



ELECTION OF THE PRESIDENT OF THE REPUBLIC OF BELARUS 19 DECEMBER 2010

INDEPENDENT OBSERVATION REPORT

MINSK, 11 FEBRUARY 2011

Executive summary

The 2010 presidential elections in Belarus failed to meet key international standards for democratic elections. While the pre-election process was marked by a number of improvements, including positive changes in the electoral legislation and a decrease in repressions, the process quickly deteriorated on the election day and immediately afterwards. In particular, the vote count and tabulation lacked transparency and accountability and were marked by widespread irregularities. Evidence collected by observers clearly demonstrates that the results did not reflect the will of the people. Election day was further marred by the brutal dispersal of peaceful protestors and detention of hundreds of people, including seven presidential candidates.

Legal framework

The normative basis of the electoral process was improved by several amendments to the Electoral Code of 4 January 2010, as well as modifications to the CEC regulations in September 2010 (restriction of the number of civil servants in election commissions; a reduced number of citizens and proportion of a labour collective required to nominate a candidate to a commission; a possibility to appeal against decisions on forming commissions to a court; a guarantee that at least one third of commission members comprise representatives of political party and public associations; an opportunity for the candidates to establish election funds to attract additional financing for their campaigns, etc). However, the necessary foundation for democratic elections, in particular regarding the real independence and balance of the election authorities, vote count procedures and effective complaints and appeals process, was not established.

Election administration

While election officials have generally conducted technical election preparations in line with legislation, the composition of the election administration at all levels does not ensure its impartiality or independence from the executive authorities. While legislative changes now appear to guarantee representation on election commissions for political parties and non-governmental organisations, in practice nominees of opposition parties made up less than one percent of precinct and territorial election commission members. Furthermore, the absence of criteria for selecting commission members in the legislation limited transparency in the nomination and selection processes.

Most of TEC and PEC members, regardless of how they were nominated, already had been members of election commissions at previous local, parliamentary or presidential elections, which were neither free nor fair. As a rule, commissions included 3-4 civil servants, including members of Executive Committees and Soviet of Deputies, i.e. the structures that formed the commissions. Others were representatives of pro-government political parties and civic organizations, as well as managers and workers of state institutions and enterprises.

Candidate registration

The conditions for signature collection and candidate registration allowed prospective candidates the opportunity to be registered without significant obstacles. 10 presidential candidates were registered. However, the overwhelming use of state resources by the incumbent candidate for signature collection and pressure on state employees during this process were observed. The lack of transparency in the signature verification and document checking process gives grounds to view the results of registration as politically, rather than legally, motivated.

Voter registration

Similar to the previous elections, lists of citizens who have the right to vote were compiled at each polling station separately, and the number of voters registered was made public only in the final PEC protocols after the end of voting. Observers had no chance to acquaint themselves with voter lists. This situation created the possibility for manipulation with both the voter lists and the total number of voters registered at different polling stations. 2009 census data provides an indication that 300-

350,000 persons who have the right to vote were not included in the lists, and that the real number of eligible voters in Belarus during the election should have been 7.4-7.45 million.

Election campaign

The campaign environment was considerably freer than during previous elections, allowing candidates to freely meet with voters, produce and distribute materials and appear live on television during special election programming. However, the complete dominance of state broadcast and printed media by the incumbent, especially during the last two weeks of the campaign period, disadvantaged other opposition candidates who were either not mentioned, or were portrayed in an overwhelmingly negative light.

Complaints and appeals

Out of 240 complaints (reported to campaign observers) lodged by candidates and their authorised representatives, and by other participants of the electoral process during the pre-election period, only three were satisfied. Courts did not satisfy any of 85 complaints related to non-inclusion of 413 candidates to PECs. Numerous complaints about violations of the election legislation by Lukashenka's initiative group were rejected without proper investigation.

During voting and the vote count, more than 250 complaints and appeals were lodged at polling stations covered by the campaign's observation alone. Most of them were considered formally, and complainants received answers about the absence of any violations in PEC actions. Only a few such complaints were satisfied. Some complaints were not considered at all. This clearly demonstrates that no effective legal remedy exists in practice for election-related complaints.

National and international observers

According to the CEC, 1,036 international and 39,619 national observers were accredited during the election. The majority of the national observers were representatives of NGOs and political parties loyal to the regime, as well as observers nominated by citizens and labour collectives at the instruction of authorities. Their task was to interfere with activities of independent national observers and journalists. No single complaint has been lodged by these observers, or any election observation report released.

Most international observers were part of the OSCE/ODIHR and CIS missions. National observation independent from the authorities was comprised of campaign "Human Rights Defenders for Free Elections", campaign of party pollwatchers "For Fair Elections", observers of the "For Freedom" Movement and of the project "Election Observation: Theory and Practice". In addition, Belarusian Association of Journalists monitored coverage of the election in the mass media.

Early voting

The authorities broadly used state administrative resources to coerce voters, especially students and state employees, to vote early. Observers experienced numerous obstacles during early voting, including denial of accreditation and withholding of information on the registration figures. PEC members and other persons were observed in the premises of polling stations where ballot boxes were stored during hours when voting was not taking place. The turnout figures estimated by observers, however, generally coincided with those provided by the election authorities, except in a few polling stations where there were significant deviations.

Election day: mobile voting

A high number of reported irregularities concerned the inclusion of voters into the list for mobile voting. As a rule, voters were added to the special voter list based on their age and the geographical distance from the polling station (especially in rural areas) rather than at the request of the voter. PEC chairs often refused allow observers any access to the lists. In many polling stations, the number of mobile voters was disproportionate, i.e. up to 30% (7.61% on average at the national level).

Election day: voting at polling stations

Voting at polling stations on the election day was conducted without considerable violations. In a number of polling stations, observers noted: group voting, family voting (upon the presentation of passports of family members), etc. Similar to the early voting, in some cases observers were denied figures relating to the number of voters on the voter list, ballots received, etc.

Vote count

As in 2006, the vote count was carried out in a non-transparent manner. Though most of the observers were allowed to observe the vote count, in most cases the distance from which they were allowed to watch did not allow them to view the content of ballot papers. In addition, the PEC members often stood tightly around the counting table and prevented observers from seeing the counting well.

At most polling stations vote count was conducted jointly and simultaneously by all PEC members. Each PEC member was counting only his/her stack of ballots and then silently handing over the result of the count written on a piece of paper to the PEC chair. With such an order of counting the final result was not known to each individual PEC member, nor to any observer present. In some cases PEC members opened all ballot boxes simultaneously and counted ballots from these boxes simultaneously. In addition, at many polling stations where a separate vote count was conducted, its results were not announced. Observers reported that at 49% of polling stations cover by observation the vote count was conducted with considerable violations in general.

Election results

According to the CEC, 6,441,031 voters took part in the election (90.65% of 7,105,660 registered voters), with 79.65% of the popular vote for Lukashenka (67.65% in Minsk and 82.15% in the regions). However, observation data indicates that the participation of at least 350-400,000 voters could be added on paper. In addition, ballots could be added to ballot boxes for early voting and mobile voting. Thus, it is very likely that no more than 6.05-6.1 million voters actually took part in the election, i.e. 85-86% of the number of registered voters.

It is impossible to say whether the ballots in the ballot boxes at the moment the vote count started were the same ballots which were cast by the voters themselves, because during early voting and mobile voting, members of election commissions (which were not independent or pluralistic) and unauthorized persons had access to relevant ballot boxes in absence of observers or other witnesses, and the way the ballot boxes were designed and sealed did not provide an adequate safeguard against potential manipulation. In total, about 2.2 million ballot papers (the number of voters who voted early, during mobile voting and at closed polling stations) were therefore in a “zone of high manipulation risk”.

Analysis of the PEC, TEC and CEC official data and their comparison with reports of campaign short-term observers indicates that during the vote count and tabulation of voting results alone, at least 20-25% of votes in Minsk and 10-15% of votes in the regions were apparently “re-distributed” in favour of the incumbent. Most likely, this was done at those polling stations where results of counting ballots by PEC members did not correspond to the figures desired by the incumbent authorities, and were “corrected” by PEC chairs. Most probably, ultimate “elaboration” of voting results was conducted at the TEC level – in those cases where simple summing up of figures from PEC protocols did not produce desired figures.

The real number of votes cast for the candidates is impossible to determine because determination of election results was not transparent, and manipulation with ballots and figures could take place at all stages of voting, vote count and tabulation of election results so that they “overlapped” each other. Obviously, the figures announced by the CEC do not reflect the will of the voters.

Post-election developments

Peaceful conduct of the election was marred on the evening of election day, 19 December, when riot police brutally dispersed participants of a mass demonstration who came to Nezalezhnasci Square in

Minsk to protest against unfair conduct of the election. By the morning of 20 December, about 700 persons were detained, including seven presidential candidates. Many of those detained were beaten, including three presidential candidates. Detentions and arrests of rally participants and supporters of the oppositional candidates continued in the following days. At the time of this report's release, four presidential candidates and 31 of their supporters were in pre-trial detention facilities and under house arrest. They are charged with organization of a mass riot or participation in it. In addition, dozens of human rights defenders, journalists and civic activists were searched and interrogated, and the offices of a number of independent NGOs and mass media were raided and searched.

Post-election complaints and appeals

Only one presidential candidate, Ryhor Kastusyou, appealed the election results (also on behalf of arrested candidates). He requested the CEC to invalidate the election because of mass violations during the election. The CEC refused to satisfy his complaint because "results of verifications of observers' accounts of violations perpetrated during the election, which were attached to the complaint, proved that the allegations they contain have no grounds", and the Supreme Court refused to initiate the case on the basis of Kastusyou's complaint because "there was no grounds" for it. A complaint lodged by the Belarusian Helsinki Committee on the basis of results of "Human Rights Defenders for Free Elections" campaign was given no consideration.

Recommendations

Changes to the Electoral Code in January 2010 implemented only part of the OSCE and Venice Commission recommendations, which followed monitoring of the previous elections, including presidential elections in 2001 and 2006. Most of these recommendations remain valid after the 2010 elections. In addition, the election showed that without detailed regulation of formation of election commissions, and of voting and vote count procedures, it is impossible to ensure that the electoral process meets international standards of free and fair elections. The election campaign also emphasized the need to provide for real equality in the candidates' access to the mass media, and for expanding the rights of observers.

Introduction

The campaign "Human Rights Defenders for Free Elections" is a joint undertaking of the Human Rights Centre "Viasna" and Belarusian Helsinki Committee (BHC), implemented in cooperation with "Europaischer Austausch" ("European Exchange"). The aim of the campaign is observation of the 2010 presidential election in Belarus, assessment of the electoral process from the viewpoint of Belarusian electoral legislation and international standards for free and democratic elections, and informing the Belarusian public and international community about conclusions of the observation. The campaign is independent and politically non-engaged.

80 long-term observers conducted observation of all aspects of the electoral process from the very first day of the pre-election period (14 September). Findings from their weekly reports were disseminated in the form of weekly analytical reviews and pre-election reports on different stages of the electoral process in Belarusian, Russian and English.

During early voting (14-18 December) and on election day (19 December), long-term observers coordinated and supervised the work of 600 short-term observers deployed at 300 polling stations throughout the country – in Minsk, regional and district centres, and other urban and rural settlements. Reports of the short-term observers, who participated in special training, comprised a representative sample (observation covered 4.7% of 6,346 polling stations on the territory of the country), which allowed for the assessment of general trends of voting and the detection of any irregularities on 14-19 December.

1. Legal framework

The legal basis for the election process in Belarus is made up of the Constitution, Electoral Code, other legislative acts, and resolutions and decisions of the Central Election Commission (CEC).

Previous presidential elections (in 2001 and 2006) were held on the basis of the Electoral Code of 4 July 2000 (with minor amendments). The OSCE ODIHR noted "numerous and substantial shortcomings" of the Code on several occasions and proposed recommendations for its improvement. Also, in 2007 and 2008, the UN General Assembly urged Belarus "to bring the electoral process and legislative framework into line with international standards and to rectify the shortcomings of the electoral process"¹.

On 4 January 2010, several amendments were made to the Electoral Code, including the incorporation of some previous OSCE recommendations. However, the authorities rejected most of the proposals to change the election legislation put forward by the opposition political parties. Major amendments related to procedures for candidate registration and collection of signatures in their support, conduct of the election campaign, formation of election commissions, and appeal of decisions on commission formation to a court.

In general, these changes were of a positive character, but did not resolve the systemic deficiencies of the electoral legislation of Belarus: absence of independent and balanced election administration; absence of legally defined and detailed procedures for the vote count; and absence of guarantees for the real equality of all candidates. However, according to the OSCE and Venice Commission of the Council of Europe, "the amendments represent a step towards removing some flaws in Belarus' election legislation, although they are unlikely to resolve the underlying concern that the legislative framework for elections in Belarus continues to fall short of providing a basis for genuinely democratic elections."²

¹ A/RES/62/169, para 2 (e), i A/RES/61/175, para. 2 (a).

² http://www.osce.org/documents/odihr/2010/06/44755_ru.pdf

In accordance with the Constitution, the President shall be elected directly by the people of Belarus for a term of office of five years by universal, free, equal, direct and secret ballot. Election of the President shall be appointed by the House of Representatives not later than five months and shall be held not later than two months before the expiry of the previous presidential term. Therefore, the election had to be held on or before 6 February 2011, and it had to be announced on or before 6 November 2010. On 14 September, at an extraordinary session of the House of Representatives of the National Assembly, the election was announced for 19 December 2010.

On 15 September, the CEC adopted a series of decisions and other documents related to the organization of the election, which did not contain any significant differences from those adopted on the eve of the 2006 election. Later, the CEC adopted amendments to the Methodological Recommendations of Election Organization that had been proposed by opposition political parties and some presidential candidates. They concerned additional measures to protect the voting process from potential falsifications: "providing observers with a real possibility to conduct their monitoring in conditions that guarantee good visibility of the vote count procedure", sealing slots in the early voting ballot boxes for the hours when polling stations are closed; and a requirement to store ballot papers in sealed safes. In addition, the CEC allowed governing bodies of political parties and public associations to send observers to election commissions of all levels (as it was in 2001 and 2006, but was not allowed by the 15 September Decision of the CEC).

At the same time, the CEC rejected other proposals aimed at better transparency and fairness of the election process, such as prioritizing political party representatives during the formation of precinct election commissions (PECs); protection of ballot papers against forgery; and others. The CEC also refused to allow observers to be present at the polling stations overnight during the early voting period, and several times dismissed proposals to describe procedures for the vote count in detail, thus ignoring those elements of the voting process which are most vulnerable to potential falsifications.

2. Election administration

The election was organized by the Central Election Commission (CEC), 155 Territorial Election Commissions (TEC) and 6,390 Precinct Election Commissions (PEC), including 44 abroad.

The CEC works on a permanent basis. It has 12 members: 6 of them are appointed by the President and 6 by the Council of the Republic of the National Assembly, chosen from among the candidates recommended by presidiums of regional and Minsk City Deputies' Councils and corresponding Executive Committees. The CEC Chair (Lidziya Yarmoshyna) and Secretary (Mikalai Lazavik) work on a professional basis and the other members combine their work in the CEC with another government position. Thus, the current staff of the Commission formed on January 22, 2007 has many members who occupy high positions in executive bodies. The CEC cannot be considered to be an independent body given the procedures for its formation and its composition, as well as repeated signs of loyalty to the incumbent president by its members.

According to the Electoral Code, the formation of TECs is conducted by Executive Committees, which are elements of the power "vertical" built by the incumbent President, and local Soviets of Deputies elected at 2010 local elections, which were neither free nor fair. PECs are formed by Executive Committees only.

In January 2010, a number of changes were made to the Electoral Code concerning the formation of election commissions: the share of civil servants in TECs and PECs was limited to one third; the number of citizens or members of a labour collective required to nominate a candidate to a commission was reduced; a possibility to appeal to a court against decisions on forming commissions was introduced; and a guarantee for inclusion of at least one third representatives of political parties and public associations in commissions was included.

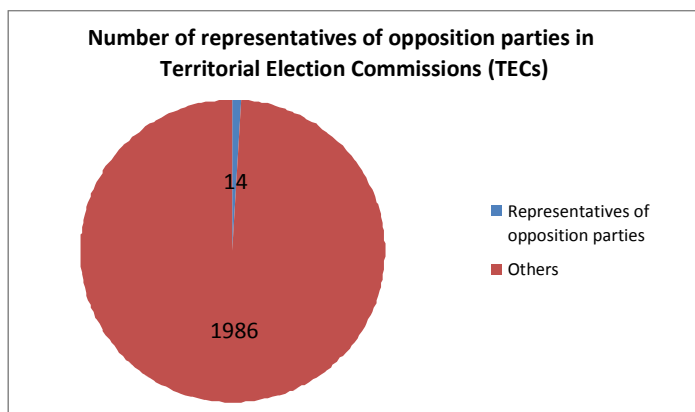
These positive steps, however, have changed nothing in the essence of legal norms governing formation of TECs and PECs. Its main features include: the absence of objective criteria to be met by nominees to commissions; absence of guarantees of transparency at the stage of nomination of candidates to commissions; and restrictions on opportunities to monitor the process of approval of members of commissions.

Territorial election commissions

Political parties, NGOs, labour collectives and groups of citizens were entitled to nominate candidates to the TECs, and this process was conducted freely. According to the CEC, 2,681 candidates were nominated.

Observers were generally given very limited information about the time and place of meetings where TECs were formed, and had limited access. The meetings that were observed were very formal in nature and actually consisted of approval of non-alternative membership lists, compiled beforehand by local councils and executive bodies.

The TECs were staffed with 2,000 members. Of them, only 14 persons, i.e. 0.7 percent, were representatives of the opposition political parties. The "passing rate" of nominees from these parties was 20 percent (14 out of 70), while the average "passing rate" for all candidates was 74.6 percent (2,000 out of 2,681), and for the nominees from political parties loyal to the incumbent President – 87.6 percent (106 out of 121).



In some cases, observers have noted a scheme of "democratic rejection" of opposition candidates to TECs: a high-ranking official is nominated to the TEC, and the bodies, which form the commission, reject this official and an opposition candidate on equal terms. For example, Pavel Grafutka, head of the ideology division of the Smalyavichy District Executive Committee, and Vashkovsky, who was nominated by opposition-minded citizens, were rejected from TEC membership for failing to meet the deadline for submitting applications (both did it at the very end of the application period).

Five NGO representatives were included in the Pinsk City TEC (from Pinsk City Organization of the Belarusian Trade Union of Workers of State and Other Bodies, Pinsk City Organization of the Public Association "Belarusian Society of Invalids", Pinsk City Organization of the "Belarusian Republic's Youth Union" (known as "BRSM"), Pinsk City Organization of the "Union of Afghanistan War Veterans" and Pinsk City Organization of the "Belaya Rus"). It was announced that the quota for civil society organizations set forth by the law was met; therefore, representatives of the opposition Belarusian Left-Wing Party "Fair World" and of the pro-government Communist Party of Belarus (CPB) were rejected. The rejected candidate from the CPB was Alexander Kanevsky, first deputy chairman of the Pinsk City Executive Committee. Thus, candidates of the opposition were not included in either commission.

Most TEC members (about 80 percent), regardless of how they were nominated, already had been members of TECs at previous local, parliamentary or presidential elections. As a rule, commissions include 3-4 civil servants, including members of Executive Committees and Soviet of Deputies - the

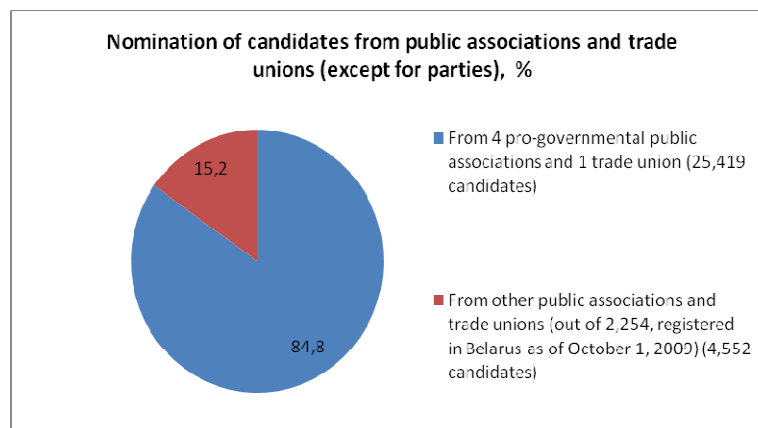
structures that formed the commissions. Others are representatives of pro-government civic organizations, government institutions (especially of education and public health), as well as managers of state-owned (or state-controlled) enterprises.

For instance, in Brest region 21 TECs were formed. Their designated chairs included 12 officials of executive committees, 7 heads (or top managers) of enterprises and government institutions, 1 chair of the regional trade union and 1 pensioner. Deputy chairs included 6 officials of executive committees, 10 heads (or top managers) of enterprises and government institutions, 3 trade union representatives, 1 pensioner and 1 individual entrepreneur. PEC secretaries included 14 officials of executive committees, 3 pensioners, 3 employees of enterprises and state institutions, and 1 representative of the regional BRSM affiliation.

Precinct election commissions

Among 84,084 candidates nominated to PECs by political parties, public associations, labour collectives and citizen groups, only 1,073 persons were nominated by opposition political parties. The remaining candidates were nominated under the control of local authorities, who defined respective "quotas" for state enterprises and organizations and approved the offered candidates well before the end of the nomination process.

More than one third of PEC candidates were nominated by public associations and trade unions. Five of them alone – the Public Association "Belaya Rus", the PA "Belarusian Republic's Youth Union", the Federation of Trade Unions of Belarus, the Belarusian Women's Union and the Belarusian Public Association of Veterans – nominated 84.8% of all the candidates from public associations and trade unions.



No refusals to accept documents for nomination to PECs were reported. All interested parties were able to submit required documents and were informed about the time and place of accepting them. Observers noted, however, that local officials were reluctant to give them information about the nominations that had been submitted, and often did not give any information to them at all.

The sittings of executive committees and local administrations where PECs were formed were relatively open to observers, but were extremely formal. In most cases they just approved – very quickly and on a non-alternative basis – the lists of commission members, prepared before the sittings in a closed manner.

For example, the sitting of the Administration of the Tsentralny district of Homel lasted 14 minutes, in which time 626 of 1,124 candidates nominated to PECs were approved as members. The sitting of the Hrodna District Executive Committee lasted for 7 minutes, during which they managed to "consider" 485 candidates and approve 471 PEC members. The Administration of Leninski district of Minsk formed all of its PECs within 5 minutes (out of 1,101 candidates, 950 members of commissions were approved).

The representatives of opposition political parties, which nominated their candidates to PECs, who attended the PEC-forming sittings, as a rule, had no opportunity to ask any questions, nor were they provided with summary protocols for review. The conditions for holding the sitting, created by the Administration of the Kastychnitski District of Mahilyou, for example, did not allow the representatives present to hear and see anything – they were placed in the back seats of a huge hall where no microphones were used.

Almost all events related to approval of PECs where observers of the campaign could be present were held in a similar manner. The persons nominated to commissions were almost never characterized. It was only announced that all those proposed for inclusion into commissions were experienced members of election commissions and had "enough experience". Then, the bodies usually voted for the pre-compiled list as a whole. The lack of clearly defined criteria for PEC membership allows local authorities to form PECs solely at their own discretion.

The 6,346 PECs located in the territory of Belarus were staffed with 70,815 members. Out of 1,073 candidates from opposition parties, only 183 persons, or 17.1 percent, became commission members. At the same time the average "passing rate" of other candidates was 84.3 percent (70,815 members out of 84,024 candidates); the figure for the parties loyal to the authorities was 87.7 percent (1586 out of 1808), while with the candidates from 4 major pro-governmental public associations and 1 trade union the figure was 93.2 percent (23,689 out of 25,419).

The Minsk Region proved to be the most "non-alternative" one; out of 11,747 applicants, 11,253 persons became members of 1,085 PECs – that is, 95.8 percent of all the applicants. The "passing rate" of the candidates from the "Belaya Rus" and the Belarusian Women's Union was 100 percent (808 out of 808, and 869 out of 869, respectively). But out of 69 candidates nominated by four opposition parties, only 7 persons (10.1 percent) became members of the PECs of the Minsk Region.

The nominees of opposition parties made up only 0.25 percent of the total PEC members and worked in less than 3 percent of them. Most of the members of the newly formed PECs had at least once been members of such commissions at previous local, parliamentary or presidential elections, which were neither free nor fair.

Therefore, the process for the formation of TECs and PECs virtually did not differ from the process of their formation during previous presidential (2006), parliamentary (2008) and local (2010) elections. While the process was conducted generally in line with national legislation and without significant violations, the resulting commissions cannot be viewed as impartial or unbiased.

3. Candidate registration

Any citizen of Belarus not younger than 35 years old, who has collected at least 100,000 voters' signatures in support of nomination, may be a presidential candidate.

The process of submitting applications to the CEC for registration of initiative groups by prospective presidential candidates, as well as the submission of lists of members of initiative groups, was held in accordance with the Electoral Code, with one exception: the application of the incumbent President was not submitted in person, as required by Article 61 of the Code, but by the head of his election headquarters – Minister of Education Alyaksandr Radzkou, whose appearance was also not seen by observers stationed outside.

The applications and lists of 19 initiative groups were considered by the CEC within the legal deadlines. Certificates on registration of initiative groups were awarded to 17 citizens; two were rejected on the grounds that their groups failed to have 100 members, as required by the electoral legislation. In considering the lists of certain candidates the CEC demonstrated extraordinary tolerance to the faults in submitted documents.

The new amendments to the Electoral Code simplified the procedure of filling in signature lists and allowed signatures to be collected through pickets without any prior permit, provided they were held in places not prohibited by local authorities. Initiative groups of all the nominees were working under unequal conditions in comparison with the initiative group of the incumbent president. In particular, they were denied almost any access to the territory of state-owned institutions and enterprises, as well as to students' and workers' hostels. At the same time, the collection of signatures by means of pickets was held without major obstacles and in relatively equal conditions for all the candidates.

Administrative resources were broadly used for collecting signatures in support of Lukashenka. The most common forms included: participation in signature collection by administrations of state-owned institutions and enterprises, who forced their subordinates to sign; signature collection by members of Lukashenka's initiative group during their working hours; and collection of signatures by persons who were not members of his initiative group (by the so-called "helpers of initiative group members").

The overall collection of signatures for the incumbent president was managed by executive committees. The officials in charge of ideological work at institutions and enterprises and heads of departments of education gave instructions to their subordinates on how many signatures they should collect and criticized them for non-fulfillment of instructions. The plans ranged from 16 to 500 signatures for every teacher or other state employee involved in collecting signatures.

A typical example of the usage of administrative resource in favour of the incumbent was signature collection by teachers in the Leninski district of Minsk. For two weeks, starting from 14 October, the Department for Education of the Administration of the Leninski district of Minsk was ensuring participation of employees of educational institutions in the picket for collecting signatures in support of Lukashenka near the Serabranka marketplace. Heads of district schools and kindergartens received a schedule of participation in the picket, which was compiled, according to Angela Naskova, head of ideological and educational work of the above department, with the advice and participation of a representative from Lukashenka's election headquarters. Naskova claimed that the labour collectives and individual employees of the institutions subordinated to the department could refuse to take part in the picket.

As in the 2006 election campaign, Lukashenka's initiative group conducted collection of signatures at state-owned institutions and enterprises with broad and direct participation of their administrations, which is prohibited by the law. A widespread phenomenon was signature collection without presenting passports; the necessary information about voters was put into signature lists by information of personnel departments of enterprises and institutions.

Signatures in support of Lukashenka were collected both by the members and non-members of his initiative group. Collection of signatures in support of Lukashenka by non-members of his initiative group took place not only in the premises of state-owned institutions and enterprises, but also at street pickets.

Many from the administration of enterprises and institutions were prohibited from signing for and participating in the collection of signatures for someone other than the incumbent, under threat of dismissal or expulsion. Such ultimatums were pronounced in plaintext by top managers. In many cases, when such managers became aware that their subordinates had signed for someone other than Lukashenka, they demanded them to recall their signatures in the same ultimatum manner.

Observers noted separate cases of pressure on members of initiative groups in connection with the delivery of signatures. In the Slutsk District (Minsk region), a member of the initiative group of Uladzimir Nyaklyaeu refused to submit his completed signature lists to the district election commission because of pressure on him exerted by the principal of the secondary school where he works as a teacher. In Baranavichy (Brest region), a member of the initiative groups of Mikalai

Statkevich and Dzmitry Us was telephoned by an unknown person who threatened that if signatures were handed over, the collector of them would not be able to live peacefully in the country.

Election commissions did not allow observers to be present during the signature verification process, explaining that under the Electoral Code observers may attend sittings of commissions, while verification of signatures took place outside such sittings. The lack of transparency in the process of signature verification provided serious grounds to question the objectivity of the results.

The most hidden phase was selection of signature lists for verification. For example, at the Mazyr District Election Commission (Hemel region), 20 percent of signatures were selected previously by the secretary and handed over to the members of the commission for verification in a separate room without participation of the observer.

At the same time, in some cases, unlike previous election campaigns, observers could see some actions of commission related to verification of authenticity of signatures. For example, the observer could not see the process of sampling signature lists at the Pershamaski District Election Commission of Minsk, but was able to observe the process of rejection of lists, sample phone calls to voters, etc.

Out of 17 applicants who had registered initiative groups, 11 reported delivery of at least 100,000 signatures in their support, while 6 applicants decided to voluntarily stop their participation in the election.

The main changes in the Electoral Code (of January 2010) regarding registration procedures for presidential candidates concerned declarations about incomes and property to be submitted by nominees to the CEC. The number of relatives of the nominee whose property and income data had to be declared was reduced; and the notion was introduced of "serious data discrepancy" (previously any incorrect data could provide grounds to reject registration).

The CEC sitting on registration of candidates, held on November 18, was open, with the presence of observers and journalists. Only one nominee had no remarks from the CEC – President Alyaksandr Lukashenka (1.1 million valid signatures). Uladzimir Pravalski was not registered because, according to the CEC, he submitted only 118 valid signatures. Remarks on the remaining 9 nominees, who collected more than 100,000 signatures – Ryhor Kastusyau, Ales Mikhalevich, Uladzimir Nyaklyaeu, Yaraslau Ramanchuk, Vital Rymasheuski, Andrei Sannikau, Mikalai Statkevich, Viktor Tsyareschanka and Dzmitry Uss – dealt with violations during signature collection and inconsistencies in data about income and property. The CEC decided that these violations did not prevent registration and registered all of the above 9 nominees as presidential candidates.

In general, registration of candidates took place without significant restrictions. At the same time, the non-transparent character of the signature verification process and check of documents presented by nominees for registration does not exclude opportunities for manipulation by election commissions and gives grounds to view the results of registration as politically, rather than legally motivated.

4. Voter registration

The right to vote is entitled to those citizens of Belarus who have reached the age of 18. Those citizens, who have been declared legally incapable by the court, sentenced to imprisonment by the court, and those who in accordance with criminal procedure law are kept in pre-trial detention, cannot take part in the election.

There is no centralized list of voters in the country. Lists of citizens who have the right to vote are compiled at each polling station separately prior to each election. According to article 21 of the Electoral Code, each citizen has the right to check whether he/she is included in the list of voters and his/her personal data has been shown there correctly. This legal provision has been interpreted by

the election commissions in such a way that observers have practically no chance to acquaint themselves with voter lists. Only PEC members have access to them, and they are not posted for general information. Changes in voter lists can be made by the PECs practically up to the start of the vote count, and the number of voters registered at the polling station is made public only in the final protocol after the end of voting. This situation creates the possibility for manipulation with both the voter lists and the total number of registered voters at polling stations.

According to the census of October 2009, the population of Belarus comprised 9,503,807 persons, including 7,609,438 persons of the age 18 and older. If this number is decreased by the number of citizens deprived of the rights to vote and the number of foreigners who were resident on the territory of Belarus permanently or temporarily, it can be estimated that in October 2009, 7.4-7.45 million persons with the right to vote were living in Belarus. During the period between October 2009 and December 2010 this number has decreased insignificantly because of the general decrease of the population. Thus, it appears that 300-350,000 persons who have the right to vote were not included in the voter lists.

5. Election campaign

The presidential candidates were provided with one month for campaigning – from 18 November (day of registration of the candidates) till 18 December inclusive. Given the situation of limited access to state media for all candidates except for the incumbent president, and limitations related to campaign finance (see below), one month for the campaign was obviously insufficient for the voters to receive necessary information about candidates and their programmes.

The last 5 days of campaigning (14–18 December) corresponded to the five-day early voting period. During this period the incumbent President had considerably broader opportunities for direct and indirect campaigning than the other candidates. This included opportunities for him to urge voters to participate in early voting, which had been marred by widespread irregularities during the 2008 parliamentary and 2006 presidential elections.

According to the Electoral Code, each candidate was entitled to 2,300 basic units (\approx \$26,000) from the state budget for production of printed campaign materials. Observers did not note any considerable obstacles for the candidates in accessing these funds. However, the election teams of almost all candidates reported difficulties with production of campaign materials, such as refusals of printing establishments to print them or delays with their printing and shipment.

In addition, according to the amended Electoral Code, candidates could establish electoral funds for attracting additional financing for campaigning (by political parties, NGOs, citizens and candidates themselves). Total disbursements from an electoral fund could not exceed 3,000 basic units (\approx \$34,000). However, only one out of ten candidates, Uladzimir Nyaklyaeu, was able to accumulate and disburse the amount of funds close to maximum ceiling.

Each candidate was entitled to one hour on the First National TV Channel (two appearances of half an hour each), and one hour (two appearances of half an hour each) on the First National Channel of the Belarusian Radio. Appearances were scheduled for the period of 22 November – 3 December, for working days: from 6:10 till 7:10 on radio, and from 19:00 till 20:00 on TV. According to a CEC decision, appearances were broadcast live. This is a positive development compared to the election of 2006 when candidates' presentations on TV and radio were first recorded and then broadcast after having been censored. On 9 December, the CEC considered requests of candidates Nyaklyaeu and Sannikau for additional free time on state TV, but dismissed them.

Participation of the candidates and their authorized representatives in live TV and radio debates (1 hour each) was a new development compared to the 2006 election. TV debates took place on 4 December (from 17:00 till 18:00) at the First Channel of the Belarusian TV. All candidates except for

Lukashenka participated. The TV debates were moderated by journalists known for their programmes aimed at defamation of opposition politicians. Radio debates took place on 5 December (from 17:00 till 18:00) and were broadcast live on the First National Channel of the Belarusian Radio. Unlike the TV debates, the radio debates were moderated in a neutral manner.

Access of all candidates, except for the incumbent president, to the state broadcast media was limited by the appearances and debates mentioned above. They completed on 5 December, and during 13 days before the election day all candidates except for Lukashenka were deprived of access to the state TV and radio.

The TV and radio programmes dedicated to the election were characterized by “the positive positioning of the incumbent president and his explicit dominance... while the other candidates were marginalized”.³ In particular, Lukashenka highlighted his election programme during his speeches at the All-Belarus People’s Meeting (held on 6–7 December), which lasted several hours and were widely broadcast by the national TV and radio channels, both live and recorded.

The candidates had the right to have their programmes of no more than 5 pages printed for free in four national and seven regional newspapers. Some candidates faced refusals from some newspaper editorial boards to print their election programmes in the original wording. As a rule, Lukashenka’s programme was printed on the first page, occupied it fully and was accompanied by large pictures of him. Programmes of the other candidates usually were printed on the inside pages, and often on the last page. Virtually all state regional and district newspapers printed an article titled “Belarus Should Be Really Strong!” which in fact retells Lukashenka’s election programme, while no similar materials were printed of the other candidates. Candidates faced obstacles to posting campaign posters, and cases of posters’ removal or placement of other posters over them were recorded.

The attitude of newspapers’ editorial boards towards all candidates except for Lukashenka is well illustrated by the titles of the articles: “Phony People” (Mayak, newspaper of Byaroza District Executive Committee, Brest region), “Candidate, Why You Did Not Serve in Army?” (Vitsebsky Rabochy), “It is a Disaster when Cakes are Baked by a Shoemaker...” (Adzinstva, newspaper of Barysau District Executive Committee, Minsk region), “Train Yourself... on Cats!” (Gomelskaya Pravda). Titles and content of articles in support of Lukashenka had a different tone: “Everything for People and in the Name of People” (Ashmyanski Vesnik, newspaper of Ashmyany District Executive Committee, Hrodna region), “During Election, One Should Bring People the Good” (Adzinstva), “Conscious Choice” (Gomelskie Vedomosti, newspaper of Homel City Executive Committee), “We Elect a Person Whom We Know Well” (Gomelskaya Pravda). Opinion polls printed by state newspapers contain only positive opinions about Lukashenka and criticism of all other candidates.

According to the final report of media monitoring by the Belarusian Association of Journalists “Coverage of the presidential election 2010 by the Belarusian mass media”, major news programmes of the First National and ANT TV channels dedicated 62-66% of the time allocated to the election to Lukashenka, while the other candidates were dedicated only 1%. Similarly, “Sovetskaya Belorussiya” and “Respublika” state newspaper dedicated 50% of the space allocated to the election to the incumbent (and 10% – to the “authorities”), while the other candidates were given only a few percent (and 14% were given to the “opposition” which was presented either negatively or very negatively).

Observers noted some cases of obstacles to posting campaign posters of opposition candidates, as well as their removal or replacement. For instance, in Salihorsk (Minsk region) in Yubileynaya store at Lenina Street, a volunteer of Nyaklyaeu’s team was not allowed post a poster. A similar prohibition in the canteen at Zaslonava Street was explained as follows: “We will vote for our president, and we will not post your poster”. Cases of removal of Sannikau’s posters were reported in Mahilyou, posters of Kastusyou – in Byaroza (Brest region) and Krasnapolle (Mahilyou region), Rymasheuski’s posters were removed in Masty and Slonim (Hrodna region), and in many other places. On 9 December, near

³Coverage of 2010 Presidential Election by the Belarusian Mass Media / Bulletin of the Belarusian Association of Journalists.

department store No 32 at Bahdanovicha Street in Slutsk (Minsk region), Sannikau's authorized representative Uladzimir Lemesh bumped into two young men who were putting big advertising posters over Sannikau's posters "at the instruction of their bosses".

In the majority of regions, except for Minsk, the places for meetings of the candidates and their authorized representatives with voters were originally allocated in inconvenient and distant places for outdoor meetings and small premises for indoor meetings. Later, some decisions on allocation of places were partially changed, and the number of places was increased. Meetings were held without considerable obstacles. However, some institutions refused to provide premises for the meetings. On 30 November, the CEC issued warnings to candidates Rymasheuski and Statkevich for violation of the electoral legislation during an unsanctioned pre-election rally held on 14 November 2010 at Kastychnitskaya Square in Minsk.

Campaigning in support of Lukashenka was carried out by representatives of local authorities and CEOs of state enterprises and institutions. For instance, on 2 December 2010, an enlarged sitting of the Ministry of Forestry board adopted a resolution which called for "casting votes for a decent candidate Alyaksang Ryhoravich Lukashenka who would be a guarantor of implementation of the Programme of Social and Economic Development for 2011-2015". Usually, labour collective gatherings and voter meetings with the authorized representatives of Lukashenka were held during working hours, and participation was obligatory. At the same time, management of enterprises and institutions warned subordinates against participation in meetings with the other candidates and their authorized representatives.

6. Complaints and appeals during the pre-election period

According to the electoral legislation, decisions of election commissions and other actions related to the election can be appealed to higher-level election commissions and the prosecutor's office. The Electoral Code amended in January 2010 also allows for challenging decisions related to formation of TECs and PECs in courts.

According to campaign observers' calculations, 240 complaints were filed during the whole pre-election period. 27 of them related to formation of the TECs. Most of these complaints concerned non-inclusion of the representatives of opposition political parties and non-governmental organizations into the commissions. None of these complaints was satisfied. Courts also did not satisfy any of 85 complaints related to non-inclusion of 413 candidates to PECs (two of them remained unconsidered). The courts ignored arguments about the discriminatory attitude of executive committees towards representatives of opposition political parties and justified their refusals by the fact that all formal procedures of forming PECs had been followed.

For instance, a citizen's complaint on non-inclusion of their candidate Pavel Levinau⁴ into the PEC №35 of Pershamaiski district of Vitsebsk was considered by the court. During the court hearing, numerous violations, which related to nomination of those candidatures who became PEC members, were disclosed.⁵ In addition, during the court sitting the complainants drew attention of the court and

⁴ Levinau was nominated by a group of 153 citizens. At the sitting of the district administration dedicated to PEC formation, head of organizational and human resources unit Pavel Silchanok explained to the administration head Mikalai Arlou that the proposed PEC composition is comprised of those citizens who successfully performed as election commission members during local elections earlier this year. Arlou did not propose to vote on the nominated candidates, but merely proposed to approve the prepared lists of PEC members (it is proved by the excerpt from the protocol of the sitting which does not have any indication that voting took place).

⁵ For instance, the protocol of the sitting of the local branch of "Belaya Rus" which nominated PEC member Chepikava did not mention her place of work; the protocol of the sitting of the BRSM local branch which nominated PEC member Mikhailau did not mention the number of branch members and results of the vote; local branch of the Belarusian Union of Women did not mention in the protocol place of work and position of

prosecutor to the forgery of signatures of citizens who nominated Deputy Director-General of RUP "Vitsebskhlēbpram" Andrei Markouski to the PEC. However, judge Volha Illyshonak refused to satisfy the complaint, and an appeal to higher court was also rejected. Only after application to the CEC and verification mission of the latter was the district administration instructed to remove Markouski, who had been already elected PEC chair, from the PEC. However, Levinau was not included in the commission.

According to observers, 51 complaints were filed during the signature collection stage (three of them were satisfied). Most of these complaints concerned places for collecting signatures.

A typical example of how election commissions considered complaints was consideration of the complaints of Vyachaslau Dyyanau and Mikita Krasnou regarding participation of students of the Belarusian State University of Informatics and Radio-Electronics (BSUIR) in the picket to collect signatures in support of Lukashenka near the shop "Furniture House" in Very Kharuzhai Street (Minsk) during school hours. These students were not members of the initiative group and "just helped" to collect voter signatures for Mr Khmyl, a member of the initiative group and Vice-Rector for Academic Affairs. During consideration of the complaint by the Minsk City Election Commission, Khmyl confirmed that BSUIR students took part in the picket, as well as the fact that at that moment he was not on service vacation. However, the CEC did not find any violations of the electoral legislation in this case. According to the CEC, Khmyl was not a direct subordinate of the person in support of whom he collected signatures and, thus, could "invite" students to participate in the picket. The CEC also noted that the class schedule may have had certain peculiarities, and they may have had days free from classes. However, the response to the complaints said nothing about whether particular students who participated in the picket were free from classes at the university on that day, or about Khmyl's participation in the picket during his working hours. The fact that signatures can be collected by non-members of initiative groups was explained by the CEC in the way that signature lists can be filled in also by "assistants (helpers) of members of initiative groups", about whom the Electoral Code says nothing, requiring that these entries (except for the date and signature, which are done by the signatory) be made only by members of the initiative group.

At the candidate registration stage only one complaint was filed – by Uladzimir Pravalski who was denied registration as a presidential candidate by the CEC. The Supreme Court dismissed the complaint.

The CEC has demonstrated unequal treatment of different candidates while handling complaints. It issued a warning to the initiative group of Nyaklyaeu for violating electoral legislation during the collection of signatures while almost all complaints against the initiative group of Lukashenka were re-directed to lower-level commissions. The CEC and TECs rejected all of the numerous complaints of violations of the electoral legislation by Lukashenka's initiative group.

As during previous election campaigns, the prosecutor's office in most cases avoided carrying out checks related to complaints from subjects of the electoral process, and re-directed them to the election commissions. At the same time, the general prosecutor's office issued warnings to several presidential candidates for their calls to voters to take part in the rallies at Kastychnitskaya Square in Minsk, which the authorities had closed for any mass public events.

7. International and national observers

According to the CEC, 1,036 international and 39,619 national observers were accredited during the election. Most international observers were part of the OSCE/ODIHR and CIS missions.

PEC member Shyenok; engineers and workers of production unit №2 of RUP "Vitsebskhlēbpram" nominated to the PEC a paramedic Ageeva who was not a member of their labour collective; book keeping unit of the same enterprise also nominated a PEC candidate Grakhouskaya who was not a member of the unit's labour collective. The district administration presented in the court a protocol of nomination of Valiantsina Uladzimirana Fok, while Alena Isakauna Fok became PEC member.

The majority of the national observers were representatives of the five biggest pro-governmental NGOs “Belaya Rus”, Belarusian National Union of Youth (BRSM), Belarusian Union of Women, Belarusian Public Association of Pensioners, and Federation of Trade Unions of Belarus – 20,715 persons, and 4,343 representatives of political parties loyal to the regime. Among 10,516 observers nominated by citizens and labour collectives, and among 3,051 observers nominated by other NGOs of the country (except BHC), the absolute majority comprised observers nominated at the instruction of authorities. Their task was to interfere with activities of independent national observers and journalists.⁶ At the time of the report’s release, no information about any complaints lodged or observation reports released by such observers was available.

National observation independent from the authorities comprised of the campaign “Human Rights Defenders for Free Elections”, campaign of party pollwatchers “For Fair Elections”, observers of the “For Freedom” Movement and of the project “Election Observation: Theory and Practice”. In addition, Belarusian Association of Journalists monitored coverage of the election in the mass media.

	Number of long-term observers	Number of short-term observers	Number of polling stations covered by observation*		
			Early voting	Election day	
				Voting	Vote count
International observation**					
OSCE/ODIHR Election Observation Mission	40	452***	860	960	162
CIS Election Observation Mission****	42	294	678	2,906	
National observation independent from the authorities					
Campaign “Human Rights Defenders for Free Elections”	80	600	300	300	
Campaign of party pollwatchers “For Fair Elections”	-	1,000	250	250	
Observation of “For Freedom” Movement	-	650	-	634	
Project “Election Observation: Theory and Practice”	-	94	-	55	

* The total number of polling stations covered by international and independent national observation is much less than the arithmetical sum of figures in the columns because at a considerable number of polling stations different national and international observers were present either permanently, or temporarily.

** Other international observers included representatives of the CIS Inter-Parliamentary Assembly, foreign parliaments and election commission, diplomatic missions in Belarus, and individual foreign observers.

*** Including 63 observers of the OSCE Parliamentary Assembly.

**** Including 31 citizen of Belarus – staff of the CIS Secretariat.

8. Early voting

Under Article 53 of the Electoral Code, early voting should be started no earlier than five days before election day. It is conducted on the premises of a precinct election commission (PEC) in attendance of at least two members of the commission between 10.00-14.00 and 16.00-19.00. No official certificate of inability to vote on the election day is required. On the first day of the early voting, ballot boxes should be sealed. The PEC should provide daily reports on the number of ballots received and the

⁶ The training workshop for the PEC members of Maskouski district of Minsk held on 30 November 2010 showed for what kind of observation the pro-governmental observers were prepared. TEC deputy chair Alyaksandr Kudzermayeu requested PEC chairs to ensure presence of “brigades of our observers” of no less than 10 persons at each PEC, to be nominated by “Belaya Rus”, BRSM and Belarusian Union of Women. Kudzermayeu also announced that on 2 December, training for the leaders (“foremen”) of these groups would be carried out. The training will be dedicated to “what to do and how to behave in a deadlock situation at a polling station”, i.e. how to counteract independent observers and journalists, and how to compile acts confirming correctness of the vote count in case PEC members representing opposition political parties refuse to sign final protocols or file dissenting opinions.

number of ballots issued to voters (on the last day – the total number for all days), the number of spoiled ballots and, separately, unused ballots. Coercion to vote early is prohibited.

From late November, there were numerous instances of abuse of state administrative resources aimed at providing high turnout of early voters. Local executive committees issued instructions for ideology departments of establishments and enterprises, the latter working with their subordinates. The administrations of many enterprises issued decisions on the number of persons obliged to take part in the early voting and demanded proof of that. During general meetings at some enterprises, the representatives of their administrations declared that early voting is obligatory for everyone.

The majority of cases of coercion to vote early concerned college and university students (from the side of their professors and administration). A high profile case was a video, which recorded the coercion of students of Minsk State Technological College by their supervisor to vote early. It was broadly distributed through Internet. On 19 December 2010, during the live broadcast of “Vybor” (“Choice”) talk-show, TV host Syarhei Darafeeu asked Lidziya Yarmoshyna whether this video means that there were violations during the election, the CEC chair did not answer and left the studio instead, having explained her departure by her unwillingness “to be too liberal”. Later, Darafeeu himself was dismissed, and “Vybor” programme was discontinued.

Conditions for observation

On 30 November, the Central Election Commission dismissed an application for 24-hour observation during the early voting period. Thus, the observers did not have any effective means of full-scale observation of ballot boxes and could not be confident that no manipulation took place. Apart from that observers reported other obstacles:

	14 December	15 December	16 December	17 December	18 December	Average
Number of polling stations from which observer data was available	282	281	294	306	335	300
1. Percentage of polling stations where cases of refusal of accreditation of independent observers took place	5.3%	1.8%	2.7%	0.3%	2.1%	2.4%
2. Percentage of polling stations where independent observers faced obstruction	8.9%	10.3%	8.2%	8.5%	5.7%	8.3%

1. *Denials of accreditation for independent observers* were registered at an average 2.4% of polling stations covered by observation. The denials were basically due to trivial reasons – absence of a seal on a statement of nomination, absence of birthdates of citizens nominating the observer, etc.⁷ The refusals were, as a rule, overcome after declaration of intention to appeal them or after consultations of PEC chairs with higher election commissions and representatives of executive authorities.

2. *Obstacles to activities of independent observers* were registered at an average of 8.3% of polling stations. In general, the observers were allowed to maintain observation during working hours only. Meanwhile, the observers were required to maintain their activities from a certain distance chosen

⁷ At polling station №2 in Glusk (Mahilyou region), observer Ihar Kirin was rejected accreditation because his application lacked dates of birth of those voters who nominated him for observation. At polling station №24 in Abukhova village of Hrodna district (Hrodna region), observer Alena Rapekta was refused accreditation because a protocol concerning her nomination was lacking a stamp. At polling station №66 in Mahilyou, BHC representative Alyaksei Kazheka and Mahilyou Human Rights Centre representative Natalya Samakhvalava were refused registration. The refusal was explained by the limited space at the polling station at which 7 other observers had been already registered, and which could not accommodate more observers.

by election officials.⁸ There were a number of cases when observers were prohibited to use mobile phones and cameras.⁹ There were also some cases of obstacles in keeping count of early voters or speaking with them outside polling stations.¹⁰ At some polling stations observers faced psychological pressure and harassment.¹¹

3. *Sealing of ballot boxes on the first day of early voting.* The observers did not have the opportunity to witness the sealing of ballot boxes at an average 2.6% of polling stations. There were cases when ballot boxes were sealed before the start of voting and start of observation.¹² The main issue of concern for the observers was poorly-sealed slots of ballot boxes during the early voting, registered at a large number of polling stations.

Violations observed

During the early voting stage, the observers registered numerous election violations. The overall statistics of the most typical reported abuses can be found below. The campaign observers lodged 125 complaints and statements against election violations to TECs and prosecuting authorities.

	14 December	15 December	16 December	17 December	18 December	Average
Number of polling stations from which data was available	282	281	294	306	335	300
1. Percentage of polling stations where cases of the PEC work outside official hours established by the Electoral Code (10.00–14.00 and 16.00–19.00) were observed	8.5%	6.8%	5.8%	3.6%	7.5%	6.4%
2. Percentage of polling stations where cases of interference by unauthorised persons with PEC work were observed	7.1%	8.9%	3.7%	5.6%	3.6%	5.8%
3. Percentage of polling stations where cases of coercion to vote early were observed	8.9%	14.2%	10.2%	12.4%	6.9%	10.5%

⁸ At polling station №12 of Zhodzina (Minsk region), observers were allocated places in the corridor, from which they could not see the voting. A similar situation occurred at polling station №44 of Chygunachny district of Homel where observers could see neither ballot boxes, nor how the voting was going.

⁹ At polling station №122 at Kastychnitski district of Mahilyou, the PEC chair did not allow observers access to the lists of voters and lists of accredited observers. At polling station №15 of Leninski district of Brest, the PEC chair did not allow observer Volha Maslouskaya to take photos, and even applied physical force to stop her photographing, having explained her action by saying that photos can be taken only with her permission. Similarly, observer Andrei Krechka was prohibited to take photos of the ballot box and PEC daily protocol at polling station №27 of Savetski district in Minsk.

¹⁰ At polling station №4 of Leninski district, Hrodna, PEC chair Leanid Valentsukevich warned observers Liudmila Stsarnitskaya and Raman Baranouski (and compiled a relevant act) against written calculation of the number of persons who came to vote. Valentsukevich said they do not have right to do this. At polling station №57 of Pershamaiski district of Minsk, PEC chair Anatol Shabelnik prohibited observers from talking to voters outside the polling station and threatened to expel them from the station.

¹¹ At polling station №24 in Abukhova village of Hrodna district (Hrodna region), observers Halina Dzerbysh and Alena Rapekta were questioned by the district executive committee staff Svyatlana Dabryjan, who was inquiring who they are and for what reason they became observers. At polling station №67 of Frunzenski district of Minsk, PEC chair Robert Khmara reacted to observers' comments with threats to expel them from the station. Svyatlana Lapitskaya, observer at polling station №11 in Zhodzina (Minsk region), received telephone calls urging her to come to her workplace and evening visits to her home by her supervisor to urge her to abandon observation.

¹² At polling station №4 of Leninski district in Brest, PEC chair did not allow observer Alyaksandr Melyashchnya to watch sealing of the ballot box. At polling station №11 of Navabelitski district in Homel the ballot box had been sealed before observers came, and PEC chair Svyatlana Shautsova was not able to explain when the box was sealed. At station №26 of Maladzechna, Minsk region, PEC members brought the sealed ballot box from the office of the PEC chair Zoya Kokash (she is a school headmaster).

	14 December	15 December	16 December	17 December	18 December	Average
4. Percentage of polling stations where cases of issuing more than one ballot paper to one person were observed	3.2%	2.1%	1.4%	1.6%	1.5%	2.0%
5. Percentage of polling stations where protocols on the number of voters who voted were not posted outside for general information	2.5%	1.4%	0.3%	1.3%	0.9%	1.3%

1. *Maintaining activities by election commissions beyond working hours* was registered at an average 6.4% of polling stations. The observers were allowed to observe voting procedures during working hours only. Meanwhile, they reported numerous cases when election commissioners remained on the premises before 10.00, between 14.00 and 16.00 and after 19.00, which were explained as “technical issues” or “preparation of premises for voting” by the election commissions, etc.

2. *Interference of unauthorized persons with the activities of election commissions* was registered at an average 5.8% of polling stations. The unauthorized persons were generally representatives of local executive authorities or administrations of enterprises and institutions. There were numerous cases of direct control, including through verification of voter lists, by representatives of educational institutions, hostels and other establishments, of students’ participation in the early voting. PECs regularly reported on the number of early voters to administrations of respective institutions and establishments.

3. *Coercion to early voting* was registered at an average 10.5 % of polling stations. As during previous elections, the main victims of coercion were: students from other towns, residents of hostels, military persons, state employees, convicts etc. The main traits of administrative coercion to early voting included: voters’ requests to issue a certificate of participation in the early voting, transportation of voters to polling stations for participation in the early voting, election commissions’ reporting on early voting results to representatives of administrations, etc.

4. *Issuance of more than one ballot to a person* was registered at an average 2.0 % of polling stations. The majority of registered cases were issuance of ballots to voters’ relatives.

5. *Failure to post daily reports on early voting* was registered at an average 1.3 % of polling stations. The observers often had to remind the members of precinct election commissions about the necessity of publication of daily results of early voting.

Participation in early voting

Observers had particular difficulty accessing data on the number of voters registered in a polling station. This information was not accessible at an average of one-third of polling stations. There were also many cases of direct denials of information to observers.

Day	Number of polling stations where data on the number of voters was available	Number of voters registered at these polling stations	Number of voters who voted at these polling stations according to observers’ calculations	Percentage of voters who voted early
14 December	186	335,014	9,569	2.82%
15 December	204	368,302	14,431	3.92%
16 December	210	379,677	16,583	4.37%
17 December	224	403,780	20,964	5.19%
18 December	238	435,822	27,092	6.22%
Total:				22.52%

In the majority of cases, the data on the number of voters who have cast their ballots provided by the observers coincided with the official figures (or slightly diverged) during each voting day. On average, the number of voters who cast their ballots, as counted by the observers, comprised 97.2% of the number of voters announced by PECs (at polling stations under observation).

At the same time, at some of the polling stations, there were cases of considerable deviations between the official figures and the data provided by the observers.

9. Election day: mobile voting

According to the Electoral Code, mobile voting shall take place exclusively following a written or an oral request of the voter who cannot come to the polling station. No reason for such a request shall be provided. The PEC shall draw a special voter list in this case, whereby details shall be extracted from the regular voter list. Not fewer than two PEC members should accompany the mobile box. PEC members accompanying the mobile ballot box should have received in advance the number of ballots corresponding to the number of the voters on the special voter list.

Observing mobile voting was sometimes problematic as PEC members had their own transportation means, while the observers were not allowed to join PEC members in their vehicles for the reasons of “lack of space.” Often PEC members designated to accompany the mobile box left the polling station secretly and without announcing their departure. Hence observers were able to note violations relating to technical aspects of the mobile voting procedure only.

A considerable share of violations observed during mobile voting related to compiling of special voter lists. A high number of reports concerned the criteria for including voters into the list. As a rule, voters were added to the special voter list based on their age and the geographical distance from the polling station (especially in rural areas) rather than at the request of the voter.¹³ In many polling stations, the number of mobile voters was disproportionate, i.e. up to 30% (7.61% on average at the national level). PEC chairs often refused to allow observers access to the lists.¹⁴

The practice of adding voters who did not request it to the list for mobile voting was widespread. Observers who were able to observe mobile voting noted a high number of cases where voters refused to vote or were surprised at the arrival PEC members at their homes. Observers noted incidents of violation of the principle of secrecy of the ballot, cases of coercion and multiple voting. Observers also reported cases when voters, having voted early, were offered another opportunity to vote at home on the election day.¹⁵

Often there was no possibility to observe the handing over of ballots to designated PEC members, as ballots had been given either in advance or secretly, in another room. Observers were also often denied information. At the same time, observers noted a high number of cases when a ‘rounded-off’ number of ballots had been given out (for example, 100) or ballots had been given in stacks without having been counted.¹⁶

¹³ At polling station № 53 in Baran of Orsha district (Vitsebsk region), all voters of age 70 and older were automatically included in the list for mobile voting. At station № 45 of Vitsebsk, the list included all disabled persons and pensioners.

¹⁴ For instance categorical refusal took place at polling stations № 3 (chair Mishchuk) and № 48 (chair Alena Furmanava) of Pinsk (Brest region), station № 20 of Kastychnitski district of Vitsebsk (chair Naslednikava), station № 5 of Hantsavichy (Brest region), and at many others.

¹⁵ For instance, at polling station № 9 of Zhodzina (Minsk region) voter Zubra did not requested to participate in mobile voting. At station № 7 of Salihorsk (Minsk region) voter Sharavarava was not even going to vote; however, she was included in the list. At station № 16 of Pershamaiski district of Vitsebsk mother of voter Muratau voted early; however, on the election day, she was visited by PEC members and invited to vote again.

¹⁶ At polling station № 66 of Leninski district of Mahilyou during the early voting period, it was reported to observers that 16 voters requested mobile voting. However, on the election day, three groups of PEC members

Observers reported incidents of violation of the requirements for storing ballot boxes in polling stations – ballot boxes were stored out of view of observers. However, these incidents were few in number as compared to the incidents of the violations of the law mentioned above.

Violations reported at 282 polling stations covered by observation

Question	Number of "Yes"	Number of "No"	Percentage "Yes"	Percentage "No"
1. Was the list of the voters who had declared their desire to vote at their place of residence compiled?	274	8	97.16	2.84
2. Have there been any persons added to the list who had not applied to the PEC with the relevant request?	52	230	18.44	81.56
3. Did the PEC chair provide information to observers about the number of the voters who had applied for voting at their place of residence?	237	45	84.04	15.96
4. Were the PEC members, in charge of organizing the vote at residences, given the number of ballot papers corresponding to the number of voters on the respective list?	220	62	78.01	21.99
5. Were observers allowed to be present voting at voter's place of residence?	231	51	81.91	18.09
6. Have there been any cases, when voters stated that they had not expressed any desire to vote at their place of residence, when the PEC members came to them?	34	248	12.06	87.94
7. Have there been any cases of direct or hidden agitation by the PEC members during voting at voters' places of residence?	8	274	2.84	97.16
8. Were voters put on the voter list for voting at place of their residence after 18:00?	8	274	2.84	97.16
9. Were the ballot boxes, intended for voting at voter's place of residence, kept in a place that was visible to observers?	262	20	92.91	7.09
10. Was the mobile voting held with significant violations in general?	49	233	17.38	82.62

10. Election day: voting at polling stations

According to the Electoral Code, voting on election day shall take place at polling stations from 8:00 to 20:00. Voting at closed polling stations may be completed earlier if all voters have cast their ballots. Voting shall take place in specially designated premises in polling booths or rooms for secret voting. Ballot boxes shall be examined, sealed and stamped before voting starts in the presence of not less than 2/3 of PEC members. A ballot shall be given to the voter upon producing a proper ID; the voter must certify the receipt of the ballot with a signature. Voters must vote individually.

In a number of polling stations, observers noted: group voting, family voting (upon the presentation of passports of family members), etc. PECs did not pay significant attention to such violations, according to the observers. Similar to the early voting, in some cases observers were denied figures relating to the number of voters on the voter list; mobile voters; and ballots received.

Violations reported at 300 polling stations covered by observation

Question	Number of "Yes"	Number of "No"	Percentage "Yes"	Percentage "No"
1. Were all the observers who wanted to be present at the polling station on election day accredited?	290	10	96.67	3.33
2. Were the observers given the number of voters at the polling station?	278	22	92.67	7.33
3. Were the observers given the number of received ballot papers?	278	22	92.67	7.33

left the station with lists for mobile voting which included 50 voters each. The PEC was not able to explain this situation.

Question	Number of "Yes"	Number of "No"	Percentage "Yes"	Percentage "No"
4. Could observers see the procedure of handing out ballot papers to voters?	257	43	85.67	14.33
5. Have there been any cases of issuance of several ballot papers to one person?	29	271	9.67	90.33
6. Was the confidentiality of voting ensured?	281	19	93.67	6.33
7. Did unauthorized persons interfere with the PEC work?	28	272	9.33	90.67
8. Have there been any cases of direct or hidden agitation at the polling station?	22	278	7.33	92.67
9. Have there been complaints lodged during voting?	64	236	21.33	78.67
10. Was the voting at the polling station held with significant violations in general?	60	240	20.00	80.00

11. Election day: vote count

A major principle to ensure accountability and transparency of the vote count is separate counting. It means that non-used ballots papers should be counted first, their number announced, and then they should be packed away. Then PEC members consequently open ballot boxes and count ballot papers. Ballot papers from the box for early voting should be counted first, then – ballots from the box for mobile voting, and after it – ballots from the box for voting on the election day at the polling station. Results of the count should be announced by the PEC chair for each ballot box. The vote count should be conducted by PEC members personally without interruption until all ballots are counted.

On the basis of the voter list, the PEC determines the total number of voters at the precinct, and the number of voters who received ballot papers. On the basis of ballot papers contained in the ballot boxes, the PEC determines the number of voters who took part in the election, first separately for each box, then in total. This number is comprised of the number of voters who cast their ballots early; who voted during mobile voting; and who voted on the day of election at the polling station. The PEC determines the number of ballots cast for each presidential candidate, the number of ballots cast against all candidates, and the number of ballots declared invalid.

After the vote count is completed, the PEC conducts a sitting at which voting results are approved, the protocol on the voting results is compiled, and complaints and any dissenting opinions of PEC members are considered. The protocol is signed by all PEC members and is passed to the TEC without delay, while a copy is posted outside the polling station for general information.

The lack of detailed prescriptions for the vote count in the Electoral Code remained one of the main problems of the legislation. Despite numerous proposals from different subjects of the electoral process, the CEC refused to detail the counting procedure by means of issuing new decisions or amending the Methodical Recommendations.

According to Article 13 of the Electoral Code, an observer has the right to watch the vote count, but the distance from which he/she can do it is not specified. CEC decision № 95 amended the Methodical Recommendations so that they included a provision that observers should be provided with a real opportunity to watch the vote count. However, at a majority of polling stations covered by observation, such an opportunity was not provided to the observers.

In most cases observers were allowed to watch the vote count. However, a majority of observers reported that they could not effectively observe the vote count for two reasons. First, in most cases the distance from which they were allowed to watch the vote count did not allow them to view the content of ballot papers. Second, the procedure for the vote count followed by the majority of PECs

(joint and simultaneous counting of ballots by all PEC members) did not allow observers to view the content of all ballots and to conduct parallel counting, even in cases when the distance from the table at which counting was conducted was minimal, and PEC members did not interfere with observation. In many cases observers did not know the number of voters who requested to vote at place of their residence.

As a rule, each PEC member was counting only his/her stack of ballots and then silently handing over the result of the count written on a piece of paper to the PEC chair. With such an order of counting the final result was not known to each individual PEC member, nor to any observers present. The PEC members often stood tightly around the counting table and prevented observers from seeing the counting well. In some cases PEC members opened all ballot boxes simultaneously and counted ballots from these boxes simultaneously. In addition, at many polling stations where separate vote counting was conducted, its results were not announced.

The average duration of a vote count at PECs where observers were present was about 1.5 hours. The minimum duration was 18 minutes, and the maximum duration was 4 hours. In a majority of cases PECs posted protocols with voting results outside the polling station, but rarely verified (signed) copies made by observers.¹⁷

Results of procession of reports from 300 polling stations covered by the campaign observation are below. These are answers of the observers to the questionnaire dedicated to vote count:

Question	Number of "Yes"	Number of "No"	Percentage "Yes"	Percentage "No"
1. Were all accredited observers allowed to observe vote count?	294	15	95.15	4.85
2. Could you view the content of the ballots?	79	230	25.57	74.43
3. Have there been cases of observers being expelled from the polling station during the vote count?	5	304	1.62	98.38
4. Was there a procedure for counting votes so that all members of the PEC could see for whom each ballot was marked?*	108	201	34.95	65.05
5. Was there a separate vote count carried out for each different box (for early voting, mobile voting and regular voting)?	260	49	84.14	15.86
6. Were the results of counting votes from different ballot boxes announced?	162	147	52.43	47.57
7. Were there any complaints lodged concerning the vote count?	70	239	22.65	77.35
8. Were received complaints dealt with at a meeting of the PEC?	29	280	9.39	90.61
9. Did members of the PEC write any comments on the protocol?	4	305	1.29	98.71
10. Was the protocol displayed with the results for general information?	288	21	93.20	6.80
11. Did PEC members provide observers with a copy of the final protocol upon request?	78	229	25.41	74.59
12. Was the vote count held with significant violations in general?	151	158	48.87	51.13

* While answering this question most observers meant physical opportunity for each PEC member to see for whom each ballot was marked, but not the demonstration of the content of each ballot to all PEC members.

¹⁷ Refusals to sign a copy of the final protocol were either not explained at all, or observers were told that PEC members are not obliged to do it, or that it is not stipulated by the Electoral Code.

12. Post-election complaints and appeals

During voting and the vote count, more than 250 complaints and appeals were lodged at polling stations covered by the campaign observation alone. Most of them concerned violations during early vote. The most typical violations, which complaints were referring to, were the following:

- 1) refusal of accreditation of independent observers;
- 2) prohibition to take photos of seals on the ballot boxes and of violations at the polling stations;
- 3) allocation of places for the observers which are not convenient for observation;
- 4) moving ballot boxes for early voting from the premises of polling stations to other locations;
- 5) absence of separate vote counts, and of announcement of vote count results;
- 6) inability for observers to properly watch the vote count;
- 7) prohibition to conduct observation of mobile voting.

In some cases observers were threatened with expulsion from the polling station and withdrawal of accreditation for lodging ungrounded, in the PEC's opinion, complaints and appeals.¹⁸

Most complaints were considered formally, and complainants received responses about the absence of any violations in PEC actions. Only few such complaints were satisfied. Some complaints were not considered at all.

During early voting, several observers nominated by the Belarusian Helsinki Committee, applied to a number of PEC chairs with written requests to ensure such an order of the vote count which allows all PEC members to see for whom each vote was given. Such an order, according to the observers, would have ensured proper transparency of the vote count both for the PEC members themselves, and for the observers.

None of these requests was satisfied. The most typical reason for rejection was that the vote count would last excessively long in case the order proposed by the observers was applied. For instance, "the commission decided that your proposal concerning the order of vote count is unreasonable. If your proposal is implemented, the vote count would last until morning. However, the commission is comprised of 13 members, and each of them will participate in the vote count. Members of the commission have to be at their working places at 7:40 am of 20 December 2010".¹⁹

Practically all responses stated that the procedure for the vote count is clearly described in the Electoral Code. A similar response was received also from the CEC, which informed observer Vasili Chykin that "the procedure of the vote count stipulated by Article 55 of the Electoral Code is explained in sufficient detail in the Methodical Recommendations for precinct commissions", and that "precinct commissions act within their competence to determine the order of vote count".

13. Election results

The first announcement of voting results was made by CEC Chair Lidziya Yarmoshyna on Belarusian TV at 4.30 am on 20 December. The same results – with some differences – were repeated at the press conference at 10.00 am on 20 December and placed on the CEC web-site ("Preliminary data on voting results of the election of the President of the Republic of Belarus"). The CEC announcement of the official election results was adopted on 24 December and placed on the CEC web-site, together

¹⁸ For instance, PEC № 48 of Pinsk (Brest region) issued a written warning to observer Tselekhan for ungrounded complaints to the commission: "the undersigned member of the precinct election commission make herewith a warning to observer S.V. Tselekhan for repeatedly putting forward ungrounded allegations and interference with commission's work, and inform him that in case of continued interference in commission work observer S. V. Tselekhan will be expelled from the premises of polling station № 48".

¹⁹ Excerpt from the response of the chair of PEC № 3 of Pinsk (Brest region).

with “Data on voting during the election of the President of Belarus of 19 December 2010” which gave more details on the breakdown of voting results.

	Initial voting results announced on TV (4.30 am, 20 December 2010)		“Preliminary data on voting results of the election of the President of the Republic of Belarus” (10.00 am, 20 December 2010)		“Data on voting during the election of the President of Belarus of 19 December 2010” (24 December 2010)	
	Number	%	Number	%	Number	%
Kastusyou	126,645	1.97	126,645	1.97	126,999	1.97
Lukashenka	5,122,866	79.67	5,122,866	79.67	5,130,557	79.65
Mikhalevich	65,598	1.02	65,598	1.02	65,748	1.02
Nyaklyaeu	113,747	1.77	113,747	1.77	114,581	1.78
Ramanchuk	126,986	1.97	126,986	1.97	127,281	1.98
Rymasheuski	70,433	1.1	70,433	1.10	70,515	1.09
Sannikau	“164 thousand”	2.56	155,386	2.42	156,419	2.43
Statkevich	“67 thousand”	1.04	67,036	1.04	67,583	1.05
Uss	“31 thousand”	0.48	31,009	0.48	25,117	0.39
Tsyareshchanka	69,653	1.08	69,653	1.08	76,764	1.19
Against all	Was not announced	6.47	416,333	6.47	416,925	6.47
Invalid ballots	55,940*	0.87**	64,244***	1.00%****	62,542	0.97
Voted	Was not announced	100.00	6,429,936	100.00	6,441,031	100.00
Number of voters	Was not announced		7,092,168		7,105,660	
Turnout		90.66%		90.66%		90.65%

* Was not announced; calculated on the basis of percentage.

** Was not announced; calculated as a difference between 100% and percents casted for the candidates and “against all”.

*** Was not given; calculated as a difference between total number of those who voted and number of votes casted for all candidates and “against all”.

**** Was not given; calculated as a difference between 100% and percents casted for the candidates and “against all”.

The difference between some figures announced by the CEC indicates at potential manipulation with voting results at CEC level: 1) decrease of the number of votes for Sannikau by more than 8,000, and increase of the number of invalid ballots by more than 8,000 in two variants of the initial voting results announced on 20 December, and 2) significant change in the number of votes for Uss (decrease from 31,009 to 25,177) and Tsyareshchanka (increase from 69,653 to 76,764) in the data on voting announced on 24 December compared to preliminary data on voting announced on 20 December. These differences cannot be explained simply by improvement of the data’s accuracy.

Early voting turnout

On 19 December at 10.00 am Lidziya Yarmoshyna announced that 1,629,191 persons voted during 5 days of early voting (23.1% of the number of voters included on the voters’ lists). The same data – with breakdown to the regions and Minsk – were placed on the CEC web-site (“Data on early voting as of 18 December 2010”). In addition, on 20 December, CEC member Alyksandr Kalyada announced at the press conference the number of those who voted early in Brest region – 18.8% of the total number of voters. On 22 December, chair of Hrodna Regional Election Commission Valery Sauko announced at a press conference that more than 23% of the region’s voters took part in the early voting. And on the same day, 22 December, chair of Mahilyou Regional Election Commission Valery Berastau announced that 26,4% of voters voted early in the region. These percentages are the same as in the CEC data on early voting of 19 December.

However, according to the official election results announced by the CEC on 24 December, 1,798,075 persons voted early – an increase of 168,884 voters. The same figure is contained in the “Data on voting during the election of the President of Belarus of 19 December 2010” on the CEC website. The number and, accordingly, percentages of voters who voted early in the regions, which are given in this data, also considerably differ from the numbers and percentages announced by the CEC and chairs of regional election commissions on 19-22 December:

	"Data on early voting as of 18 December 2010" (19 December 2010)*		"Data on voting during the election of the President of Belarus of 19 December 2010" (24 December 2010)	
	Number	Percent of the number of voters included in voters' lists	Number	Percent of the number of voters included in voters' lists
Brest region	190,629	18.8	275,216	26.66
Vitsebsk region	309,022	34.6	308,762	34.41
Hrodna region	188,931	23.4	231,676	28.67
Homel region	266,649	23.4	272,806	24.60
Mahilyou region	218,409	26.4	218,235	26.16
Minsk region	224,472	20.4	247,027	22.37
Minsk city	231,079	17.7	244,353	18.51
Outside Belarus	2,478	28.2	-	-
Total	1,629,191	23.1	1,798,075	25.30

* Data for all 5 days of early voting.

The difference can indicate that the early voting turnout was falsified. Belarusian Helsinki Committee applied to the CEC for the explanation, but has not received any response by the time of the report's release.

Early voting, mobile voting and voting at closed polling stations

According to CEC data of 20 December, 1,629,191 persons voted early; in addition, 490,314 persons voted at place of their residence. As a rule, at the polling stations covered by observation, the percentage of those who voted at place of their residence was lower than at the other polling stations of the same administrative and territorial unit.

Polatsk, Vitsebsk region (polling stations №№ 7, 12, 23, 28 and 32)*

Type of voting	5 polling stations covered by observation**	Whole Polatsk (TEC)	Vitsebsk region (CEC)
Percentage of voters who voted early	28.33	28.41	36.94
Percentage of voters who voted on the election day at polling stations	67.32	62.56	51.66
Percentage of voters who voted on the election day at places of their residence	4.35	9.03	11.41

* Official data of the election commissions.

** Vote count at these polling stations was non-transparent.

At those polling stations where ballots from different boxes were counted separately (and results announced), the percentage of ballots for Lukashenka during early voting and mobile voting was considerably higher than in boxes for the voting at polling stations. As some stations it reached 100%. Accordingly, the percentage of ballots in support of other candidates was considerably lower.

Polatsk, Vitsebsk region (polling stations №№ 7, 12, 23, 28 and 32)*

	Early voting		Voting at polling stations		Mobile voting		Total at 5 polling stations (PEC)		Whole Polatsk (TEC)	
	Number	%	Number	%	Number	%	Number	%	Number	%
Kastusyou	8	0.39	24	0.49	0	0.00	32	0.44	250	0.5
Lukashenka	1,741	84.31	2,992	60.97	292	92.11	5,025	68.94	40,674	78.2
Mikhalevich	20	0.97	95	1.94	0	0.00	115	1.58	703	1.4
Nyaklyaeu	38	1.84	218	4.44	6	1.89	262	3.59	1,485	2.9
Ramanchuk	11	0.53	206	4.20	0	0.00	217	2.98	986	1.9
Rymasheuski	12	0.58	92	1.87	2	0.63	106	1.45	567	1.1
Sannikau	89	4.31	700	14.24	1	0.34	790	10.84	3,748	7.2
Statkevich	20	0.97	123	2.51	2	0.63	145	1.99	610	1.2
Uss	4	0.19	13	0.26	0	0.00	17	0.23	125	0.2
Tsyareschanka	18	0.87	131	2.67	1	0.32	150	2.06	702	1.3
Against all	95	4.60	274	5.58	7	2.21	376	5.16	1,830	3.5
Invalid ballots	9	0.44	39	0.79	6	1.89	54	0.74	362	0.7
Total	2,065	100.00	4,907	100.00	317	100.00	7,289	100.00	52,042	100.00

* Official data of the election commissions.

* Vote count at these polling stations was non-transparent.

This difference could be explained by the argument that most voters who actively took part in early voting and mobile voting were Lukashenka's supporters, especially older voters. However, this explanation cannot be applied to voting results at closed polling stations, such as military units, hospitals and sanatoriums, where voters of all ages voted (67,937 persons, or 1.05% of the total number of those who voted). Lukashenka got 89.10% at such polling stations (compared to 79.65% at the national level), and his competitors – 1.5-2 times less than their national average.

These three types of voting had a common feature – the voting and storage of ballot boxes were non-transparent. It is impossible to say whether the ballots in the ballot boxes at the moment the vote count started were the same ballots that were cast by the voters themselves, because during early voting and mobile voting, election commissions members and unauthorized persons had access to relevant ballot boxes in absence of observers or other witnesses, and the way the ballot boxes were designed and sealed did not provide an adequate safeguard against potential manipulation. As regards the voting at closed polling stations, it was entirely open to potential manipulation during both voting and vote count. In total, about 2.2 million ballot papers (the number of voters who voted early, during mobile voting and at closed polling stations) were therefore in a “zone of high manipulation risk”.

For instance, at polling station №57 of Pershamaiski district of Minsk which included hostels №15-17 of the Belarusian State Technical University, and at which observers witnessed mass early voting (1,952 persons voted on 14-18 December)²⁰, Lukashenka received 79.95%. There was no separate vote count at the station, and, apparently, most of votes for Lukashenka were contained in the ballot box for early voting (from what the observers could see). At polling station №14 in Salihorsk (Minsk region), in the morning of 18 December (last day of early voting) observers noted that the seal on the ballot box did not look like the seal on the box a day earlier, on 17 December. 776 persons voted early at this station. According to the PEC, Lukashenka received 761 votes (98.97%).

Indications of possible fraud at precinct and territorial election commissions

Comparison of official PEC and TEC data and observer reports provides the basis to deduce that election commissions were prescribed to ensure a) desirable turnout, and b) percentages of the vote the candidates were to “receive”. In case actual turnout during early voting and voting on the election day was lower than what was prescribed, PECs could use the following methods to increase it: during the early voting – to throw ballots in or add to the number of those who voted in the daily protocols; on the election day – to call (visit) voters to urge them to come to vote²¹, to decrease the number of voters in the voter lists²², and simply to increase the number of those who voted on paper. According to observers' calculations at 260 polling stations, the latter comprised 5% of the number of voters who voted on the election day at polling stations. Adding on paper the number of voters who voted on the election day at polling stations could amount to 200,000 voters at the national level. If 168,884 votes, which were probably “added” to the number of persons who voted early (see above), are taken into account, it means that the real election turnout was 6.05-6.1 million voters, or 85-86% of persons included in the voter lists.

Byarozauka, Lida district, Hrodna region

Polling stations	Early voting		Voting on the election day at polling stations		Mobile voting	Number of voters who took part in the election	
	Observers	PEC*	Observers	PEC*	PEC*	Observers	PEC*
№ 69	323	385	932	1288	36	1,291	1,709
№ 71	230	284	584	909	65	879	1,258
Total	553	669	1,516	2,197	101	2,170	2,967
Turnout, %**	17.66	21.36	48.40	70.15	3.22	69.28	94.73

* Official data.

** Total number of voters at two polling stations was 3,132.

²⁰ When observers tried to take photos of groups of students who came to vote early, the PEC chair threatened to expel them from the polling station.

²¹ For instance, during the early voting, members of PEC №34 in Hlybokae (Vitsebsk region) telephoned voters and urged them to come to vote early.

²² For instance, at polling station №37 in Mazyr (Homel region) the number of voters during early voting was 2,163 (according to PEC), while in the final election protocol – 2,113.

Mahilyou

Polling stations*	Number of voters in voter lists (PEC)**	Number of voters who took part in voting**	
		Observer calculations	PEC***
Nº 60	1,725	1,144	1,583
Nº 61	1,721	1,334	1,597
Nº 66	657	410	555
Nº 114	2,206	1,722	1,988
Nº 122	2,471	2,194	2,249
Nº 123	2,692	2,112	2,414
Total	11,472	8,916	10,386
Turnout, %	100.00	77.72	90.53****

* Vote count at these polling stations was non-transparent.

** Observer calculations concerning number of those who voted early matched the figures in PEC daily protocols of 14-18 December. Because vote count results were not announced by different boxes, it was impossible to determine whether extra votes were thrown into the boxes, or simply “added” on paper (it appears that both methods were applied).

*** Official data.

**** To compare: official turnout in Mahilyou was 91%.

At a majority of polling stations covered by observation, PECs were writing down the results, which the observers could not verify, and which often contradicted what observers could see (for instance, height of piles of votes cast for different candidates). In some cases figures announced by PECs during the vote count differed from figures which were written down in the final election protocol²³. The exception was the polling stations at which vote counting was transparent (or partially transparent), and at which PEC were writing down figures which did not contradict to what observers saw. Considerable differences between voting results at polling stations within the same territorial and administrative units, or even within the same neighbourhoods, detected by the observers, allows estimation of the scale of possible “re-distribution” of votes in favour of Lukashenka:

Minsk*

	10 polling stations in different districts of Minsk (PEC)**		Polling station Nº23 of Pershamaiski district (PEC)***		Polling station Nº110 of Frunzenski district (PEC)****		Minsk (CEC)
	Number	%	Number	%	Number	%	%
Kastusyou	98	0.82	52	3.31	51	3.25	3.47
Lukashenka	5,313	44.49	1,069	68.13	1,087	68.71	67.65
Mikhalevich	129	1.08	27	1.72	20	1.27	1.43
Nyaklyaeu	1,068	8.94	40	2.55	40	2.55	3.14
Ramanchuk	1,346	11.27	37	2.36	38	2.42	3.35
Rymasheuski	267	2.24	10	0.64	11	0.70	1.35
Sannikau	2,163	18.11	39	2.49	37	2.36	3.42
Statkevich	252	2.11	27	1.72	23	1.46	1.70
Uss	64	0.54	10	0.64	4	0.25	0.61
Tsyareshchanka	186	1.56	37	2.36	32	2.04	1.84
Against all	907	7.60	202	12.87	215	13.69	11.08
Invalid ballots	149	1.25	19	1.21	12	0.76	0.96
Total	11,942	100.00	1,569	100.00	1,570	100.00	100.00

* Official data of the election commissions.

** Polling stations Nº 1 and 27 of Savetski district, Nº 6, 8 and 34 of Partizanski district, Nº 9 of Pershamaiski district, Nº 57 of Kastychnitski district, Nº 18 and 49 of Leninski district, and Nº11 of Tsentralny district. Vote count at 5 of these polling stations was transparent, and at 5 of them – partially transparent.

*** Observers were at 4-5 meters distance from the place where votes were counted, because “the chairman and members of the commission did not allow observers to approach the table and asked them to stay beyond columns”. Observers could not see the content of ballots. The vote counting was conducted as follows: “ballots sorted into piles, each commission member counts separate pile, the data is written down on a paper sheet and is handed over to the chair”. Vote count lasted about 2.5 hours. “At a sitting of the commission which took place after the vote count, all issues were discussed in whispers. After the vote count and sitting of the commission, chair Ruposau calculated something for 25 minutes. The protocol was posted outside only afterwards”.

**** Observers were at 4-5 meters distance from the place where votes were counted. They could not see the content of ballots. “Members of the commission took their piles of ballots, sorted them and passed the data to the chair”. According to observer’s calculations, 905 persons voted on election day at the polling station, while the commission announced that 1,231 persons voted. In addition, “the number of those who voted for Lukashenka was also changed: initially 315 were announced, then – 815”.

²³ For instance, it happened at polling station Nº41 of Maskouski district of Minsk.

The difference in voting results, depending on whether the vote count was transparent, is illustrated well by voting results at two stations in Hrodna which were located in the same building, secondary school №34, and where residents of the same streets (Kabyaka Str. and Klyatskova Ave.) voted:

Hrodna*

	Polling station №101 of Kastrychnitski district (PEC)**		Polling station №100 of Kastrychnitski district (PEC)***		66 polling stations of Kastrychnitski district (TEC)	Hrodna region (CEC)
	Number	%	Number	%	%	%
Kastusyou	14	0.73	24	1.07	0.7	1.03
Lukashenka	1,008	52.42	1 632	72.63	75.2	81.37
Mikhalevich	30	1.56	19	0.85	1.1	0.85
Nyaklyaeu	53	2.76	68	3.03	2.5	1.89
Ramanchuk	215	11.18	121	5.38	5.3	2.91
Rymasheuski	38	1.98	77	3.43	1.4	1.26
Sannikau	342	17.78	143	6.36	2.6	2.80
Statkevich	29	1.51	43	1.91	1.3	0.94
Uss	4	0.21	34	1.51	0.4	0.35
Tsyareshchanka	25	1.30	42	1.87	1.1	1.14
Against all	156	8.11	27	1.20	3.3	3.18
Invalid ballots	9	0.47	17	0.76	5.1	1.77
Total	1,923	100.00	2,247	100.00	100.0	100.00
Turnout, %	85.43		91.16		88.6	90.90

* Official data of the election commissions.

** Observers could see the content of ballots. The order of vote count allowed all the PEC members to see for whom each ballot was cast. Ballots papers from different ballot boxes were counted separately, and results of the separate count were announced.

*** "The vote count was conducted in accordance with unclear principles. There was no sorting of ballots. After the "count," ballot papers were immediately wrapped in paper and sealed. The request to show which number of ballots was cast for each candidate was rejected. Any other requests were not satisfied, and police was ready to attack anyone who would try to come closer than 5 meters from the table. After the ballot papers were sealed, the prolonged vote "count" started".

Babruisk, Mahilyou region*

	Polling station №35 of Leninski district (PEC)**		Polling station №14 of Leninski district (PEC)***		Leninski district of Babruisk (TEC)	Mahilyou region (CEC)
	Number	%	Number	%	%	%
Kastusyou	6	0.38	2	0.20	0.4	0.93
Lukashenka	1,091	69.45	821	80.97	87.2	84.98
Mikhalevich	20	1.27	4	0.39	0.6	0.79
Nyaklyaeu	70	4.46	17	1.68	1.5	1.89
Ramanchuk	88	5.60	31	3.06	1.9	1.49
Rymasheuski	24	1.53	6	0.59	1.1	0.93
Sannikau	116	7.38	22	2.17	2.4	2.69
Statkevich	21	1.34	6	0.59	0.8	0.95
Uss	5	0.32	4	0.39	0.2	0.24
Tsyareshchanka	24	1.53	16	1.58	0.8	1.13
Against all	86	5.47	82	8.09	2.2	3.22
Invalid ballots	20	1.27	3	0.30	0.9	0.78
Total	1,571	100.00	1,014	100.00	100.00	100.00
Turnout, %		68.42		91.85	93.4****	93.71

* Official data of the election commissions.

** Observers could see the content of ballots. The order of vote count allowed all the PEC members to see for whom each ballot was cast. Ballots papers from different ballot boxes were counted separately, and results of the separate count were announced.

*** Observers were at 10 meters distance from the place where votes were counted. Ballots papers from different ballot boxes were not counted separately. "Each of those who were counting ballots, was counting for him(her)self, and names of the candidates were not announced – only their numbers, and then some figures were handed over to the secretary, who was collecting them from counting tables. The Secretary passed figures to the chair. Members and chair of the commission, and all observers except for me, were staff of the school №26. Ballots were silently counted in 30 minutes, and all figures were written down on sheets of paper... Chair was working (counting) longer than anybody. She personally wrote down all figures to the protocol".

**** Whole Babruisk.

It appears that even in cases when PECs produced "desired" figures, they were often "corrected" in TECs. Figures, which were announced at those polling stations at which observers were present, often differed considerably from the district averages – even in cases when the vote count was not transparent. In the case of Maladzechna district TEC, the correction was so radical that Sannikau received fewer ballots in the whole district (1,606) than at 12 stations in Maladzechna and Radashkovichy (1,937):

Maladzechna district, Minsk region*

	11 polling stations in Maladzechna** and station №76 in Radashkovichy (PEC)		Maladzechna district (TEC)		Minsk region (CEC)
	Number	%	Number	%	%
Kastusyou	204	0.99	784	0.83	1.58
Lukashenka	13,529	65.85	73,736	78.06	80.71
Mikhalevich	318	1.55	1,247	1.32	1.03
Nyaklyaeu	901	4.39	1,228	1.30	1.22
Ramanchuk	730	3.55	1,417	1.50	1.68
Rymasheuski	452	2.20	1,606	1.70	0.90
Sannikau	1,937	9.43	1,606	1.70	1.51
Statkevich	406	1.98	1,464	1.55	0.93
Uss	73	0.36	274	0.29	0.34
Tsyareshchanka	340	1.65	1,256	1.33	1.16
Against all	1,446***	7.04	9,276	9.82	7.23
Invalid ballots	208***	1.01	567	0.60	0.90
Total	20,544	100.00	94,461	100.00	100.00

* Official data of the election commissions.

** Polling stations № 4, 8, 10, 21, 23, 25, 26, 27, 29, 32, 36.

*** Without polling station №25.

Minsk city*

	23 polling stations at which observers were present and where ballots were counted separately (PEC)		Minsk city (CEC)
	Number	%	%
Kastusyou	1,132	1.50	3.47
Lukashenka	47,619	63.05	67.65
Mikhalevich	948	1.26	1.43
Nyaklyaeu	3,806	5.04	3.14
Ramanchuk	4,001	5.30	3.35
Rymasheuski	1,088	1.44	1.35
Sannikau	7,097	9.40	3.42
Statkevich	1,200	1.59	1.70
Uss	473	0.63	0.61
Tsyareshchanka	1,205	1.60	1.84
Against all	6,343	8.40	11.08
Invalid ballots	609	0.81	0.96
Total	75,521	100.00	100.00

* Official data of the election commissions.

Slutsk and Smalyavichy, Minsk region*

	Polling stations № 4, 5, 9, 12, 16 of Slutsk (PEC)**		Whole Slutsk district (TEC)		Polling stations № 2, 3, 5, 6 of Smalyavichy (PEC)**		Whole Smalyavichy district (TEC)		Minsk region (CEC)
	Num.	%	Num.	%	Num.	%	Num.	%	%
Kastusyou	25	0.33	451	0.7	33	0.76	445	1.4	1.58
Lukashenka	5,678	75.22	53,708	81.0	3,144	72.58	24,983	79.6	80.71
Mikhalevich	80	1.06	597	0.9	38	0.88	327	1.0	1.03
Nyaklyaeu	246	3.26	1,131	1.7	114	2.63	329	1.0	1.22
Ramanchuk	215	2.85	1,242	1.9	130	3.00	596	1.9	1.68
Rymasheuski	97	1.28	768	1.2	58	1.34	345	1.1	0.90
Sannikau	591	7.83	1,122	1.7	409	9.44	804	2.6	1.51
Statkevich	108	1.43	945	1.4	60	1.39	390	1.2	0.93
Uss	16	0.21	260	0.4	14	0.32	79	0.3	0.34
Tsyareshchanka	84	1.11	733	1.1	48	1.11	426	1.4	1.16
Against all	338	4.48	4,674	7.05	255	5.89	1,435	4.6	7.23
Invalid ballots	71	0.94	230	0.35	29	0.67	1,237	3.9	0.90
Total	7,549	100.00	66,334	100.00	4,332	100.00	31,396	100.0	100.00
Turnout, %	82.58***		90.7		77.91****		91.6		90.96

* Official data of the election commissions.

** None of these polling stations had transparent vote counts.

*** Total number of voters at 5 polling stations was 9,141.

**** Total number of voters at 4 polling stations was 5,560.

Thus, analysis of the PEC, TEC and CEC official data and their comparison with reports of campaign short-term observers indicates that during the vote count and tabulation of voting results alone at least 20-25% of votes in Minsk and 10-15% of votes in the regions were apparently “re-distributed” in favour of the incumbent. Most likely, this was done at those polling stations where results of counting ballots by PEC members did not correspond to the figures desired by the incumbent authorities²⁴, and were “corrected” by PEC chairs. Most probably, ultimate “elaboration” of voting results was conducted at the TEC level – in those cases where simple summing up of figures from PEC protocols did not produce desired figures.

The real number of votes cast for the candidates is impossible to determine because determination of election results was not transparent, and manipulation with ballots and figures could take place at all stages of voting, vote count and tabulation of election results so that they “overlapped” each other. Obviously, the figures announced by the CEC do not reflect the will of the voters.

14. Post election developments

A mass action called by opposition candidates to protest against unfair elections was conducted in the evening of 19 December and was an exclusively peaceful assembly. Most candidates had invited citizens to join the meeting in their pre-election presentations on state TV,

A week before the event, the state mass media, as well as top Ministry of Interior and KGB officials, publicly warned against provocations and terrorist attacks prepared by the opposition for the demonstration. On 17 and 18 December, preventive detentions of opposition activists and authorized representatives of the candidates started. Kiryl Semyanchuk was detained in Hrodna, and Yury Klimovich, Valery Slyapun and Yury Zakharanka were detained in Homel (later they were sentenced to administrative arrest for violation of public order). On election day, activists of the “Youth Front” group registered in Czech Republic Dzmitry Dashkevich, Dzyanis Lazar and Eduard Lobau. Later, Dashkevich and Lobau were charged under paragraph 3 of Article 339 of the Criminal Code (malicious hooliganism).

On election day, presidential candidates Uladzimir Nyaklyaeu, Ryhor Kastusyou, Vital Rymasheuski, Alyaksei Mikhalevich and Yaraslau Ramanchuk reiterated their intention to conduct the demonstration in an exclusively peaceful manner. At 16:00, they handed over an appeal to the Prosecutor General in which they urged him to stop preventive detentions and requested him to personally come to Kastychnitskaya Square to assess actions of law enforcement officials and demonstrators.

At 19:10, a group of Nyaklyaeu’s supporters which was moving towards Kastychnitskaya Square was attacked by plainclothed special forces who used stun grenades. All journalists accompanying the column were put faces down on snow, and their cameras damaged by intention. The candidate was beaten and badly injured. He was brought to the Minsk City Emergency Hospital, but later was taken from there by unidentified persons in plain clothes. The sound equipment, which was planned to be used at the square, was removed. This was the first signal that action of special forces was planned and that they were ready to act illegally, violently and provocatively. The rationale for such a development can be found in Lukashenka’s words in the day time of 19 December: “I do not want to have dealings with bandits and subversives”.

The protest action at Kastychnitskaya Square which was attended, according to different estimates, by 20-40,000 persons, started as it was planned (at 20:00) and was exclusively peaceful. Police officials did not interfere with it. The police also did not interfere with demonstrators’ action when the latter blocked Nezalezhnasci Avenue. When the column of demonstrators moved towards

²⁴ During the press conference for the Russian journalists of 1 October 2010, Lukashenka said the following: “I’d like two thirds to vote for me – it is a constitutional majority and an expression of the highest degree of trust, some 70-75 percents”. “More than 90 percents, like it was last time, are not needed”, he said.

Nezalezhnasci Square, they chanted slogans, waved flags and posters, and did not have any items in their hands that would indicate any aggressive intentions. At the Nezalezhnasci Square, near the House of Government, none of speakers called for takeover of the governmental building. They spoke about negotiations with the authorities and continuation of the action on 20 December at the same square. At the same time, at 22:00, despite the high concentration of police around the square, unidentified persons started to break windows and doors of the House of Government. They did it for half an hour, but the police did not try to stop this illegal action or isolate these persons from the rest of demonstrators. Such behavior can be considered evidence of the planned and orchestrated character of this provocation aimed at justifying the resulting violent action against participants of the mass protest.

According to observers of the Human Rights Centre "Viasna" and Belarusian Helsinki Committee who monitored the gathering at Nezalezhnasci Square, violent police action to disperse the rally was obviously disproportionate. Riot police applied physical force against the peaceful demonstrators, including women, minors and older people, some of whom were beaten by rubber truncheons. A large number of protestors were injured, and dozens of them had to seek medical assistance. Most of those detained were detained after the rally was dispersed, and at a considerable distance from the square. Detention of persons who had no relation to the rally was also reported.

During the violent dispersal of the rally, presidential candidates Vital Rymasheuski, Andrei Sannikau and Ryhor Kastusyou were beaten and detained. In total, about 700 rally participants were detained. During the night from 19 to 20 December, four presidential candidates, Uladzimir Nyaklyaeu, Mikalai Statkevich, Alyaksei Mikhalevich and Dzmitry Uss, were also detained. The police also detained BHC chair Aleh Hulak who monitored the rally and was going to take part in the final press conference of "Human Rights Defenders for Free Elections" campaign which was scheduled for 20 December. Later that night, the office of Human Rights Centre "Viasna", co-sponsor of the campaign, was raided by the KGB and ten staff members of the centre were detained for a short period, including coordinators of the campaign Uladzimir Labkovich and Valiantsin Stefanovich.

Almost all detainees were charged with administrative violations under Article 23.34 of the Code on Administrative Offences. As a result, more than 600 persons were sentenced to 5-15 days administrative arrest. Observers noted the formal character of court sittings. Courts did not try to consider cases objectively and comprehensively, did not call witnesses, did not explain detainees their rights, and did not take measures to guarantee the right to legal protection. Written testimonies of policemen, who in fact were not able to identify the participation of persons in the protest rally against whom they testified, served as the only proof of guilt, and the content of all police reports was uniform. The sittings took 5-10 minutes, and all court decisions appeared uniform.

Human rights defenders note evidence of unjustified violence against detainees and other kinds of cruel and inhumane treatment.

Following events of 19 December, a criminal case was initiated under para. 1 and 2 of Article 293 of the Criminal Code (mass riot). At the time of this report's release, 42 persons were charged under this case. Four presidential candidates and 31 of their supporters were in pre-trial detention facilities and under house arrest.

The criminal case was used by the authorities of Belarus as a formal pretext for starting a campaign to harass and pressure opposition structures, civil society and independent mass media. Hundreds of activists were searched and interrogated. In particular, the KGB searched BHC and Viasna offices (the latter – twice). Private apartments of their heads, Aleh Hulak and Ales Byalyatski, were also searched.

The next day, Lukashenka said that the events at Nezalezhnasci Square were nothing else but an attempt to change the constitutional order, and that "all of us could have woken up in a different country". Several times Lukashenka called it a plot arranged by foreign governments. For instance, on 27 January 2011, speaking at the opening of the session of the House of Representatives, Lukashenka

blamed the West for creating a “fifth column” inside Belarus. “This column was created near Warsaw, Berlin and Brussels”, he said.

Official interpretation of the event was continued by “Sovetskaya Belorussiya” newspaper, which, in accordance with Lukashenka’s personal instruction, started to print declassified materials of the criminal case. According to the newspaper, the event of 19 December was nothing else but an attempted coup d’etat with participation of Germany, Poland and Western intelligence. The same interpretation was suggested by the Belarusian TV in its documentary “The Square. Iron on Glass”. On 26 January 2011, Minister of Internal Affairs Kulyashou said at a press conference that “My subordinates and I did everything we could in order to prevent takeover of a governmental institution, to prevent a violent coup d’etat”.

15. Post-election complaints and appeals

In accordance with the Electoral Code, a presidential election can be invalidated in general or in selected precincts, districts, towns, districts in towns, regions and in Minsk city, in case violations of the Code during the election or vote count impacted the overall results of the election. A decision on invalidation of the election can be taken by the CEC. Only presidential candidates can lodge such complaints with the CEC, and they must do so no later than three days after the election. The decision of the CEC can be appealed to the Supreme Court in 10 days.

Only one presidential candidate, Ryhor Kastusyous, appealed the election results (also on behalf of arrested candidates). He requested the CEC to invalidate the election because of mass violations during the election.

The complaint was considered at the CEC sitting of 24 December 2010. The CEC refused to satisfy it because “results of verification of observers’ accounts of violations perpetrated during the election, which were attached to the complaint, proved that the allegations they contain have no grounds. It is confirmed by explanations given by chairs of election commissions and acts of other observers. Many acts attached to the complaint contain information that does not indicate violations of electoral legislation, such as guarding of polling station premises by police officials; refusal to allow observers to sign the paper sheet which was sealing the slot in the ballot boxes during early voting; placement of samples of filled ballot papers at polling stations; absence of bands over the ballot boxes signed by all members of election commissions, etc. In some acts information about violations of electoral legislation is hypothetical or not specific enough; it does not allow give them proper legal assessment”.

At the same time, the CEC acknowledged certain formal violations during the vote count. In particular, the CEC decision says that “at some polling stations, provisions of part 2 of Article 55 of the Electoral Code, concerning announcement of the results of the vote count by chairs of the election commissions, were not followed. In some cases chairs of the election commissions limited themselves to announcing the general result of the vote count and posting outside a copy of the election commission protocol. In several cases other violations of the electoral legislation took place: simultaneous presence of two voters in the voting booth; late notification of the time and place of voting to the voters; improper keeping of voter lists. A case of issuing a ballot paper to a citizen who was in the voter list, but showed a passport that belonged to another citizen, was confirmed. However, the mentioned violations of the electoral legislation have a procedural nature, do not distort the will of voters and do not influence the overall election results in the country”.

Kastusyous appealed the CEC decision to the Supreme Court, but on 11 January 2011, the Court’s judge Zhukouskaya refused to initiate the case on the basis of his complaint because “there was no grounds” for it.

Belarusian Helsinki Committee also requested that the CEC invalidate the election. It supported its right to lodge a complaint with Article 40 of the Constitution, which guarantees the right for NGOs to

submit applications and complaints to any state organs. The BHC was referring to the fact that preparation of the election and the election process dramatically deviated from democratic principles and standards, and that the vote count and tabulation of voting results were accompanied by widespread violation of the law. The complaint enlisted numerous violations of the Electoral Code during the election.

At the CEC sitting which was held on 24 December 2010, Lidziya Yarmoshyna said that the Electoral Code does not stipulate the consideration of NGO complaints on invalidation of the election. On 30 December, the BHC received a similar written response, and appealed it to the Supreme Court, but the appeal was given no consideration.

16. Recommendations

Changes to the Electoral Code in January 2010 did not implement most of the OSCE and Venice Commission recommendations that followed monitoring of previous elections, including presidential elections in 2001 and 2006. Most of these recommendations remain valid after the 2010 elections.

In addition, the election showed that without detailed regulation of formation of election commissions, and of voting and vote count procedures, it is impossible to ensure that the electoral process meets international standards for free and fair elections, in particular the election-related commitments specified in the OSCE Copenhagen Document of 1990. The election campaign also emphasized the need to provide for real equality in the candidates' access to mass media, and for expanding the rights of observers.

Changes in the election legislation proposed below would bring elections closer to international standards, and increase trust in election results among both citizens of Belarus and the international community.

Election administration

The Electoral Code needs to be amended to better guarantee presence of representatives of political parties in the election commissions. The code should guarantee that if a political party takes part in an election, including a presidential election, it has the right to delegate one of its representatives to each of the territorial, district and precinct election commissions, and only in case it fails to do so, the local authorities can fill the vacant seats in the commissions at their discretion. In addition, it is necessary to introduce selection criteria for candidates to the election commissions (such as nomination by a political party, education, professional experience), which would decrease the arbitrary nature of the selection process and could be referred to in courts when relevant complaints are considered.

Candidate registration

It is necessary to exclude opportunities for the use of administrative resources during collection of signatures, in particular, to prohibit collection of signature by persons who are not members of a candidate initiative group. In addition, it is necessary to stipulate the right of observers to watch the verification of signatures collected in support of the candidates.

Voter registration

To increase transparency and accountability in the voter registration process, a centralized national list of voters should be created. Citizens and observers (including authorized representatives of the candidates, journalists and international observers) should be proactively provided full access to voter lists. Each citizen should have to acquaint him(her)self with the voter list before the voting starts. In addition, observers should be allowed access to the voter lists during the voting. The number of voters registered at the polling station should be announced by the election commissions prior and after to the election.

Campaign financing

The use of election funds established by presidential candidates during this election showed the need to allow them to be set up in well in advance of the registration of candidates. It is necessary to allow persons who intend to run for the presidency, and political parties that decide to nominate their candidates for parliamentary elections to begin setting up relevant election funds from the moment the election is announced. In case a candidate is not registered, donations would be returned to donors. It also would be reasonable to increase the ceiling for funds that can be accumulated in an election fund.

Election campaign

Current election legislation provides for no more than one month for pre-election agitation. Such a brief length for the pre-election campaign limits both candidates – in opportunities to communicate their messages to voters, and voters – in opportunities to receive fuller information about candidates and their programmes. Thus, it is proposed to extend the pre-election campaign period to two months. In addition, it is necessary to guarantee that entities which disseminate political advertising on behalf of political parties and candidates are not held legally responsible for its content.

Challenging election-related decisions in courts

The Electoral Code includes a limited number of grounds for an application to the court on election-related issues. That is why it is necessary to stipulate an opportunity to legally challenge in courts any decisions of the election commissions and other decisions of state bodies which relate to elections. First of all, it is necessary to provide an opportunity to challenge CEC decisions related to election results in courts.

Early voting

The procedure for early voting in its current state allows the authorities to perpetrate manipulation of different kinds. For this reason, it is proposed to consider the option of abolishing the early voting as such. In case the early voting is not abolished, the following changes to the procedure are proposed:

It is proposed to introduce objective criteria that a voter has to meet to vote early. Such criteria should be reasons that unequivocally prove that a voter cannot vote on election day, such as departure abroad or leaving the territory of the election precinct, leaving for medical treatment or other documented evidence of inability to vote on the day of election.

It is necessary to detail in the legislation the procedure of storing ballot boxes during early voting, and sealing of premises where ballot boxes are stored. The presence of unauthorized persons, including police, in the premises where voting is conducted and where ballot boxes, ballot papers and other election-related materials are stored should be prohibited. The rights of observers to be present in premises of polling stations outside working hours of election commissions (lunch break, hours after voting is closed) should be included, in case members of election commissions stay there as well.

Finally, all PECs should be provided with transparent and secure ballot boxes with plastic bands for their sealing (marked by numbers of polling stations), and the possibility for political party or candidate representatives to also place a seal on the box.

Mobile voting

It is proposed to require that voters wishing to vote at their residences provide a written application to the precinct election commission explaining their inability to vote at the polling station (to be received by the PEC before the election day).

Vote count

The current procedure for the vote count is not transparent. One of the reasons for this is the absence of detailed regulation of the vote count in the Electoral Code. For this reason it is necessary to supplement the Code with the following provisions:

The vote count shall be conducted openly in the presence of observers who have the right to watch and verify the accuracy of calculating each ballot, i.e. to see the content of each ballot paper.

The vote count is conducted by one member of the election commission who announces the content of each ballot paper and shows them to all commission members and observers.

The vote count is conducted separately for each ballot box, and results of this separate counting shall be reflected in the final protocol. A stamped copy of the final protocol, signed by the chair and secretary of the commission, shall be issued to observers at their request.

It is also proposed to ensure the right of observers accredited at the territorial election commissions and authorized representatives of the presidential candidates to be present and witness the delivery of ballot papers and protocols with election results from polling stations to higher level territorial election commissions.

Election observation

To strengthen public confidence in the Belarusian process, it is necessary to broaden the rights of observers that are stipulated in the Electoral Code. Observers should have the right, without obstacles, to review those documents of election commissions that relate to their composition, nomination of candidates to the commissions, voter lists, and the storage of ballot papers and ballot boxes during early voting.