by court decision. If the information is related to specific criminal offences or considered “harmful to the interests of Belarus” (as stated in Article 38.1.3 of the Law on Mass Media), no court decision is required. This leaves an unwelcome scope for interpretation and arbitrary decision by the authorities to restrict access to online media.<sup>56</sup>

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<sup>52</sup> In addition, several international organizations have criticized Belarus authorities for political pressure on media and journalists. See [the 2015 OSCE Representative on Freedom of the Media statement](#) and the [2015 Report of the United Nations Special Rapporteur on the situation of human rights in Belarus](#).

<sup>53</sup> [Regulation for the Accreditation of Journalists of Foreign Mass Media enacted by bylaw of the Council of Ministers No. 2015 of 25 December 2008](#).

<sup>54</sup> According to the BAJ, in 2015, 28 reporters received fines of several hundred Euros under Article 22.9.2 of the Code of Administrative Offences for ‘illegal making and/or distribution of mass media productions’. The last case occurred on 19 August. See: [European Parliament resolution of 10 September on the situation in Belarus](#), [the 2015 OSCE Representative on Freedom of the Media statement](#) and the [2015 Report of the United Nations Special Rapporteur on the situation of human rights in Belarus](#).

<sup>55</sup> See Paragraph 9.1 of the 1990 OSCE Copenhagen Document, which states that everyone will have the right to freedom of expression including the right to communication and that the right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority. The exercise of this right may be subject only to such restrictions prescribed by law and consistent with international standards.

<sup>56</sup> See the [2015 Report of the United Nations Special Rapporteur on the situation of human rights in Belarus, p. 6 and 14](#).

*In view of ensuring the effective exercise of freedom of expression, any restrictions on the operation of online resources should be clearly defined by law, proven necessary and commensurate with the purported aim. Authorities could consider detailing the legal concept of “harmful to the interest of Belarus.”*

## **B. LEGAL FRAMEWORK**

Freedom of expression is guaranteed by the Constitution, which prohibits censorship and establishes the right to receive, store and disseminate public information. Despite this, several state agencies continue the practice of classifying public information with reference to the 2010 Law on State Secrets and other legal acts.<sup>57</sup> Such practice is at odds with paragraph 9.1 of the 1990 OSCE Copenhagen Document and other international standards and good practices. On 22 September, the CEC rejected a journalist’s request for detailed information regarding candidates’ campaign funds explaining that mass media are not entitled to receive this information.

*In view of ensuring effective access to public information, restrictions prescribed by the Law on State Secrets could be reconsidered.*

The Media Supervisory Board (MSB) was established by the CEC to oversee the media coverage of the campaign. It comprised representatives of state-owned media and was chaired by the First Deputy Minister of Information; however, it did not include representatives of private media and the Belarusian Association of Journalists (BAJ).<sup>58</sup> This unbalanced composition diminished the perception of the board’s impartiality and independence. The board was not mandated or sufficiently resourced to conduct systematic media monitoring and only had an advisory role. During the campaign, the MSB reviewed and rejected one media-related complaint. In addition, the OSCE/ODIHR EOM was informed that the CEC received two other media-related complaints, which were not discussed by the MSB, and in one of the cases the CEC issued an informal warning by telephone without involving the MSB.<sup>59</sup>

*Consideration could be given to extending the composition of the MSB to include representatives of private media and the BAJ to reinforce its independence and instil public confidence in the impartiality of its work. The MSB should be mandated and sufficiently resourced to conduct consistent monitoring of media campaign coverage to more effectively fulfil its role.*



## **C. MEDIA MONITORING RESULTS**

In fulfilment of its legal obligation, the CEC issued regulations guaranteeing equal access to state-owned media for all contestants through the distribution of free airtime slots; this was implemented in an uncensored format and welcomed by contestants. Despite the restrictive media environment, candidates were able to convey their messages to the public in two televised blocks and two radio blocks on *Belarus 1* and *Radio National 1* for a duration of 30 minutes each. The incumbent did not use the free airtime and did not participate in a live television debate held on 3 October among the three other campaigns. In line with the CEC’s regulation, all state-funded newspapers analyzed by

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<sup>57</sup> Based on Presidential Decree no. 68 of 25 February 2011, some 50 state bodies and institutions are entitled to classify certain information as state secrets. The definition of what can be classified as a state secret remains unnecessarily vague.

<sup>58</sup> The MSB also include the Chairman of the Belarusian Union of Journalists, an NGO representing journalist working for state-owned media.

<sup>59</sup> The complaint was regarding the appearance of the Chairperson of the *Belteleradiocompany* as a presenter in a talk-show after being appointed as a proxy of the incumbent.

the OSCE/ODIHR EOM published all candidates' election programmes for free.<sup>60</sup> Although permitted, candidates did not take advantage of paid political advertising.

The OSCE/ODIHR media monitoring results indicate that broadcast media devoted 48 per cent of their political coverage to the incumbent, 8 per cent to Ms. Korotkevich, 7 per cent each to Mr. Gaidukevich and Mr. Ulakhovich, 22 per cent to other political actors and 8 per cent to the CEC.<sup>61</sup>

Significantly greater coverage was devoted to the incumbent. Broadcast media covered him in the framework of political campaign events only in 4 per cent of cases, while devoting extensive coverage to him in his institutional activities (86 per cent) and other events (such as announcement of government policies or ceremonies) in the remaining 10 per cent. Print media covered the incumbent 30 per cent as a contestant, 61 per cent in the exercise of his institutional functions and 9 per cent in other kinds of events. Some state-owned media shaped their coverage in a way that suggested political messages favourable to him.<sup>62</sup> In addition, several types of advertisements broadcast on national media conveyed concepts recalling the incumbent's campaign, and two documentaries focusing on his achievements were repeatedly broadcasted on two state television stations starting six weeks before the election.

Print media allocated 35 per cent of their political coverage to Mr. Lukashenka, 14 per cent to Ms. Korotkevich, 10 per cent each to Mr. Gaidukevich and Mr. Ulakhovich, 22 per cent to other political actors and 9 per cent to the CEC. The websites of the privately-owned press agency *BelaPAN* were temporarily inaccessible from 3 to 5 October, allegedly due to massive cyber-attacks.

The OSCE/ODIHR EOM also monitored voter information in the media. State-owned broadcast media produced and aired a variety of such seemingly neutral advertisements calling on the electorate to participate in the election. However, keywords and concepts associated with the incumbent's campaign were frequently used. During early voting, news programmes covered celebrities and leading state officials casting their ballots while expressing sympathy for the incumbent's political programme. Noticeably, in what appeared as a widespread effort to encourage voter turnout, on election day, *Belarus 1*, *CTV* and *RTR Belarus* replaced their usual logos with a special one shaped to invite voters to go to vote. In contrast, the CEC did not place any voter information in the broadcast media.

## X. COMPLAINTS AND APPEALS

A complaint may be lodged to election commissions, the courts or the Prosecutor's Office. There are limitations on who can lodge a complaint, depending on the issue. With few exceptions,

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<sup>60</sup> Since Mr. Lukashenka and Mr. Korotkevich provided the state-owned newspapers with political programmes slightly exceeding the permitted space limit established under CEC Resolution no. 49, they were offered the options to reduce the text or pay for the extra characters; they chose to pay.

<sup>61</sup> The OSCE/ODIHR EOM monitored the following media outlets from 7 September to 10 October: Television channels: *Belarus 1*, *Belarus 3*, *ONT TV*, *CTV*, *RTR Belarus*. Radio channels: state *Radio 1* and private *Euroradio*. Newspapers: state *Sovetskaya Belorussia*, *Zvyazda*, *Respublika*, *Narodnaya Hazieta* and private *Narodnaya Volya*, *Nasha Niva*, *Biel Hazieta* and *Komsomolskaya Pravda*.

<sup>62</sup> Namely, a state-owned newspaper featured a recurring column "Time to Choose" comprising a combination of headlines such as "Vote for Belarus" or "You will lose" and a juxtaposition of positive images of the country's achievements and photographs of foreign regions affected by hunger and war.

decisions on the registration of an initiative group or a candidate, on the signature verification process and the final election results are final and not subject to challenge.<sup>63</sup>

*The law should be amended to prescribe that every voter has the right to file complaints against all decisions, actions and inactions of the election administration resulting in an infringement of his/her electoral rights.*

Complaints are filed and reviewed within three days, as a general rule. When additional verification is required, the review period is extended to 10 days, whereas complaints submitted on election day must be reviewed immediately. Some decisions of election commissions can be appealed either to the higher-level election commission or a court at the corresponding level, which allows for multiple channels and overlapping jurisdictions and may potentially lead to contradictory or inconsistent decisions.<sup>64</sup> Such practice is not in line with paragraph 5.10 of the 1990 OSCE Copenhagen Document.<sup>65</sup>

*The appeal procedure and, in particular, the powers and responsibilities of adjudicating bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction.*

Prior to election day, a total of 756 election-related applications and complaints were filed: some 239 with the CEC, 129 with TECs, 334 with PECs and 54 with local authorities.<sup>66</sup> In addition, 32 complaints were reviewed by regional courts and 6 by the Supreme Court, and 40 election-related cases were dealt with by the Prosecutor's Office. Most alleged voter coercion during the signature collection process, misuse of administrative resources in campaigning for the incumbent and denial of appointment of nominated members to TECs and PECs.

Most complaints were either dismissed or rejected as unsubstantiated.<sup>67</sup> Overall, the review of complaints was done in a timely, but not always transparent manner. Only four complaints submitted to the CEC were considered in public sessions, whereby the complainant and the defendant were present.<sup>68</sup> All other complaints were reviewed by individual CEC members or staffers.<sup>69</sup> In a positive step, the CEC maintained a comprehensive register of complaints. Contrary to good practice, the law does not require the CEC or courts to publish the complaints, decisions or release any information.<sup>70</sup> Several OSCE/ODIHR interlocutors expressed a lack of trust in the complaints process. Overall, the dispute resolution lacked transparency and did not ensure legal

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<sup>63</sup> Candidates may challenge at the Supreme Court the denial of their own registration and of their initiative group as well as the CEC decision invalidating the election results.

<sup>64</sup> For instance, PEC decisions on voter registration may be appealed both to TECs and courts at the corresponding level. See Section II.3.3.c of the Code of Good Practice.

<sup>65</sup> Paragraph 5.10 states that everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.

<sup>66</sup> As published on the CEC website as of 9 October, including the first two days of early voting. Some 520 were filed by independent citizen observer groups (400 by the 'Right to Choose 2015' and 120 by the Belarusian Helsinki Committee). Five were filed by Ms. Korotkevich and none by the other three candidates. Complaints were also filed by others with the right to nominate members to TECs and PECs.

<sup>67</sup> For instance, a complaint by the Belarusian United Left Party 'Fair World' on rejection of their TEC nominee was dismissed by the Gomel Oblast Court for lack of jurisdiction. The Electoral Code provides that complaints on the formation of TECs and PECs are filed with the corresponding court.

<sup>68</sup> The complaints alleged misuse of administrative resources in the collection of support signatures and in campaigning for the incumbent but also included requests for invalidation of the election results in specific polling stations due to irregularities noted during early voting and on election day.

<sup>69</sup> The law requires that appeals of decisions of lower commissions are reviewed in a collegiate manner, whereas all other complaints may be reviewed also by individual election commission members or staff.

<sup>70</sup> See paragraphs 68 and 72 of the Code of Good Practice.

integrity, at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document. (See also Election Day Section)

*In view of ensuring transparent dispute resolution, the election administration could consider reviewing complaints in open sessions and include the concerned parties. In addition, the CEC should consider publishing general information on applications and complaints on its website in a timely manner.*

## **XI. CITIZEN AND INTERNATIONAL OBSERVATION**

The Electoral Code provides for citizen and international election observation. Political parties, public associations, labour collectives and groups of at least 10 voters may nominate citizen observers. The CEC issues accreditation to observers from public associations and political parties registered at national level, while TECs and PECs accredit observers at the corresponding level. The rights of citizen and international observers are prescribed by law in an exhaustive manner and were interpreted and implemented restrictively. Observers are not entitled to follow all stages of the electoral process (e.g., signature verification, tabulation of results) and there are wide discretionary powers of election commission to deny access to observers. These restrictions are at odds with paragraph 8 of the 1990 OSCE Copenhagen Document and international good practice.

According to the CEC, a total of 43,572 citizen observers were accredited.<sup>71</sup> Some two-thirds of all accredited citizen observers represented public associations subsidized by the state, including the FTU, BRSM and *Belaya Rus*, which were also engaged in active campaigning for the incumbent. The “Right to Choose 2015” campaign, the “For Fair Elections” initiative and the Human Rights Defenders for Free Elections – a joint effort of the Belarusian Helsinki Committee - and the unregistered Human Rights Centre “Viasna” were the most active citizen observer groups, which carried out long-term observation and regularly reported their findings.

*Measures should be taken to ensure unrestricted access of citizen and international observers to observe all aspects of the electoral process throughout, voting, counting and tabulation. Observers should have the right to familiarize themselves with the content of voter lists and receive a certified copy of the results protocols.*

In addition, the CEC accredited 928 international observers, including from the PACE for the first time since 2001. The CEC denied accreditation to the European Network of Election Monitoring (ENEMO) on the grounds that it had not been invited; however, it accredited 22 individual foreign observers who had received an invitation from the government.

The OSCE/ODIHR EOM observed a number of citizen observer trainings and assessed them positively. In contrast, the OSCE/ODIHR EOM received only limited information about trainings conducted by pro-governmental public associations and could consequently observe only one (held by the BRSM). An observer handbook distributed in the trainings by a pro-government organization (BRSM) included copies of prepared statements testifying that the observed PECs fully complied with the legal requirements on voting and counting. Such ready-made statements by pro-

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<sup>71</sup> These included 27,512 from public associations, 7,413 from citizens’ initiative groups, 2,015 from labour collectives, and 6,632 from political parties.

government observers were handed to the international observers and submitted to the PEC chairpersons and were later used by the TECs and the CEC Chairperson to dismiss complaints.<sup>72</sup>

## XII. EARLY VOTING AND ELECTION DAY

### A. EARLY VOTING

All voters could vote in polling stations in the five days prior to election day, without having to provide justification. Only two PEC members are required to be present to administer early voting. At the end of each day and during breaks, a paper seal was glued over the slot of the ballot box and it was guarded by police overnight. A protocol was completed daily with the accumulated figures for ballots received and issued to voters, and spoiled and unused ballots. Each day, the protocol from the previous day was replaced; thus, the relevant figures for each day of early voting were not available. At the close of early voting, the CEC announced turnout at 36.06 per cent.

The IEOM observed the final day of early voting in a systematic manner across the country. Overall, the early voting process was assessed overall positively (96 per cent of observations). IEOM observers assessed the process in more negative terms in Minsk and Minsk *oblast* than in the rest of the country. Moreover, indications of ballot box stuffing were noted by observers in five polling stations. In half of the observations, IEOM observers were denied access to check voter lists and thus deprived of the possibility to assess if the voter turnout was recorded accurately in the daily protocols.

Secrecy of vote was noted as not being ensured in four per cent of observations. In most instances, the daily protocol was put on display at the end of voting. However, on the last day of early voting, this was not done in seven per cent of polling stations observed. Some PECs inserted cumulative figures of votes cast, while others reported daily figures. Furthermore, the PEC was not instructed to record the total number of voters including those added or removed from voter lists. These elements diminished the transparency of the process.

Complaints filed in a number of PECs alleged discrepancies between reported turnout figures and the number of voter signatures in the voter lists, coercion of students to take part in voting and inconsistent completion of protocols. Such complaints were routinely rejected as groundless, without proper investigation.<sup>73</sup>

*The system for early voting should be reviewed. If maintained, the same safeguards as on election day should apply, including the requirement for the PEC to be in quorum. Authorities could consider having a single protocol containing daily information, including the number of voters on the voter list, which would remain on public display in the polling station throughout early voting and until the end of the count.*

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<sup>72</sup> OSCE/ODIHR EOM observations at the CEC session on 16 October, at which it reviewed Ms. Korotkevich's request for invalidation of the election and announced election results.

<sup>73</sup> On election day, the OSCE/ODIHR EOM observed a session of the Minsk city TEC where it heard a complaint filed by a fellow member of the TEC. The complainant alleged that during observation of early voting on the 8 and 9 October, in polling stations 25, 26 and 49 in Sovetskyi district, Minsk city, he had noted discrepancies between recorded turnout figures and voter signatures. According to the complainant, turnout figures had been inflated with 100 to 200 votes in each observed polling station. The Minsk city TEC rejected the complaint as groundless, in the process questioning his right to check the voter list.

## **B. OPENING AND VOTING**

Polling stations opened on time, with minor procedural problems. IEOM observers assessed the overall conduct of opening procedures as good or very good in 96 per cent of observations. PEC members were present and, as a rule, all material was available. Citizen observers were present in 90 per cent of the polling stations observed. In four polling stations, the ballot box from early voting was not visible to the observers, as is required by law.

The voting process was assessed positively in 94 per cent of observations. A large number of observers were not allowed access to check the voter lists, but those who were noted series of seemingly identical signatures in 47 polling stations. Stacks of ballots indicating ballot box stuffing were observed in five polling stations. Such observations indicate serious violations.

*Authorities should consider all allegations of serious violations and investigate them fully, bringing those who are proven to have been involved to justice.*

The standards for the election materials were low and did not provide the necessary security safeguards. Ballot boxes were wooden, cardboard or translucent and a variety of wax and paper seals were used. Ballot papers were of poor quality, without safety features and voters were not required or encouraged to fold the marked ballot paper, which at times compromised the secrecy of vote.

*To enhance the integrity of the voting process, authorities should consider more robust security measures such as numbered ballot box seals, uniform translucent ballot boxes, ballot papers with safety features, and unique PEC stamps.*

IEOM observers reported that in six per cent of polling stations observed, not all phases of the voting process were visible to observers or the PEC, thereby reducing transparency. In seven per cent of polling stations observed, they were restricted in their observations and in six per cent they were not granted full co-operation by PEC members. The overall transparency of the voting process was assessed negatively in three per cent of reports.

Group or family voting was noted in six per cent of observations. Campaign material or activity was noted inside two per cent of polling stations observed. More than half of polling stations were inaccessible for voters with disabilities and in one in every five, the layout was unsuitable.

Citizen observers were present in 94 per cent of polling stations observed during voting, but frequently could not inform IEOM observers which organization they represented. Also, PEC members at times had difficulties in naming the organization that nominated them. Such practices undermine the intended checks and balances in the composition of election commissions. There were 15 reports of unauthorized persons interfering in or directing the work of PECs during voting.

Voters could request homebound voting until 18:00 on election day, without justification. In a number of polling stations, IEOM observers noted an unusually high number of such requests or sudden increases between the last day of early voting and election day. A number of procedural inconsistencies were observed during homebound voting, including instances where the PEC brought more ballot papers than it had received requests.<sup>74</sup> The list of homebound requests in some places included long deceased voters. In addition, observers reported that the secrecy of the vote was often compromised.

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<sup>74</sup> In one case, the PEC received 24 requests, but 50 ballot papers went out with the mobile ballot box.

*Consideration could be given to introduce stricter requirements to qualify for mobile voting and further detail the procedures to safeguard the integrity of the election process. Identified shortcomings and malpractices with the administration of homebound voting should be addressed during training of election staff and adequately followed up by the authorities.*

### C. COUNTING

The count was assessed negatively by observers, with some 30 per cent of polling stations assessed as bad or very bad, indicating significant problems. Specifically, IEOM observers negatively assessed the transparency of the process, the PECs' understanding of and adherence to procedures and their overall performance. Indications of ballot box stuffing were reported by observers in five instances during the count.

In one-third of polling stations, the vote count lacked transparency. IEOM observers reported that several PECs took deliberate actions to diminish observer access by surrounding the counting table or omitting important procedural safeguards. As a rule, the choice on a ballot paper was not announced nor shown to observers. In some 25 per cent of polling stations observed, IEOM observers reported that they were not provided an opportunity to observe the count, not granted full co-operation by the PEC or otherwise restricted in their observation.

One in five observed PECs did not perform basic reconciliation procedures such as counting the number of signatures on the voter lists and mandatory crosschecks, an important safeguard. The procedure requiring the PEC to count each ballot box separately was frequently not followed. The validity of the ballots was often not determined in a consistent manner. In several instances, the IEOM observed inaccurate recording of result figures (12 counts), empty, but pre-signed results protocols (26 counts) or other significant procedural errors or omissions (29 counts). IEOM observers also reported falsification of results, including cases of votes being reassigned to a different candidate or 'against all'.<sup>75</sup> Such element cast serious doubts about the accuracy and honesty of the reported results.

*Clear and transparent procedures for counting should be established and strictly implemented. Consideration should be given to announcing and displaying the choice on each ballot. The tallying of results and completion of results protocols should be conducted in an open manner that provides for meaningful observation.*

In 13 counts observed, PECs had difficulties completing the results protocol and in a few cases was not completed in ink, as required. The PEC did to issue the official protocol in three copies in 14 counts, and in 18 cases failed to publicly display the results protocol, as required by law.

Citizen observers were present in 97 per cent of counts observed. Unauthorized persons were present in 14 polling stations, but were as a rule not interfering in the process. An official complaint was filed in four polling stations observed by IEOM during the vote count.

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<sup>75</sup> In TEC Zavodskiy, Minsk city; TEC Leninskiy, Minsk city; TEC Oktiabr, Minsk city; TEC Pervomayskiy, Minsk city; TEC Pukhovichi, Minsk *oblast*; TEC Cherven, Minsk *oblast*; TEC Bereza, Brest *oblast*; TEC Kobrin, Brest *oblast*; and TEC Luninetsk, Brest *oblast*.

#### D. TABULATION AND ANNOUNCEMENT OF RESULTS

The IEOM observed the handover and results tabulation process in 133 of 146 TECs and tabulation was assessed negatively in 25 per cent of the observations, which is significant. The tabulation process lacked transparency overall. IEOM observers were restricted in their observations in 77 TECs and did not have a clear view of the process in 23 TECs. No meaningful observation was possible in 14 TECs. In 10 cases, IEOM observers reported that the TEC postponed the tabulation of protocols received from PECs until the following day for no obvious reason and without processing them in the presence of the PEC members who submitted them, or observers.<sup>76</sup> Although allowed under the law, such practice breaks the chain of custody of election results, which had a further detrimental effect on the confidence in the accuracy of the reported results.<sup>77</sup>

*To enhance the transparency of tabulation and instil public confidence in the accuracy of the results, detailed and uniform provisions and procedural safeguards should govern the process at TECs. TECs should conduct uninterrupted sessions from the closing of polls until the completion of TEC results protocols with PEC protocols tabulated in the presence and with the consent of the PEC.*

Several procedural shortcomings were noted by observers, including PECs delaying the transfer of protocols to the TECs (13 cases) or changing protocol figures at the TEC premises (12 cases). In some instances, observers noted that votes from one candidate were reassigned to another.<sup>78</sup> According to instructions, TECs should do consistency checks of protocols and enter figures into a summary table, which had to be attached to the TEC results protocol. In 23 observations, TECs did not apply the control equations, and in 9 observations protocol figures were not entered into the summary table. IEOM observers reported that most TECs denied them a copy of the summary table. Results figures in TEC protocols obtained by observers on election night in some instances deviated from the results that were posted on the CEC website.<sup>79</sup>

On 11 October, the CEC announced that the required turnout to deem the election valid was reached, and on 16 October, announced the final election results. The incumbent president was declared the winner with 83.5 per cent of the vote, with a reported voter turnout 87.2 of per cent. The CEC did not publish election results broken down by polling station, thereby circumventing a major transparency safeguard and undermining public confidence.<sup>80</sup>

*To enhance transparency and accountability, results should be published and disaggregated by polling station, and include results from early voting separately for each candidate, the number of valid and invalid votes, votes cast against all candidates, and the number of spoiled ballots.*

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<sup>76</sup> In TEC Pruzhany, Brest *oblast*; TEC Vitebsk and TEC Postavy, Vitebsk *oblast*; TEC Tsentralniy, TEC Buda-Koshelevo, TEC Zlobin, TEC Narovlya, and TEC Khoyniki, Gomel *oblast*; TEC Leninskyi and TEC Svisloch, Grodno *oblast*; and TEC Oktyabrskiy, Minsk city.

<sup>77</sup> TEC Volkovyysk, Grodno *oblast*, decided to categorize 92 ballots reported as missing from PEC 12 as unused ballots without consulting the members of that commission.

<sup>78</sup> In TEC Braslava and TEC Polotsk, Vitebsk *oblast*, TEC Leninskyi, Minsk city; TEC Ostrovets, Grodno *oblast*; TEC Pervomayjsky, and TEC Bobrujsk, Mogilev *oblast*.

<sup>79</sup> The election results from TEC Novobelitsky, Gomel *oblast*, available on the CEC website indicates 200 votes less in favour of one of the candidates than in the TEC protocol copy obtained by IEOM observers.

<sup>80</sup> Election results were available on the CEC website in the form of 'information' and 'data'; however, the legal status of these postings is unclear and they contain mutually contradictory information regarding voter turnout and votes cast for candidates.

## E. ELECTION DAY COMPLAINTS AND APPEALS

Some 1,326 complaints were filed on early voting and election day irregularities.<sup>81</sup> Of those, some 780 complaints were filed by independent citizen observers.<sup>82</sup> Most complaints alleged coercion of voters to participate in early voting, the falsification of early voting protocols and turnout figures, multiple voting schemes, lack of transparency during the vote count as well as false tabulation of results.<sup>83</sup> Ms. Korotkevich filed a general complaint to the CEC listing 1,287 alleged violations noted by observers during early voting and on election day and requesting the CEC to invalidate the nationwide election results.<sup>84</sup> The CEC summarily reviewed and rejected the complaint in the same public session.

Except for a few complaints that were immediately resolved, the majority were rejected.<sup>85</sup> Complaints alleging false tabulation of results were at times supported by photos of PEC results protocols; however observers' photos were not accepted as evidence.<sup>86</sup> Complaints alleging criminal offences were in many instances filed with regional prosecutors, who did not review them, but referred them to TECs.<sup>87</sup> TECs did not review all complaints in public sessions in the presence of the complainant, and did not always issue written decisions. The OSCE/ODIHR EOM noted that TECs effectively ceased functioning immediately after completing tabulation, but before the three-day deadline for filing complaints. Overall, the handling of complaints fell short of providing effective remedy and possibly left infringements without sanctions.

*The election administration, the courts and the Prosecutor's Office should duly and impartially consider the substance of all complaints in a meaningful manner and ensure that all perpetrators found guilty of election violations are held accountable.*

## XIII. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of Belarus with a view to supporting efforts to conduct elections in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past recommendations contained in the 2008, 2010 and 2012 OSCE/ODIHR EOM final reports, as well as the 2010 OSCE/ODIHR and Venice

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<sup>81</sup> Of these, 406 on voting and counting, 384 on the work of TECs and PECs, 173 on observers' rights, 141 on requests for recount, 85 on requests for invalidation of polling station results, and 225 for other issues.

<sup>82</sup> 'Right to Choose 2015' filed some 500 and the Belarusian Helsinki Committee some 280 complaints.

<sup>83</sup> The complainants alleged that votes cast for Ms. Korotkevich had been reassigned to other candidates. Ms. Korotkevich submitted photos of PEC results protocols from polling stations 2, 4, 5 and 12 in Smorgon district, Grodno *oblast*, indicating a total of 925 votes in her favor. According to the CEC, Ms. Korotkevich received a total of 887 votes in all 40 polling stations in TEC Smorgon. Ms. Korotkevich made a similar claim regarding Oktiabrsky district, Gomel *oblast* providing photo evidence of the results protocol of PEC 2, which indicated 226 votes in her favor, whereas according to the CEC website she obtained only 94 votes in the entire Oktiabrsky district.

<sup>84</sup> Most of her complaints had previously been filed with PECs and TECs by 'Right to Choose 2015'.

<sup>85</sup> Complaints requesting a transparent vote count, better sealing and secure storage of the ballot box during early voting were rejected on the grounds that there are no such legal requirements.

<sup>86</sup> By law, observers may not obtain certified copies of PEC result protocols but may use their own means to produce copies. In some cases, observers were allowed to take photographs of PEC results protocols whereas in other cases they were only allowed to copy by taking notes.

<sup>87</sup> The Belarusian Helsinki Committee filed complaints alleging falsification of count results, forgery of documents and hindering the right to vote freely to regional and Minsk City prosecutors' offices who referred them back to the TECs.

Commission Joint Opinion. The OSCE/ODIHR stands ready to assist the authorities of Belarus to further improve the electoral process.<sup>88</sup>

#### **A. PRIORITY RECOMMENDATIONS**

1. A comprehensive legal reform should be considered and developed on the basis of previous OSCE/ODIHR recommendations, including OSCE/ODIHR and Venice Commission Joint Opinions, and through an inclusive process with all relevant stakeholders.
2. The Electoral Code should be amended to include substantial procedural safeguards that ensure integrity and transparency of all stages of the electoral process, in particular the composition of election commissions, the verification of support signatures, observers' rights, the conduct of early and mobile voting as well as an honest counting and tabulation of votes.
3. As previously recommended, all relevant laws and decrees should be amended to ensure that any restrictions on fundamental freedoms have the character of exceptions, be imposed only when necessary in a democratic society, be proportionate to a legitimate aim and not be applied in an arbitrary and overly restrictive manner.
4. To ensure a genuinely pluralistic composition of election commissions and to promote confidence in the election administration, consideration should be given to revising the system for nominating and appointing election commissions and to ensuring the inclusion of commission members nominated by contestants at all levels of the election administration.
5. Authorities should ensure that there is a clear separation of the State and partisan interest, equal treatment of contestants before the law and that the campaign is conducted in a fair and free environment. Authorities should ensure that campaigning is held in line with national legislation, including without abuse of official position, involvement of employees or other subordinate persons, and support for campaigning provided by state-subsidized associations.
6. Authorities could reconsider the requirement for accreditation and allow journalists who are members of domestic media to work for foreign media and Belarusian media based abroad.
7. Consideration could be given to extending the composition of the MSB to include representatives of private media and the BAJ to reinforce its independence and instil public confidence in the impartiality of its work. The MSB should be mandated and sufficiently resourced to conduct consistent monitoring of media campaign coverage to more effectively fulfil its role.
8. The law should be amended to prescribe that every voter has the right to file complaints against all decisions, actions and inactions of the election administration resulting in an infringement of his/her electoral rights.
9. Measures should be taken to ensure unrestricted access of citizen and international observers to observe all aspects of the electoral process throughout, voting, counting and tabulation.

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<sup>88</sup> In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations."

Observers should have the right to familiarize themselves with the content of voter lists and receive a certified copy of the results protocols.

10. The system for early voting should be reviewed. If maintained, the same safeguards as on election day should apply, including the requirement for the PEC to be in quorum. Authorities could consider having a single protocol containing daily information, including the number of voters on the voter list, which would remain on public display in the polling station throughout early voting and until the end of the count.
11. Clear and transparent procedures for counting should be established and strictly implemented. Consideration should be given to announcing and displaying the choice on each ballot. The tallying of results and completion of results protocols should be conducted in an open manner that provides for meaningful observation.
12. To enhance transparency and accountability, results should be published and disaggregated by polling station, and include results from early voting separately for each candidate, the number of valid and invalid votes, votes cast against all candidates, and the number of spoiled ballots.
13. Authorities should consider all allegations of serious violations and investigate them fully, bringing those who are proven to have been involved to justice.

## **B. OTHER RECOMMENDATIONS**

### **Legal Framework**

14. The law should be amended to prescribe an exhaustive list of possible electoral violations and respective sanctions, which should be proportionate and dissuasive.

### **Election Administration**

15. The authorities should reconsider the mechanism of appointment of CEC members to ensure that sufficient safeguards are in place for its independence and impartiality and to improve public confidence in the election administration.
16. Detailed procedures for aspects left unregulated by the Electoral Code should be developed by the CEC to enhance accountability, inclusiveness, transparency, security and integrity of the process and to ensure clear and uniform rules for lower-level election commission.

### **Voter Registration**

17. The blanket denial of suffrage rights of citizens in pre-trial detention or serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense committed. The blanket restrictions on the suffrage rights of persons declared mentally incompetent should be removed or decided on a case-by-case basis, depending on specific circumstances.
18. Prior to election day, voters should be able to inspect the voter register and request changes to their information. The final voter lists should be published along with disaggregated information. Observers and candidate representatives should be given access to voter lists.

19. A legal deadline for voter registration prior to election day could be introduced, with additional entries permitted only in accordance with clearly defined legal requirements subject to judicial control.

### **Candidate registration**

20. The 10-year residency requirement for persons who are otherwise eligible to stand for election should be reconsidered.
21. Authorities should ensure equal conditions for signature collection for candidate registration. In line with good electoral practice, the number of supporting signatures could be reduced and all signatures should be subject to verification in a transparent and objective manner.

### **Campaign Finance**

22. Consideration could be given to re-introducing monetary public funding, in view of enhancing equal opportunities of contestants. To increase the transparency and accountability and to enable voters to make an informed choice, the CEC could consider publishing comprehensive and disaggregated candidate reports on income and expenditures in a timely manner.

### **Media**

23. In view of ensuring the effective exercise of freedom of expression, any restrictions on the operation of online resources should be clearly defined by law, proven necessary and commensurate with the purported aim. Authorities could consider detailing the legal concept of “harmful to the interest of Belarus”.
24. In view of ensuring effective access to public information, restrictions prescribed by the Law on State Secrets could be reconsidered.

### **Complaints and Appeals**

25. The appeal procedure and, in particular, the powers and responsibilities of adjudicating bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction.
26. In view of ensuring transparent dispute resolution, the election administration could consider reviewing complaints in open sessions and include the concerned parties. In addition, the CEC should consider publishing general information on applications and complaints on its website in a timely manner.

### **Early Voting and Election Day**

27. To enhance the integrity of the voting process, authorities should consider more robust security measures such as numbered ballot box seals, uniform translucent ballot boxes, ballot papers with safety features, and unique PEC stamps.
28. Consideration could be given to introduce stricter requirements to qualify for mobile voting and further detail the procedures to safeguard the integrity of the election process. Identified

shortcomings and malpractices with the administration of homebound voting should be addressed during training of election staff and adequately followed up by the authorities.

29. To enhance the transparency of tabulation and instil public confidence in the accuracy of the results, detailed and uniform provisions and procedural safeguards should govern the process at TECs. TECs should conduct uninterrupted sessions from the closing of polls until the completion of TEC results protocols with PEC protocols tabulated in the presence and with the consent of the PEC.
30. The election administration, the courts and the Prosecutor's Office should duly and impartially consider the substance of all complaints in a meaningful manner and ensure that all perpetrators found guilty of election violations are held accountable.

## ANNEX I: FINAL RESULTS

Total number of registered voters	7,008,682
Voters who registered to vote “on election day”	16,752
Total number of voters who received a ballot	6,115,690
Total number of ballots cast	6,113,013
Number of voters who voted early	2,523,980
Number of homebound voters (who voted by mobile ballot box)	436,690
Turnout (percentage)	<b>87.22</b>

	Votes	Percentage
Sergey Haydukevich	201,945	3.30
Tatiana Korotkevich	271,426	4.44
Alyaksandr Lukashenka	5,102,478	83.47
Nikolay Ulakhovich	102,131	1.67
Against All	386,225	6.32
<b>SUBTOTAL</b>	<b>6,064,205</b>	<b>99.20</b>
Invalid ballots	48,808	0.80
<b>TOTAL</b>	<b>6,113,013</b>	<b>100</b>

Source: CEC protocols on the results of the 11 October 2015 Presidential Election.<sup>89</sup>

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Available at: <http://rec.gov.by/sites/default/files/pdf/Elections-PRB2015-Soob3.pdf> and <http://rec.gov.by/sites/default/files/pdf/Elections-PRB2015-itog.pdf>

## ANNEX II: LIST OF OBSERVERS IN THE IEOM

### Short-Term Observers

#### OSCE Parliamentary Assembly

Kent Härstedt	Special Co-ordinator	Sweden
James Walsh	Head of Delegation	Ireland
Andreas Hanger	MP	Austria
Matthias Kochl	MP	Austria
Romana Jerkovic	MP	Croatia
Branko Vuksic	MP	Croatia
Milovan Petkovic	MP	Croatia
Ales Jakubec	MP	Czech Republic
Zuzka Bebarova-Rujbrova	MP	Czech Republic
Jan Hornik	MP	Czech Republic
Ladislav Sincl	MP	Czech Republic
Marek Zenisek	MP	Czech Republic
Mati Raidma	MP	Estonia
Mika Raatikainen	MP	Finland
Michel Voisin	MP	France
Egon Juettner	MP	Germany
Thomas Stritzl	MP	Germany
Gudmundur Steingrimsson	MP	Iceland
Vincenzo Amendola	MP	Italy
Sergio Divina	MP	Italy
Emanuele Scagliusi	MP	Italy
Marietta Tidei	MP	Italy
Antonella Usiello	MP	Italy
Dulat Kustavletov	MP	Kazakhstan
Atis Lejins	MP	Latvia
Arturs Rubiks	MP	Latvia
Ola Elvestuen	MP	Norway
Jan Rulewski	MP	Poland
Adao Silva	MP	Portugal
Miron Ignat	MP	Romania
Petru Movila	MP	Romania
Doina Silistru	MP	Romania
Anca Constantin	MP	Romania
Olga Alimova	MP	Russian Federation
Oganes Oganyan	MP	Russian Federation
Sergey Karseka	MP	Russian Federation
Sebastian Gonzalez Vazquez	MP	Spain
Jose Ignacio Sanchez Amor	MP	Spain
Margareta Elisabeth Cederfelt	MP	Sweden
Asa Coenraads	MP	Sweden
Arhe Hamednaca	MP	Sweden
Roger Hedlund	MP	Sweden
Christian Holm Barenfeld	MP	Sweden
Stefan Nilsson	MP	Sweden
Kerstin Nilsson	MP	Sweden
Ludwig Hoghammar Mitkas	MP	Sweden

Mevlut Karakaya	MP	Turkey
Senal Sarihan	MP	Turkey
Jennifer Hilton	MP	United Kingdom
John Woodcock	MP	United Kingdom
Orest Deychakiwsky	MP	United States
Andreas Baker	Secretariat	Denmark
Loic Poulain	Secretariat	France
Marc Carillet	Secretariat	France
Iryna Sabashuk	Secretariat	Ukraine
Richard Solash	Secretariat	United States
Anne-Cecile Blauwblomme-Delcroix	Staff of Delegation	France
Igors Aizstrauts	Staff of Delegation	Latvia
Yasin Karaarslan	Staff of Delegation	Turkey

### Parliamentary Assembly of the Council of Europe

Reha Denemec	Head of Delegation	Turkey
Thierry Mariani	MP	France
Andrej Hunko	MP	Germany
Marieluise Beck	MP	Germany
Andrea Rigoni	MP	Italy
Sonia Sirtori	MP	Italy
Luis Alberto Orellana	MP	Italy
Emanuelis Zingeris	MP	Lithuania
Birute Vesaite	MP	Lithuania
Jonas Gunnarsson	MP	Sweden
Luc Recordon	MP	Switzerland
Chemavon Chahbazian	Secretariat	Armenia
Franck Daeschler	Secretariat	France

### OSCE/ODIHR Short Term Observers

Sergey Chamanyan	Armenia
Hovhannes Gazaryan	Armenia
Marlen Dialer-Grillmayer	Austria
Tanja Fachathaler	Austria
Jutta Sommerbauer	Austria
Jean-Pierre Biebuyck	Belgium
Jerom Jan Joos	Belgium
Sophie Karlshausen	Belgium
Maxime Patrice Woitrin	Belgium
Jana Bedanová	Czech Republic
Dita Bicanovska	Czech Republic
Darab Gajar	Czech Republic
Šárka Havránková	Czech Republic
Veronika Hirzel	Czech Republic
Petr Janousek	Czech Republic
Eva Janu	Czech Republic
Karel Kovanda	Czech Republic
Lubor Kysucan	Czech Republic
Magdaléna Leichtová	Czech Republic
Martin Nekola	Czech Republic
Pavel Pinkava	Czech Republic

Petr Pojman	Czech Republic
Jirí Škvor	Czech Republic
Tomáš Trampota	Czech Republic
Grethe Bille	Denmark
Inge Christensen	Denmark
Mette Ekeroth	Denmark
Bo Gullack Flindt	Denmark
Helle Ibsen	Denmark
Niels Mattias Jegind	Denmark
Kirsten Lind	Denmark
Gedske Messell	Denmark
Flemming Björk Pedersen	Denmark
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Stefan Szwed		Poland
Malgorzata Falecka		Poland
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## ABOUT THE OSCE/ODIHR

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

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

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with 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](http://www.osce.org/odihr)).