

ELECTIONS OF THE PRESIDENT
OF THE REPUBLIC OF BELARUS

October 11, 2015

CAMPAIGN «HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS»
ANALYTICAL REPORT ON RESULTS OF OBSERVATION

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CONCLUSIONS

Presidential elections started in 2015 in an environment that was extremely unfavorable to the holding of free and democratic elections: political prisoners were still held in penitentiary institutions, systemic harassment of independent journalists persisted.

A positive tendency became visible after the release of political prisoners in August 2015: there were more opportunities for exercising civil and political rights during the electoral campaign, the authorities created no obstacles to the collection of signatures for nomination of presidential candidates and campaign events.

The Belarusian authorities did not use repression and arrests during mass events that were held by a part of the opposition outside the electoral legislation. However, even the administrative punishment of

the organizers of such events in the form of heavy fines violates the right to peaceful assembly, guaranteed by international instruments.

Nevertheless, **the election process did not meet a number of key international standards for democratic and free elections**. This was due to the lack of equal access to the media for all candidates, the lack of impartiality of election commissions, use of administrative resources in favor of the incumbent, numerous facts of coercion of voters to participate in early voting, the closure of some election procedures for observers.

The most important reason for criticism is the lack of transparency of the vote count, which does not allow to consider the election results as a reflection of the will of voters.

Election commissions

The adverse discrimination of representatives of opposition parties on the part of the state bodies forming the election commissions was evident during the process of their formation. The total number of representatives of opposition parties at the TECs was 10 people, or 0.5% of the total number of members of TECs; their number in the PECs was 31 people, or 0.046% of members of the PECs, which is five times less than in the previous presidential election.

The absence of legally determined criteria for the selection of members of commissions of all levels among the nominated persons provides for the possibility of arbitrary approach to their formation. The absence of such criteria also makes ineffective the EC provision regarding the possibility of the court review of the non-inclusion of nominees to election commissions.

The small number of representatives of political parties in the TECs reflects the specifics of the Belarusian political model in which the main political actors in the election campaigns are representatives of pro-government associations and labor collectives.

Nomination and registration of candidates

Documents for registration were filed by 15 initiative groups of citizens for nomination of presidential candidates, the CEC registered eight of them. Decisions of local executive bodies on the prohibition of certain places for collecting signatures for the nomination of candidates did not significantly limit the opportunities of the initiative groups in public places, but in many cases weren't dictated by the requirements of security and public order.

The authorities did not impose significant restrictions on the collection of signatures, but the role of the executive vertical of power and the administration of state enterprises continued to be very large. The collection of signatures for the nomination of Aliaksandr Lukashenka as a presidential candidate was accompanied by an active use of administrative resources: it was carried out in the workplaces, at enterprises and institutions, often with the direct participation of administrations of these enterprises and institutions.

Non-transparent procedures for verification of signatures and documents give grounds to consider the results of registration as politically motivated. The CEC registered four persons as presidential candidates of the Republic of Belarus: A. Lukashenka, T. Karatkevich, S. Haidukevich, M. Ulakhovich.

Campaigning

The elections didn't become a significant social and political campaign for the Belarusian society, and didn't attract much attention of the electorate. The lack of visual campaigning for presidential candidates is apparently due to the low activity of some candidates, as well as the cessation of the state financing of the production of information materials.

Favorable conditions for electoral campaigning were created in a number of cities, including the capital. At the same time, many observers in the regions say that the local authorities determined completely unsuitable places for campaign events.

The main actors of the electoral process were the incumbent president and the Central Election Commission. A. Lukashenka was beyond competition in the allotted air time and newspaper space.

The administrative resources were actively used in favor of the incumbent president. Pro-government public organizations, funded from the budget, (Federation of Trade Unions of Belarus, Belarusian Republican Youth Union and others) actively carried out socio-political activities under the characteristic symbols and in the context of the election program of the incumbent president, which was identified in the minds of citizens with the support of his electoral campaign. These activities were not financed from the election fund of the candidate, which is a violation of the established order of electoral campaigning.

Early voting

According to the information of the Central Election Commission, early voting was attended by 36.05% of voters - the largest number compared to the previous presidential campaigns of 2001, 2006 and 2010. In fact, early voting has become a norm, which does not meet the requirements of the EC.

During the early voting, observers of the campaign "Human Rights Defenders for Free Elections" registered numerous cases of coercion of citizens to participate in it on the part of management of enterprises and universities. It repeated the negative practices of previous election campaigns.

Cases of overstatement of turnout were registered at many polling stations. According to the information received from our observers at 144 polling stations, the general turnout during the five days of the early voting was 6.2% smaller than the official number. At some polling stations the registered discrepancy in the turnout was more than 50%.

The practice of early voting remains one of the systemic problems of the electoral process, creating opportunities for the use of administrative resources and all kinds of manipulations on any scale. In this regard, the ODIHR recommendations regarding changes to procedures for early voting remain relevant.

Voting at places of voters' residence

The existing procedures for voting at the places of residence of voters present opportunities for manipulations, too. Observers cannot verify whether a voter has really applied for home voting, since the law allows to request this procedure both orally and in writing.

There were registered cases when voters hadn't applied for home voting and stated it to the members of the PECs who came to their homes with ballot boxes. Sometimes observers weren't given information about the number of voters who had been included in the list for voting at the place of residence. It has been repeatedly noted that the number of electors who had voted at the place of residence didn't match the number of the ballots that were used for it.

Voting at polling stations and vote counting

Voter lists are still closed to observers. A single voter registry has not been created. This creates the conditions for the manipulation of voter turnout.

The election law does not prescribe a method of counting ballots by the precinct election commissions: It does not apply a clear procedure in which a score on each ballot has to be announced aloud and demonstrated to all present PEC members and observers.

The counting of votes at polling stations largely repeated negative practices during the vote counting. More than a half of the observers could not freely observe the counting. In 76.9% of cases the observers could not see the content of ballots. Only 12.2% of complaints filed by observers were considered at the meetings of the PECs.

Appealing against electoral violations

During various stages of the election campaign, appeals and complaints against violations of the EC had no considerable effect on the practice of applying electoral procedures. In some cases, complaints to the CEC about violations in the course of formation of election commissions resulted in substitutions in their structure. However, observers are not aware of any case where a complaint against gross violations at the stage of voting and counting was met by election officials.

Just like in the previous campaigns, the prosecuting authorities evaded the consideration of complaints on the merits, limiting their involvement to forwarding them to the election commissions.

The courts refused to consider complaints, including against the actions of election commissions, if such complaints did not deal with cases directly provided for in the EC.

INTRODUCTION

The campaign "Human Rights Defenders for Free Elections" is an independent and politically unbiased joint initiative of the Human Rights Center "Viasna" and the Republican human rights public association "Belarusian Helsinki Committee".

The aim of the campaign "Human Rights Defenders for Free Elections" is the observation of elections of President of the Republic of Belarus, assessment of the electoral process from the viewpoint of Belarusian electoral legislation and international standards of free and democratic elections, as well as informing the Belarusian public and international community about the results of the monitoring.

55 long-term observers of the campaign monitored the elections since their beginning. The observers were present at the number of TECs that cover more than 70% of the voters of the country. The results of processing of the weekly reports of the observers were distributed in the form of weekly reports of the company and preliminary reports on various stages of the elections.

During early voting and election day, monitoring was conducted by 450 short-term observers at 400 polling stations throughout the country. Their reports were processed daily, which allowed to identify common trends in the organization of the electoral process and to establish the level of violations of the EC.

CONDITIONS OF OBSERVATION

International observation in Belarus has traditionally been represented by the observation mission of the Parliamentary Assembly of the CIS, the International Mission of the OSCE ODIHR, the mission of the Parliamentary Assembly of the Council of Europe and representatives of the diplomatic corps in Belarus. Small missions of international observation were also sent by the Parliamentary Assembly of the OSCE and the Shanghai Organization for Cooperation.

Apart from the campaign "Human Rights Defenders for Free Elections", the observation was also implemented by the campaign "Right to Elect-2015", which brought together eight political parties and movements and can be regarded as observation on part of opposition political parties and movements. One more campaign, "For Fair Elections", was held by representatives of two more oppositional political subjects.

Some pro-government associations and political parties (Bielaja Ruś, Belarusian Republican Youth Union, the Belarusian Union of Women, the Federation of Trade Unions of Belarus, and others) also declared that they monitored the presidential election in Belarus, but the results of their work were not presented to the public.

In the process of election monitoring observers of the campaign "Human Rights Defenders for Free Elections" faced pressure from the authorities, election commission refused to provide them with information, they were removed from polling stations. We should also note separately the groundless ban on taking photos and videos at polling stations, as well as cases of counteraction to opposition observers during the calculation of voter turnout.

LEGAL FRAMEWORK

The presidential elections were appointed by a Ruling of the House of Representatives of the National Assembly of the Republic of Belarus on May 30, 2015 to October 11, 2015. Presidential elections are regulated by the Constitution of the Republic of Belarus, the Electoral Code of the Republic of Belarus, rulings of the Central Election Commission of the Republic of Belarus, rulings of local authorities.

The OSCE has repeatedly noted the "numerous and significant shortcomings" of the Code and provided recommendations for its improvement. In addition, in 2007 and 2008 the UN General Assembly insistently urged Belarus to "bring the electoral process and legislative framework into line with international standards and eliminate the shortcomings of the electoral process".

According to the Constitution and the Electoral Code, "the elections of the President shall be appointed by the House of Representatives no later than five months and shall be held no later than two months before the expiration of the term of office of the previous President".

In the early days of the campaign the Central Election Commission adopted a package of regulations and other documents on the organization and preparation of the elections, which is not significantly different from the one that had been adopted before the elections in 2010.

The CEC did not accept the proposals, the implementation of which would contribute to the transparency and fairness of the electoral process. These proposals include the publication of the election results for each polling station in the country, issuance of a certified copy of the final protocol to the observers and guaranteeing a transparent vote count. These changes were requested by the campaign "Human Rights Defenders for Free Elections" with the justification that they did not require

changes in the EC, but only improving its practical application, which was entirely within the powers of the CEC.

Presidential elections in 2015 are the first ones that were held after the changes introduced in the EC in 2011, 2013 and 2015. The main changes are:

- Candidates for President of the Republic of Belarus received the right to create their own electoral funds to finance the additional costs of campaigning in the amount of not more than 9,000 basic units, since the moment of registration of the initiative group of the respective candidate;
- there was introduced administrative liability for the call to boycott the elections;
- it was prohibited to register the initiative groups for the nomination as presidential candidates the persons who were in custody or were serving sentences involving deprivation of liberty.

Changes and additions to the EC are mostly negative, compared with the changes of 2010, and do not take into account the recommendations of the OSCE experts, national independent observers and the opposition parties in Belarus. Many recommendations weren't implemented, including the measures to increase the transparency of the electoral process. The norms that would provide a public and transparent vote counting, weren't introduced, as well as the obligation of the secretary of the election commission to issue a copy of the protocol on voting results to those who are entitled to be present during the counting of votes at the polling station. Thus, the shortcomings of regulations of the procedures of the electoral process, which are most suitable for fraud and abuse, remain intact.

A positive moment is Ruling of the Central Election Commission of the Republic of Belarus No. 26 of July 1, 2015 "On creation of additional conditions for voting of voters with visual impairment during the election of the President of the Republic of Belarus".

ELECTION COMMISSIONS

The CEC acts on a permanent basis, and includes 12 members, six of whom are appointed by the President, and 6 others are chosen by the Council of the Republic of the National Assembly out of the candidates recommended by the presidia of the regional councils, Minsk City Council and the regional executive committees and Minsk City Executive Committee. Only three members of the current composition of the CEC are not civil servants. Thus, the order of formation of the CEC and its composition, as well as numerous manifestations of loyalty to the incumbent president on the part of its chairperson and members suggest that the CEC is not an independent body.

TERRITORIAL ELECTION COMMISSIONS

According to the electoral legislation, the TECs are formed by executive committees and administrations of city districts. All of them are a part of the power "vertical" of the incumbent President, as well as the local councils, elected in the course of the local elections in 2014 that weren't free and fair.

The nomination of the candidacies for the membership in the TECs by political parties, public associations, labor collectives and citizens' groups was free. According to the CEC, there were nominated a total of 2,623 candidates.

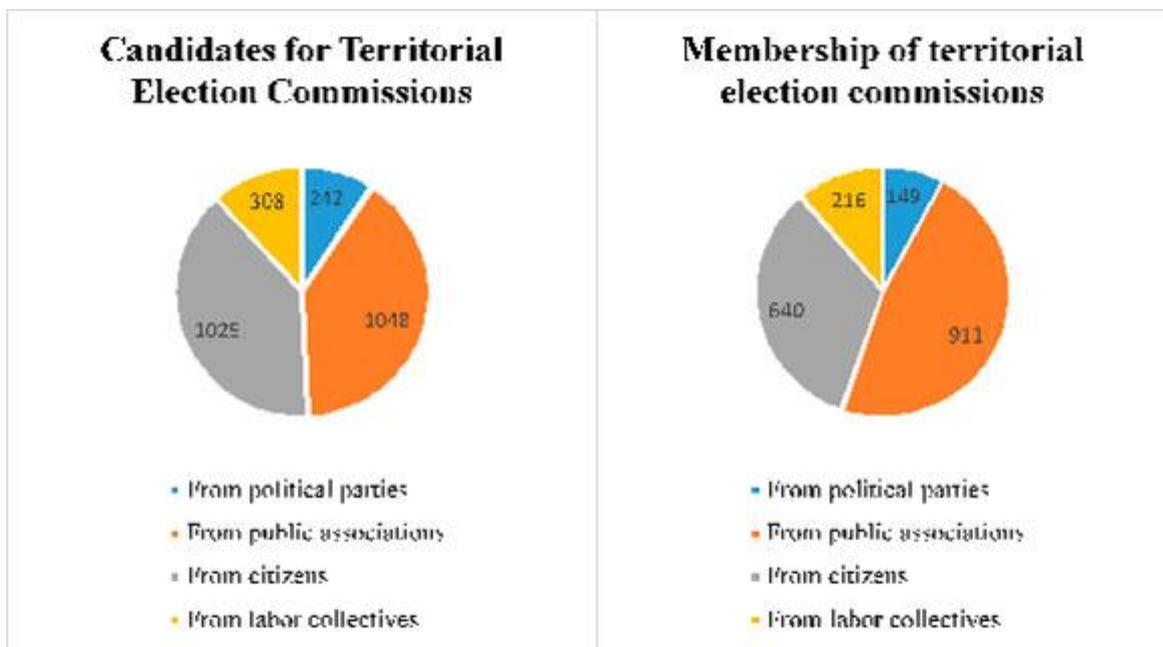
The sittings of the bodies that formed the TECs were sometimes held in the conditions of lack or absence of information about their time and place. In some regions (almost the whole Viciebsk region) – in the conditions of restricted access for observers. These sittings were of a purely formal nature and

were actually reduced to uncontested adoption of the lists of members of commissions, composed by the local authorities on the eve of the sittings.

Representatives of political parties constituted a small part of the nominees for the TECs, 9.2%.

According to the CEC, out of the 15 registered political parties in the country, nine parties nominated their representatives to territorial commissions, including four of the opposition: the Belarusian Party of the Left "Fair World" (39), the United Civil Party (10), the Party of the Belarusian Popular Front (11), and the Belarusian Social Democratic Party (Hramada) (3). 63 representatives of opposition parties were nominated to a total of 153 TECs. The nomination process was complicated by the fact that according to the EC, the right to nominate their representatives is only enjoyed by the governing bodies of the regional, Minsk city, district, city (in regional cities), city district organizational structures of political parties. Since 2003, many organizational structures of political parties have been eliminated in connection with their registration in residential properties.

One-third of candidacies to the TECs were nominated by representatives of five pro-governmental public associations: "Bielaja Rus", Belarusian Republican Youth Union, Federation of Trade Unions of Belarus, Belarusian Union of Women and Belarusian Public Association of Veterans. Most members of TECs, as well as during previous election campaigns, are nominees from labor collectives (11.3%), citizens (33.4%) and NGOs (47.5%). At the same time, 81% of the selected representatives of public associations in TECs represent five major pro-governmental public organizations (the Belarusian National Youth Union, "Belaya Rus", the Federation of Trade Unions of Belarus, the Union of Women, and the Belarusian Public Association of Veterans). Members of these organizations make up 38.8% of the TEC members.



The sittings of the bodies that formed the TECs were sometimes held in the conditions of lack or absence of information about their time and place. In some regions (almost the whole Viciebsk region) – in the conditions of restricted access for observers. In general, observers of the campaign "Human Rights Defenders for Free Elections" had the opportunity to attend the meetings of the bodies that formed TECs, with only 20% of observers having been denied the opportunity.

As in previous election campaigns, the meetings were of a formal nature. In most cases, TEC members were approved within 10-20 minutes. In nearly 80% of the cases, the proposed candidates were not discussed, and no information about them was announced (73% of the cases). As a rule, those present voted for a pre-drafted list of candidates (68% of the cases). Of all the observed meetings, in 64% of the cases concerned persons were not able to access the materials on the nomination to TECs (minutes of the meetings of relevant structures of political parties, public organizations and labor collectives, citizens' applications).

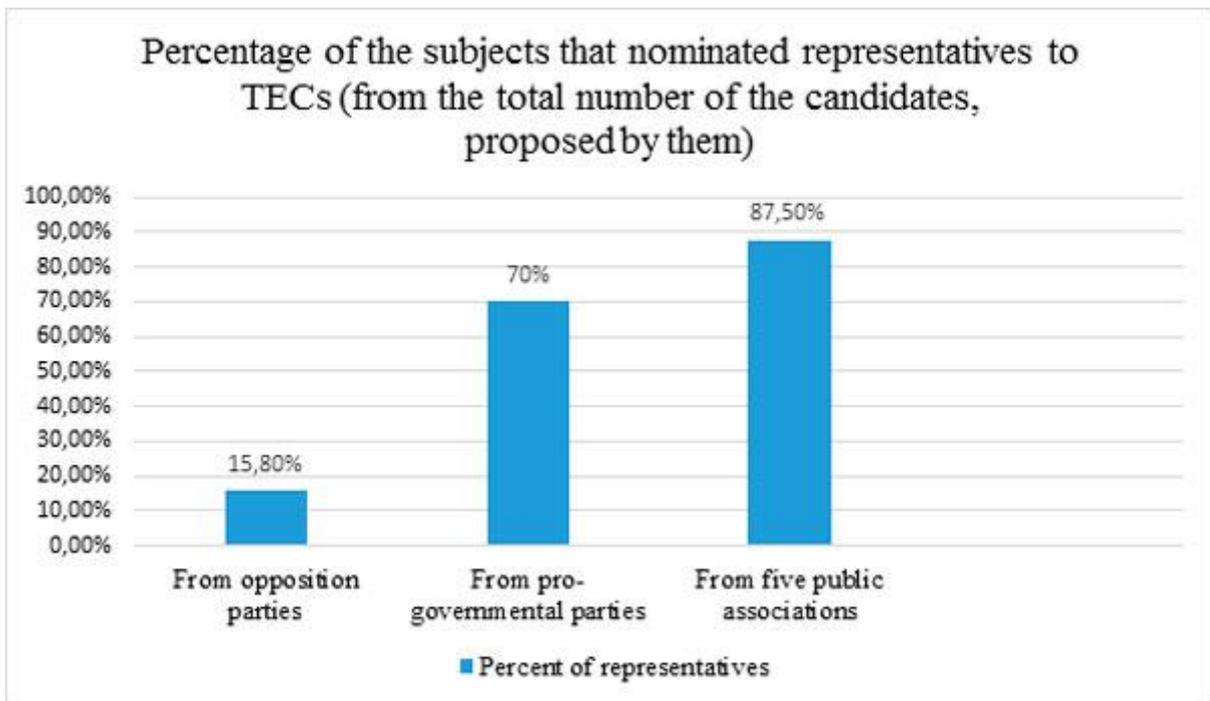
Justification for the decision on the inclusion or non-inclusion of applicants in the committees was only posted on the websites of some regional executive committees and are virtually absent from the websites of district and city executive committees.

The entities that nominated a representative to the commission have the right to appeal against the decision of the corresponding authority in court. However, the practice of the previous elections shows that the lack of statutory criteria for the selection of applicants to TECs makes this provision meaningless. When considering appeals, the courts cannot assess whether the nominated applicant complied with specific requirements and criteria, and why preference was given to another applicant for a position in the election commission.

On July 23, the Homiel Regional Court considered an appeal by Uladzimir Siakerka, local leader of the Belarusian Party of the Left "Fair World", against the Presidium of the Regional Executive Committee and the Regional Council of Deputies who refused to include in the regional election commission a representative of the party Viktor Khomich. The Court dismissed the appeal. It should be noted that Viktor Khomich has extensive experience of public activity, he was member of the Supreme Soviet of the 13th convocation, deputy of the Regional Council and previously worked on various commissions.

On the same day, the Kastychnicki District Court of Viciebsk heard an appeal against a decision to reject the nomination of local human rights defender Pavel Levinau to the Pieršmajski district election commission. The Court dismissed the appeal. The same decision was made that day by the Viciebsk Regional Court in an appeal of a group of citizens who nominated Pavel Levinau to the Viciebsk regional election commission.

The CEC formed 153 territorial election commissions with 1,916 members. 10 out of 63 representatives of opposition parties, were included in them, which is 0.5% of the total membership in the TECs. The "inclusiveness" of members of opposition political parties is 15.8%, of pro-governmental political parties – 70%, of the aforementioned five public associations – as high as 87.5%.



As a rule, the commissions included 2-4 civil servants, including members of the executive committees and administrations – the bodies that had formed them. The rest are representatives of pro-governmental public organizations, budget organizations, and heads of state-owned enterprises.

PRECINCT ELECTION COMMISSIONS

In accordance with Art. 27 of the Electoral Code, apart from the territorial election commissions (TECs), the preparation and holding of elections of the President is arranged by the precinct election commissions (PECs). The PECs are in charge of organizing voting procedures, counting and tabulation of votes at polling stations, making them one of the key mechanisms of the electoral process. At the stage of campaigning, PECs send voters information about the candidates for the President of the Republic of Belarus; controls observance of campaigning rules in the territory of the polling station. PECs consider petitions and complaints in issues related to the preparation of elections, organization of voting, counting of votes, and takes decisions on them.

PECs are formed by district, city executive committees, and in cities with district division – by local governments composed of 5-19 members. Similar to the territorial election commissions, PECs are composed of representatives of political parties and other public associations, labor collectives, as well as representatives of citizens nominated to commissions by collecting signatures. The entities who have nominated a representative of the commission shall have the right to appeal against the decision of the relevant authority to the district or city court.

Opportunities for nominating to PECs by political parties and other public associations, as before, are limited by the requirement to possess local organizational structures. Thus, national public associations that do not have organizational structures in the regions are unable to nominate their representatives to the precinct election commissions.

Formation of the PECs was carried out in accordance with the schedule established by the Electoral Code and the CEC's Schedule for the organization of elections. Information about the place and time of reception of documents was widely available on the websites of the executive committees. There were

no reports on violations related to receiving the documents on the nomination of representatives by entities involved in the elections.

The procedure for the formation of the PECs was overwhelmingly formal in its essence. There weren't registered any cases of refusal of the state bodies to accept documents for the nomination of representatives to PECs. All interested parties were able to submit the necessary documents and were informed about the time and place of their reception.

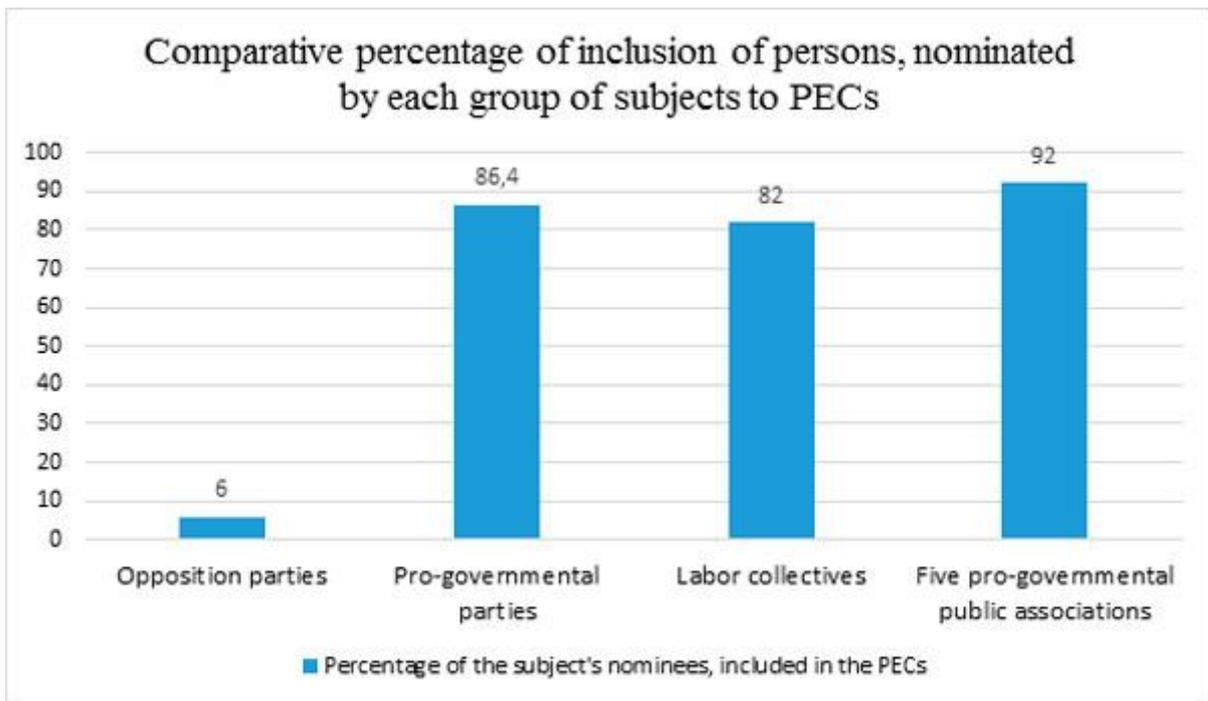
Just like during previous election campaigns, the duration of the meetings of the bodies in charge of forming the commissions, was minimal. There was usually no consideration of PECs members by executive committees and local administrations (in 88.1% of the observed cases); in 93% of the observed meetings, candidates' personal details were not announced and their skills were not described. In particular, the meeting of the executive committee of Biaroza district lasted 8 minutes, and 489 candidates were approved; the meeting of the Hrodna district executive committee lasted 13 minutes, and 448 PEC members were approved. It took only 15 minutes for the administration of Homiel's Čyhunačny district to consider 919 candidates and include 843 people in the PECs. As a rule, executive officials voted for the entire list, which was prepared in advance by the executive committee (in 88.9% of the observed meetings).

The few exceptions were the meetings on the formation of the PECs, which took place in the administrations of the Kastychnicki (5 hours 40 minutes) and Pieršamajski (3 hours 26 minutes) districts of the city of Viciebsk, as well as in Orša (3 hours 10 minutes). Members of the executive committees and administrations first voted for each individual candidature who was not included in each PEC, and then for the entire list of members included in the commissions. At the same, personal qualities of both included and not included candidates were not discussed, and the reasons for refusal to include in the commission were not announced.

The campaign's representatives attending the meetings on the formation of the PECs generally did not have the opportunity to ask questions, they were denied access to documentation on the nomination to PECs (minutes of meetings, applications of citizens, 58% of cases). In some cases, observers were unable to attend the meetings of the bodies in charge of forming the PECs. The absence of clearly defined criteria still allows local authorities to form the PECs solely on the basis of their considerations.

6,080 precinct election commissions were formed for the election campaign. Parties nominated only 3,826 out of 76,719 nominees for membership in the PECs, 515 of whom were nominated by opposition parties.

66,941 members were included in the domestic PECs. Of the 515 representatives of the five opposition parties nominated to the PECs, the commissions included only 31 people, i.e. 6% of the total number. During the presidential election of 2010, this figure was almost three times higher – 17.1% of the total number of applicants. Candidates from five parties loyal to the current regime (the Communist Party of Belarus, the Republican Party of Labor and Justice, the Agrarian Party, the Belarusian Social and Sports Party) demonstrated results which are a little below the national average. Of the 3,362 representatives nominated by these parties, 2,906 people, i.e. 86.4% were included in the PECs. The percentage of representatives of the public associations Belaya Rus, the Belarusian National Youth Union, the Federation of Trade Unions of Belarus, the Belarusian Women's Union and the Belarusian Public Association of Veterans who were included in the PECs was significantly higher than average: of the 25,419 representatives nominated by them, 23,689 people (92%) were included in the PECs.



Representatives of the opposition parties make up as little as 0.046% of the total number of PEC members (0.25% in 2010) and will work in no more than 0.5% of the PECs (3% in 2010). The majority of other PEC members also worked in PECs during previous local, parliamentary or presidential elections. The observers noted numerous cases of the formation of PECs of representatives of one labor collective and the appointment of the heads of these collectives to the governing positions in the commissions.

The opposition parties are not represented in the PECs of Minsk and Mahilioŭ regions; one representative of the opposition has been elected in Homieĺ region (1,070 PECs) and one – in Hrodna region (692 PECs), two in the Minsk region (1,032 commission).

Thus, the formation of TECs and PECs had almost no differences from a similar process during previous presidential, parliamentary and local elections. In terms of compliance with national legislation, this process took place without major violations, but the results leave no opportunities to consider the formed commissions as impartial and unbiased.

NOMINATION AND REGISTRATION OF CANDIDATES

The stage of the nomination and registration of presidential candidates includes the determination of places prohibited for pickets held for collecting signatures in support of the nomination of candidates; registration of initiative groups; collecting signatures of voters, verification of signatures in the signature sheets; registration of candidates for President of the Republic of Belarus.

Registration of initiative groups

The CEC received documents for registration of 15 initiative groups of citizens for nomination of presidential candidates (A. Lukashenka, S. Kaliakin, S. Haidukevich A. Konavets, T. Karatkevich, A. Liabedka, M. Statkevich, Zh. Ramanava, I. Pershyna, S. Zablotski, T. Birukova, V. Tsiareshchanka, M. Ulakhovich, A. Yudayeu and V. Talmachou). The decision on registration was made towards eight initiative groups (those of A. Lukashenka, S. Kaliakin, S. Haidukevich, T. Karatkevich, A. Liabedzka, Zh. Ramanava, V. Tsiareshchanka and M. Ulakhovich). Refusals to register initiative groups are justified by the electoral legislation.

The initiative group of political prisoner Mikalai Statkevich was denied registration as the person who was nominated as a presidential candidate, didn't meet a constitutional criterion (a person who is kept in a correctional facility is disfranchised). Moreover, the CEC established that the application for registration of the initiative group of Mr. Statkevich was filed and signed by Maryna Adamovich, which violates Art. 61, part 2 of the Electoral Code (the application must be signed by the person nominated for candidate).

According to the EC, an initiative group must have at least 100 people. The initiative group of Lukashenka included 10,577 people. The second largest group was that of Siarhei Haidukevich – 2,481 people. The rules of the EC do not require the confirmation of a person's consent to be included in an initiative group, which gives opportunities for arbitrary inclusion of people in the lists of the initiative groups.

Designation of places prohibited for pickets to collect signatures

The rulings of the local executive authorities to determine the places prohibited for picketing in order to collect citizens' signatures weren't significantly different from the rulings that were taken during the previous presidential election campaign.

A deterioration of the conditions for the signature collection was observed in the Belarusian capital. Ruling No. 1842 of the Minsk City Executive Committee, dated July 9, 2015, prohibited to collect signatures at Pryvokzal'naja, Dziaržaŭnaha Sciaha and Jakub Kolas squares. However, these squares weren't mentioned in the analogical ruling in 2010.

In addition to the traditionally prohibited places, the Salihorsk City Executive Committee imposed a ban on collecting signatures near the monuments of architecture, history, culture and military graves. In Svietlahorsk, the area near the executive committee, police and prosecutor's office, at which it was prohibited to collect signatures, was increased to 200 meters, whereas in Barysaŭ it was, on the contrary, decreased to 20-50 meters. Observers also reported about an increase in the number of places for collecting signatures in Babruisk, Navapolack, Hrodna, Brest and Žodzina.

The rulings of the executive committees didn't significantly limit the opportunities for collecting signatures by the initiative groups in public places. However, many restrictions, imposed by the local authorities weren't dictated by requirements of security and public order, which unduly limits the rights of participants in the electoral process. Local authorities actually demonstrated a lack of a unified approach to the rights of participants in the electoral process: some have tried to expand them, whereas others either limited them or left unchanged.

Collection of signatures of electors in support of nomination of presidential candidates

According to the EC, an initiative group must have at least 100 people. The collection of signatures was carried out by the initiative groups both by paying visits to electors' apartments and holding street pickets in the places, where they weren't prohibited by the local authorities. The authorities did not put significant restrictions on the collection of signatures, but the role of the executive vertical of power and the administration of public enterprises in the electoral process was still very significant.

The administrative resources were used actively in collecting signatures for the incumbent. In many cases the collection of signatures in support of A. Lukashenka was conducted during working hours on the territory of enterprises and institutions, with the direct participation of representatives of the

administration. It was carried out not only by the members of his initiative group, but also by outsiders. There were also instances of pressure on the workers.

On July 28, the initiative group of A. Lukashenka collected signatures during working hours at the enterprise "Homielkabel". Before that, the administration told the workers to come to the checkpoint with their passports. Some workers openly expressed their dissatisfaction. Masters of the workshops threatened that the employment contracts would not be extended for those who didn't sign in support of A. Lukashenka. As a result, most of the workers obeyed.

On August 4, signatures were collected during the working hours at branch №1 of the Homiel City Polyclinic. The administration ordered the staff of the polyclinic to come to the assembly hall with their passports from 12 a.m. to 2 p.m. In the hall, there was a woman who introduced herself as a member of the initiative group of A. Lukashenka.

Employees of school №5 in Kryčaŭ, Kryčaŭ State Vocational College of Agronomy and Kryčaŭ Rubber Goods Factory were also ordered to bring passports and sign. The same was done by the administration of the S. Kirov Mahilioŭ Automobile Plant, Mahilioŭ Regional diagnostic and treatment center and others. Such facts of administrative pressure on the staff were reported by observers from Maladziečna, Niasviž, Baranavičy. The case of "signature collection" organized by the administration of Brest Electromechanical Plant received a wide coverage in the media.

During the presidential election campaign in 2010 the CEC allowed so-called "assistant members of the initiative group" to participate in the filling the subscription lists, though such status is not provided by the current Electoral Code.

Resolution No. 18 adopted by the Central Commission on July 1, 2015 allowed putting the information about an elector in graphs 1-5 of the signature sheet (the personal information of an elector) by other persons on the elector's request, including those who weren't members of initiative groups. This provision is contrary to Art. 61 of the EC, which provides for the filling of the signature sheets only by members of initiative groups and directly states that if signatures of electors were collected by a person who is not a member of the initiative group, or if the signature sheets wasn't certified by the member of the initiative group, or was certified by another member of the initiative group who actually didn't collect signatures, all signatures in the signature sheet must be deemed invalid (Art 61., part 16, para. 8 of the EC).

In practice, such a loose interpretation of the order of collection of voter signatures provided the basis for a massive use of administrative resources in favor of the incumbent.

For example, on August 5, an unauthorized person, "assistant member of the initiative group" of A. Lukashenka M. Marozava was collecting signatures at an electoral picket in Brest. In the presence of an observer, she obtained a signature from the citizen L. Karotsich. The observer also noted that members of the initiative group of A. Lukashenka were using the brochure "Memo to assistant member of the initiative group", published in a large circulation and containing no imprint. According to a member of the initiative group of A. Lukashenka Hanna Pishchyk, she got the brochure from the head of the ideology department of the Maskoŭski District Executive Committee of Brest.

The majority of reports of citizens about coercion during the collection of signatures for the nomination of Aliaksandr Lukashenka and other violations are anonymous. This indicates a high level of public fear and low public confidence in the public authorities intended to protect their legitimate rights and

interests. Meanwhile, the news reports disseminated by state media on behalf of the CEC Chair emphasize the lack of complaints about the electoral process.

State media published many articles praising the incumbent. For example, the newspaper of the Brest region published in its front page a long article entitled "President Expects Improvement in 2016", reporting about a working visit of the President. The activities of the initiative group of A. Lukashenka are regularly covered, too. The district state-run newspapers mainly reprint articles of the news agency BelTA about the election campaign, as well statements of the CEC leadership.

Verification of signatures

Territorial election commissions were reluctant to contact with observers, virtually everywhere the latter ones were not allowed to attend the reception and verification of signature sheets. This was reported by observers at the Žodzina City TEC, Smarhoń District TEC, Baranavičy District TEC, Maladziečna District TEC, Hlusk District TEC, Biaroza District TEC, the TECs of the city districts of Mahilioŭ, Brest, Homieĺ, Viciebsk. Although some of them, for example, the Rečyca and Svietlahorsk TECs, allowed observers to the verification procedure, most TECs held the verification of signatures behind the closed doors.

An observer of the campaign "Human Rights Defenders for Free Elections" attended a sitting of the Mahilioŭ Regional TEC on September 2. According to him, after considering the questions on the agenda, i.e. the announcement of the results of verification of signatures, the commission removed journalists and observers and continued its work behind closed doors.

The commissions explained the non-admission of observers by saying that the verification of signatures was a "working process", whereas observers had the right to be present only at the sittings. Thus, the real activities of the commissions remained virtually opaque.

On August 22, the observers at the Maladziečna TEC Edvard Balanchuk and Ales Kaputski noticed irregularities in the signature sheets for Siarhei Haidukevich and Mikalai Ulakhovich that weren't verified by the commission. In particular, the signature sheets contained signatures of citizens from other districts, signatures of persons who weren't citizens, but just had residence permit. In some sheets, the dates were put by one hand. The graphical resemblance of the electors' signatures raised doubts in their authenticity, too. However, the observers weren't allowed to study the signature sheets, chosen for verification. As a result, the observers appealed to the Maladziečna district prosecutor regarding violation of electoral legislation in the part of the filling of signature sheets. In his reply No. 186ž-15 of August 31, 2015, prosecutor U. Dubouski answers that the observers could appeal to the Minsk Regional Election Commission with their claims to the verification of signatures. Thus, the Maladziečna District Prosecutor's Office evaded from the prosecutorial supervision.

According to the results of the verification of signatures published by the CEC, the number of valid signatures in support of Aliaksandr Lukashenka was 1,753,380 (1,761,145 were passed to election commissions), for Mikalai Ulakhovich – 149,819 (159,805 passed), for Siarhei Haidukevich – 139,877 (141,842 passed) and for Tatsiana Karatkevich – 105,278 (107,299 passed). The initiative group of Viktor Tsiareshchanka passed 130,404 signatures for verification, but only 6,699 were found valid.

The rules of verification of signatures are determined by Art. 67 of the EC. Verification of signatures of voters is exercised by TECs. At least 20% of the number of signatures, necessary for registering a candidate for presidency, need to be checked. If a signature sheet contains signatures of the electors who don't reside on the territory of the appropriate election constituency, these signatures aren't

counted and aren't verified. If the number of invalid signatures of electors constitutes more than 15% of the number of checked signatures, other 15% of the number of signatures required for registration of a candidate need to be checked.

If the total number of invalid signatures of voters detected during the inspections is more than 15% of the total number of verified signatures in signature sheets, further verification of the signatures in the signature lists is terminated.

This procedure requires an accurate verification of signatures to ensure the principle of random selection of signatures for verification. Otherwise, there appear opportunities for manipulating the selection for wrongful denial of registration of a candidate, or vice versa – for the illegal registration of a candidate. That's why the transparency of the selection of the signature sheets and their verification, as well as the ability of observers, potential candidates and representatives of initiative groups to control these procedures, is crucially important.

It is also worth noting that invalidation of more than 15% of the selected signatures deprives a contender of the right to run, and the people who nominated him/her by their signatures, are deprived of the right to have their candidate, even if the number of valid signatures would exceed 100,000.

Registration of presidential candidates

On September 10, 2015 the Central Election Commission held a sitting for registration of candidates for President of the Republic of Belarus. The heads of the regional election commissions and the Minsk City Election Commission reported about the results of the collection of signatures in support of the nomination of presidential candidates. They voiced the information about the number of delivered signatures, their verification and the number of the signatures that were found valid. All speakers noted serious deficiencies in the signatures sheets in support of U. Tsiarshchanka.

At the request of L. Yarmoshyna and in connection with the statement of the Belarusian Popular Front party about violations by the initiative group of A. Lukashenka of legislation while collecting signatures, received by the CEC the previous day, heads of the election commissions also reported about the consideration of reports about violations of legislation by the initiative group of A. Lukashenka. According to them, all information, presented in the BPF appeal, was disproved by the results of their inspections. They stated that the majority of the reports about violations of the order of collection of signatures were anonymous and the few complaints proved to be unfounded.

The CEC also considered the applications of Zh. Ramanava and U. Tsiarshchanka and decided not to register these persons as presidential candidates.

As a result of the collection of signatures and examination of the documents that were submitted by the potential candidates S. Haidukevich, T. Karatkevich, M. Ulakhovich and A. Lukashenka, the CEC concluded that these four persons met all requirements and registered them as presidential candidates. As it was found as a result of an inspection, held by the CEC, the income and asset declarations of Mr. Haidukevich and his wife contained errors resulting from non-inclusion of certain sums as income. However, since they didn't exceed 20%, the CEC decided that S. Haidukevich had the right to be registered as a candidate.

During the consideration of the issue of registering Aliaksandr Lukashenka as a presidential candidate the commission also considered the appeal of the BPF Party regarding violations, committed by his initiative group during the collection of signatures. In particular, the BPF pointed at the use of the

administrative resources and violation of the order of financing of the electoral campaign (printing of portraits of A. Lukashenka from the means that weren't a part of his electoral fund).

The speaker on the issue L. Yarmoshyna noted that even if the facts of violations of the law by the initiative group were confirmed, there would be no grounds not to register A. Lukashenka as a presidential candidate, since no warnings had been issued to his initiative group. Moreover, she pointed at the fact that the majority of the appeals about violations of the law by the initiative group of A. Lukashenka were anonymous, which made it impossible to consider them. According to M. Orda, portraits of the candidate were produced at the expense of the public funds of the Federation of Trade Unions of Belarus, the portraits were neither information booklets nor propaganda materials, therefore their production wasn't a law violation.

CAMPAIGNING

The order of campaigning for the presidential candidates is set by the Electoral Code and rulings of the Central Election Commission. It is prohibited to campaign with calls to war, forcible change of the constitutional system and so on, as well as with calls for the disruption, cancellation or postponement of the elections scheduled in accordance with the laws of the Republic of Belarus. Calls for a boycott of the elections are regarded by the Central Election Commission and law enforcement agencies as incitement to disrupt the elections and are qualified as a violation of the law.

Ruling No. 49 of the Central Election Commission of August 6, 2015 approved the "Regulations on the use of the media in the preparation and conduct of elections of the President of the Republic of Belarus in 2015". According to it, a presidential candidate is entitled to two free performances on the TV channel "Belarus 1" and two free performances of no more than 30 minutes on the First National Channel of the Belarusian Radio. Date and time of airing TV and radio programs with speeches of each candidate is determined by a lot, made by the CEC. TV and radio programs with the campaign speeches of the candidates and their debates are to be broadcast on live air, but can also be pre-recorded.

The current election campaign is conducted according to the new rules of financing the costs of the campaign (earlier, only the local elections in 2014 were held according to them). In accordance with the EC in the edition of November 25, 2013, all the costs of production of printed campaigning materials shall be paid solely from election funds established by the presidential candidates, whereas the CEC produces and distributes only general information materials on all the presidential candidates at the expense of the state budget.

The new Regulation "On the electoral fund of a person nominated a candidate for the President of the Republic of Belarus, a candidate for President of the Republic of Belarus during the presidential elections in Belarus in 2015" specifies that the maximum amount of expenditures from the election fund of a presidential candidate cannot exceed 9,000 basic units. The Fund may consist of the own contributions of a presidential candidate, as well as of contributions of others – up to 20 basic values from a private individual and up to 50 basic values from a legal entity.

The regulations do not provide observers and journalists with any opportunity to verify the source of donations and expenditures. The legality of the formation of the election fund and its spending is assessed only by the financial authorities and the CEC.

Campaigning by means of electoral meetings

The decisions about the designation of venues for campaigning events (indoor meetings, outdoor rallies and pickets), adopted by the local authorities all over Belarus, demonstrated the lack of a consistent approach in this matter. In many cities of the country, including in the capital, the decisions were quite liberal.

The decision of the Minsk City Executive Committee does not restrict the rights of candidates. Favorable conditions for the election campaigning were also created by the Bychaŭ District Executive Committee by designating the Center of Culture, Folk art and Crafts, the Bychaŭ district center of children's creativity and the assembly halls of other organizations as venues for electoral events.

At the same time, many observers in the provinces reported that local authorities designated desolate and remote places for electoral events.

In the Lieninski district of Hrodna, only one of eight such places can be considered as a public and suitable for canvassing. A similar situation can be observed in the Kastychnicki district: all 11 sites are unfrequented. These are playgrounds near schools and gymnasiums and the public garden on Lievabiarežnaja Street. In the Lieninski and Kastychnicki district of Mahilioŭ, the places for agitation are still unsuitable for this purpose, whereas the center of the city is actually banned for pre-electoral campaigning. The Chocimsk District Executive Committee designated just one site for mass electoral events on the territory of the whole district.

The pre-electoral activities of T. Karatkevich, who actively met with voters, were quite noticeable compared to virtually invisible campaigning for S. Haidukevich and M. Ulakhovich. The current president publicly refused to be personally involved in the campaign, but his team took active measures to campaign for him.

Actively organized were the events with the participation of proxies of A. Lukashenka: meetings in labor collectives, visits to enterprises, educational institutions, etc. These meetings were always attended by the heads of central and local authorities, enterprises and institutions, and their main purpose was to call voters to support the country's current political course and take part in the elections.

On September 24, in Viciebsk there was held a meeting of the Minister of Agriculture Leanid Zayats with the lecturers and students of the Academy of Veterinary Medicine. The Minister spoke about the prospects of development of agriculture of the country and the need to support the election authorities and the economic course of the country. Rector Anton Yatusевич reported that in 2010 96% of employees of the educational establishment had cast their votes for Lukashenka and assured the Minister of further support.

On September 25, an electoral meeting with Lukashenka's proxy Siarhei Biaspaly, the chief editor of the newspaper "Homieŭskaja Praŭda" was held in Homieŭ. The attendance to the meeting was ensured by bringing there students and lecturers of the Homieŭ State University named after F. Skaryna, whose classes were canceled for the time of the meeting.

Electoral funds

According to the CEC, by October 7 more than 42 mln rubles was passed to the electoral fund of S. Haidukevich, more than 26 mln – the fund of T. Karatkevich, more than 33 mln – to the found of M. Ulakhovich, and more than 1.5 billion – to the found of A. Lukashenka. S. Haidukevich spent all means, T.

Karatkevich and M. Ulakhovich – more than a half. By October 7, the sum, used by each of Lukashenka's rivals was about 7% of the amount that was officially spent on Lukashenka's campaign.

“European Radio for Belarus” held a journalistic investigation into the distribution of the campaign materials (postcards), entitled "For the Future of Independent Belarus!" in support of Lukashenka. The circulation of the postcard was 2.5 million copies. ERB counted that the cost of the production and sending such number of postcards considerably exceeds the sum, spent from the electoral fund of A. Lukashenka. It's also worth noting that the campaigning postcards in support of the candidate Lukashenka, brought to almost every apartment, do not correspond to the requirements of Art. 45, part 9 of the Electoral Code of the Republic of Belarus: they don't contain information about where and by whom they were printed, no number of the state registration certificate of the manufacturer of the campaigning materials and the date of its issue, the number of the order for printing, the surname and initials of the customer.

Journalists and observers were able to obtain information neither about the sources for the electoral funds, nor about their spending.

Media campaigning

Evaluation of the campaign in the Belarusian media was made in the reports published by the Belarusian Association of Journalists. It is noted that despite the emergence of positive elements, such as a positive or neutral presentation (not only negative, as before) of the rivals of the incumbent president, one cannot state significant changes in the manner of the election campaign coverage by the state media. It still focused on the promotion of only one candidate for the top position. BAJ analyzed state television airtime, as well as printed and electronic publications related to the elections. For example, in the program "Our News" (ONT) 65% of the air time was devoted to Aliaksandr Lukashenka, 4% - to T. Karatkevich, 3% - to S. Haidukevich, 3% more - to M. Ulakhovich. In the program "Panorama" (BT), 58% of the air time was devoted to A. Lukashenka and only about 4% - to other candidates.

A different tendency can be observed in non-state media. In the Internet edition naviny.by most coverage was received by M. Ulakhovich (24%) and T. Karatkevich (16%), while Lukashenka and Haidukevich got only 6%. Meanwhile, the weekly "Nasha Niva" wrote mostly about Lukashenka (52%) and Karatkevich (25%), characterizing them either neutrally or negatively.

State-run media widely reported about the actions of the pro-government NGOs that expressed their support for the current President. The regional newspapers published the statement of the Federation of Trade Unions of Belarus of September 25. “We call upon all citizens of our country”, reads the statement, “to unite and support Aliaksandr Lukashenka at the elections <...> Under the leadership of Aliaksandr Lukashenka Belarus has passed a huge way of development and established itself as an independent state. It is thanks to the president that peace and order has been preserved in our country. The Head of State is always on the side of ordinary people. He cares about the country and takes responsibility for the fate of the Fatherland, which brings him a sincere respect of the Belarusian people.”

Use of administrative resources

In fact, pro-governmental public organizations were campaigning for the incumbent president. Belarusian Republican Youth Union carries out the actions "Our Year - Our Choice!", leads the Internet project "My Belarus - My Choice", whose participants are invited to publish on social networks various pieces of information about Belarus and the forthcoming elections, accompanying it with the hash tags

of neutral (#mayabelarus, #yapatriot, #vybory2015 - "my Belarus", "I am a patriot", "elections-2015") and campaigning (#zabatku - "for Father") character. The Federation of Trade Unions of Belarus held a series of concerts with the use of the symbols of the campaign of the incumbent president under the motto "We Are Together!" (official name - "Republican People's Patriotic Action"). It is important to note that such activities are not funded by the electoral fund of the presidential candidate, and these organizations receive government funding and support.

EARLY VOTING

Early voting started on 6 October and ended on October 10, 2015. According to Art. 53 of the Electoral Code, a voter who is unable to stay on the territory of his/her electoral precinct on election day, shall be entitled to vote early, but not earlier than five days before the election, at the polling station. The voter doesn't need to provide any official documents confirming the impossibility of coming to the polling station on the election day.

Thus, the procedure of early voting is an exception rather than a rule, and can be used only by those who are not able to stay at place of their residence on the election day. However, according to the long-established practice in the country, the early voting has turned into a norm, which doesn't meet the requirements of the EC.

Early voting during this year's elections didn't become an exception. According to the CEC, 36.05% of electors voted during the five days of early voting, which is the highest percent compared to the previous presidential elections of 2001, 2006, 2010. Given that the turnout for the elections was 86.75%, early voting was attended by 41.5% of those who voted.

Observers of the campaign registered facts of overstatement of the turnout at many polling station, which amounted to 6.2% at 114 polling stations where the observation was conducted (in 2010 - 2.8%). At some polling stations the discrepancy between the observers' calculations and the PECs' numbers reached 50%. In some cases, observers documented facts of manipulation with the PEC protocols on the results of early voting. However, the overestimated turnout was not significant and systematic.

According to an observer at polling station No. 20 in Baranavičy, 855 voters cast their ballots in the five days of early voting, whereas the PEC number was 593. Thus, the difference was 262 votes. In the last day of early voting on October 10, observers witnessed 206 people who voted, while the commission's calculation was only 162 votes. It seems that understating the turnout on the last day was meant to match the number of ballots in the box with the final figure in the protocol.

We registered numerous cases of coercion of voters to participate in early voting by the administrations of public enterprises, universities and hostels. Residents of hostel №10 in Babrujsk said that they were threatened with expulsion if they did not vote early. During early voting at polling station №27, which is located in the building of the Babrujsk State Automobile College, election commission member Natallia Karol, a teacher at the college, ordered the monitor of one of the groups to secure a high turnout among the students.

The management of the Bielšyna enterprise ordered the workers to vote early and to report the number of their polling station in order to monitor attendance through the commission members. The administration of the Belaruskali enterprise held a meeting with the technical staff, during which the chairman of the first mining administration Aliaksandr Harbachou demanded to ensure the attendance to the polls and vote early: "if someone is not sure that he will have time on election day." It should be noted that Harbachou was head one of the precinct election commissions in Salihorsk. The video

footage of the meeting was sent to the observers of the campaign "Human Rights Defenders for Free Elections" and posted on the campaign's website. The campaign's lawyers complained about the violation to the Prosecutor's Office of Salihorsk district. As a result, Aliaksandr Harbachou was warned against violations of constitutional freedoms of employees.

It repeated the negative practices of previous election campaigns.

VOTING AT PLACES OF VOTERS' RESIDENCE

Voting at the place of residence of a voter is organized on an oral or written request of the voter who cannot come to the polling station. The voter doesn't need to explain the reasons or provide any documents proving his inability to come to the polling station. PEC creates a special list of voters for this kind of voting and receives the ballots for them. The number of the ballots must correspond to the number of the voters on the list. The inscriptions "voted at the place of residence" are put opposite the surnames of such voters in the main list of voters. The special ballot box for voting at the places of residence is carried by at least two members of the PEC who receive in advance the number of ballot that corresponds to the number of voters who expressed the wish to vote at the places of their residence and were therefore introduced in the corresponding list. A PEC should have no more than three portable ballot boxes for the organization of voting at the places of residence.

This type of voting is traditionally criticized by independent observers, as the existing procedure allows for various kinds of manipulations at any scale. Observers cannot establish whether a voter has really applied for voting at home, as according to the law requests for home voting can be made both orally and in writing. Observers aren't always able to observe this kind of voting, including due to refusals of PEC members to provide them with such an opportunity.

During the observation of home voting there were recorded cases when voters had not requested the organization of such voting and stated it to the PEC members who came to them with the ballot box. Sometimes the number of the voters who voted in the place of their residence didn't match the number of the ballots that were allegedly used for it.

VOTING AT POLLING STATIONS AND VOTE COUNTING

The voting process at the polling stations was traditionally organized at a relatively high technical level and in general was held in conformity with the election procedures. It is important to note that the closeness of the voter lists for the observers makes it impossible to exercise a public control over the issuance of ballots and the turnout of voters.

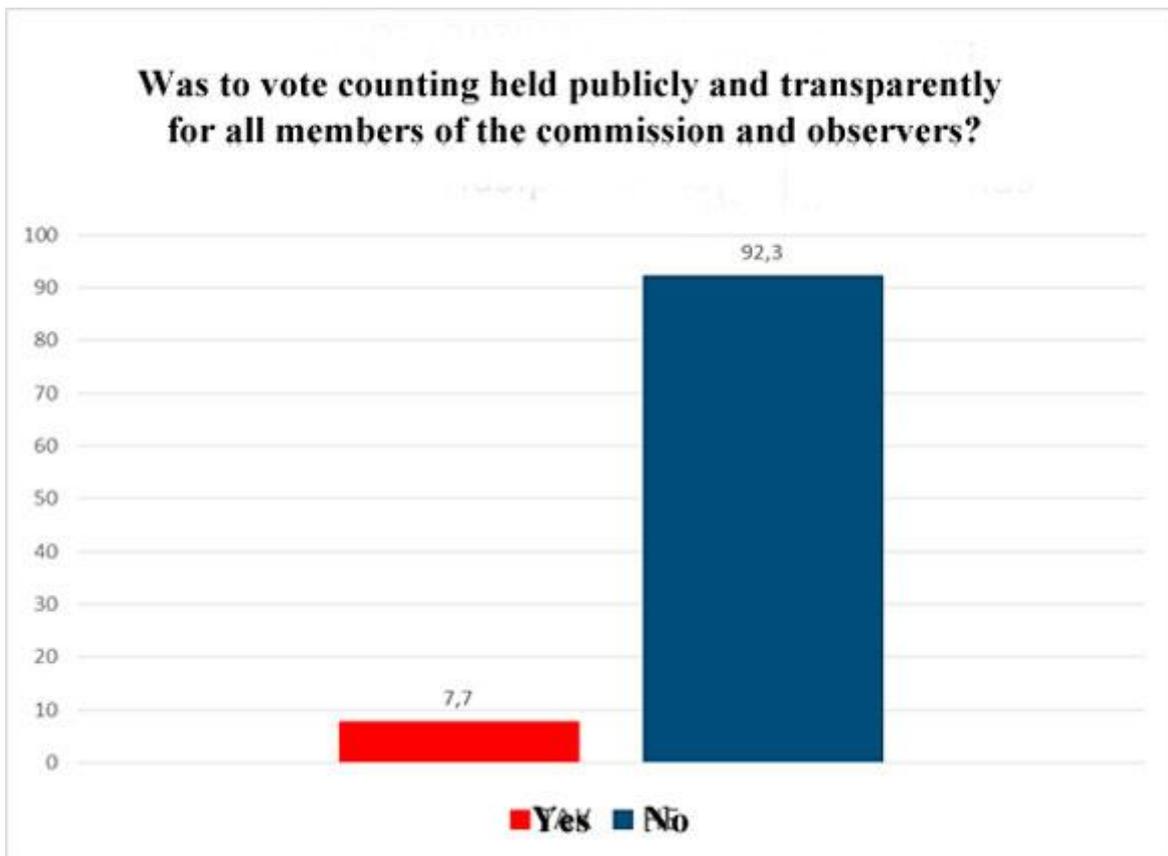
The main principle for ballot counting is the separate counting: at first, the commission is to count the ballots from the ballot box for early voting, then – from the ballot boxes for voting at the places of residence of voters, and then – from the ballot boxes for voting on the election day. The results of such counting are just announced by the PEC and, according to the provisions of the Guidelines for the members of PECs for the election of President of the Republic of Belarus (adopted by CEC Ruling No. 11 of May 14, 2015) are indicated in the protocol of the PEC sitting. The protocol is compiled in one copy and is not accessible for observers. The final protocol of the results of voting indicates only the overall result of voting. The copies of the protocol of results of the voting, produced by observers, aren't signed by members of the PEC or certified with its seal.

It should be noted that the details of counting of ballots by the PECs are not described in the legislation. This circumstance is one of the main problems of Belarusian electoral legislation. BHC addressed the CEC

with a proposal to establish a clear procedure for the counting of votes, which would provide for the announcement of each vote on the ballot and the demonstration of each ballot to all present PEC members and observers. However, the CEC refused to implement this proposal.

The results of processing of reports from 326 polling stations covered by the observation of the campaign "Human Rights Defenders for Free Elections" are given in Table 1.

QUESTION	% YES	% NO
1. Were all registered observers allowed to observe the vote counting?	94,9	5,1
2. Were you able to see the content of the ballots?	23,1	76,9
3. Were observers removed during the vote counting?	1,3	98,7
4. Were ballots from different ballot boxes (for early voting, for voting at places of residence of voters, for votion on the election day) caounted parately?	91	9
5. Were the results of the separate counting of votes from each ballot box nounced?	60,3	39,7
6. Did you file complaints against actions of the commission?	20,5	70,5
7. Did the PEC consider the received complaints at its sittings?	12,2	87,8
8. Were you and other observers able to observe the elections from a convenient place?	48,1	51,9
9. Was the final protocol with the results of voting posted for public wing?	96,8	3,2
10. Was the polling station accessible for people with low mobility (ramps, doorsills, etc.)?	39,9	60,1
11. If not, did the commission have the people who could help a person with low mobility enter the polling station?	67,4	32,6



The procedure of passing the final protocols from PECs to TECs remains closed to observers. In a few cases, observers and journalists reported a discrepancy of data mentioned in the protocols with the overall information in the territorial unit. For example, according to the CEC, presidential candidate T. Karatkevich received 887 votes in all the PECs of Smarhoń district. Meanwhile, in only one of the polling stations, PEC №8, according to the official protocols, 1,870 people voted for Karatkevich, i.e. 111% more than the total figure for the district. The CEC refused to give information about the results of voting on each PEC.

A similar situation was reported in the Akciabrski district (Homieł region). The CEC said on the official website that in the 21 polling stations of the district T. Karatkevich received 94 votes, and 39 people voted against all. At the same time, according to official protocols at polling station №2 alone, 226 votes were cast for T. Karatkevich, and against all - 63. The District Prosecutor's Office refused to consider the observers' complaint against the violation, because they missed the ten-day deadline for submitting the appeal.

The same thing happened in Rahačoŭ. In seven polling stations alone, according to official protocols, observers reported 1,484 votes for T. Karatkevich. The final figure announced by the CEC for the entire city was 916 votes. In eight polling stations of Žlobin that were covered by the campaign's observation T. Karatkevich received 1,879 votes, which accounted for 70% of all the votes for the candidate in the 70 polling stations of the city (a total of 2,596, according to the CEC).

COMPLAINTS AND APPEALS RELATED TO ELECTIONS

During the campaign and the election day, observers of the campaign "Human Rights Defenders for Free Elections" prepared a large number of complaints and appeals with respect to various kinds of violations. Examples of complaints and appeals mentioned in this section reflect the most problematic issues of the elections. It should be noted that the vast majority of complaints were rejected.

Formation of election commissions

The Smarhoń District Prosecutor's Office received a complaint about illegal inclusion in PEC №6 of two members who were nominated by the same voters. The Prosecutor's Office forwarded the complaint to the Smarhoń TEC, which recognized the complaint justified and forwarded it to the district executive committee, since it is this authority that runs the formation of commissions. The executive committee upheld the complaint and excluded both members by a new decision.

On August 27, observers sent a verbal complaint to the CEC against the Biaroza district executive committee due to the fact that neither the executive committee's website nor the meeting, which took place on August 25, announced whether any of the five representatives from the Brest office of the BPF and two representatives from the Hramada party was included in the PEC. Chair of the Central Election Commission Lidziya Yarmoshyna apologizes in an electronic response "for the unprofessional actions of the local executive committee" and said that "the information about it was communicated to the management of the Brest Regional Executive Committee with a view to take the necessary measures to respond."

Campaigning

On October 2, the CEC considered complaints by presidential candidate T. Karatkevich and her appeal for additional air time on public radio and television.

In her applications to the CEC, T. Karatkevich pointed to violations of the rules of campaigning and the principles of equality of all the candidates committed by candidate Aliaksandr Lukashenka and demanded to issue a warning in accordance with the provisions of the EC. In particular, she reported on the use by the state media and the Belarusian Telegraph Agency a character in the shape of a "tick" in bearing the pattern and colors of the national flag of the Republic of Belarus. This symbol appears in reports on the elections, in the application for smartphones "Elections - 2015" developed by the Belarusian Republican Youth Union and said the agency, during a series of concerts "We Are together" and in the campaign materials of Aliaksandr Lukashenka. She also stressed the fact of selling T-shirts manufactured by the Svitanak JSC with the slogan of A. Lukashenka's campaign "For the Future of Independent Belarus!" The merchandize was not manufactured at the expense of the candidate's election fund.

A similar complaint was filed by the campaign "Human Rights Defenders for Free Elections". In another complaint, T. Karatkevich told about the Officers' Congress, which adopted an appeal to the officers and their family members to support the candidacy of the incumbent. The appeal was published on the website of the Ministry of Defense on September 25. According to the claimant, the appeal had elements of election campaigning.

Having considered the complaint and the appeal of T. Karatkevich, the CEC refused to meet them. In its Decree No. 81 on the results of the consideration the CEC argued that the above sign was developed by the Belarusian Telegraph Agency (BelTA) in 2010, it was used in times of elections and was once again posted on the agency's website at the beginning of the 2015 election campaign. After that, many of the country's media independently decided to use similar symbols in covering the election campaign. In this regard, according to the CEC, the assertion that the symbol was identified with a particular candidate "does not correspond to reality." The selling of T-shirts, according to the CEC, is a "normal commercial activity of industrial and commercial organizations, and the image on the T-shirts is a design chosen by the maker."

According to experts of the campaign "Human Rights Defenders for Free Elections", the CEC decisions are illegal and unfounded. They do not give a proper assessment of the grave violations of election laws (Art. 45, 46, 48 of the EC) in the campaigning activities carried out by presidential candidate Aliaksandr Lukashenka. The use of a symbol similar to a logo used in campaigning for Lukashenka identifies these events with the personality of the candidate, encouraging the voters to vote for him.

Clothing bearing the slogan "For the Future of Independent Belarus!" also contains signs of election campaigning. In accordance with the electoral laws, the production of campaigning materials should be carried out at the expense of presidential candidates' election funds.

The lawyers of the campaign "Human Rights Defenders for Free Elections" filed a complaint to the CEC to report a violation of election legislation by Aliaksandr Lukashenka's trustee, head of the state TV and radio company Henadz Davydzka. In violation of Art. 46 of the EC, on September 11 he hosted a show entitled *Editors' Club*, which highlighted the theme of the election. On September 24, head of the CEC responded to the violation, saying that the official had received a "stark warning". It is yet no clear what legal status the warning can have, as well as why it did not affect candidate Lukashenka but his authorized representative. The CEC failed to answer these questions. It should be noted that the warning was not formalized and, in accordance with Article 49 of the EC, was supposed to be imposed on the candidate himself.

Early voting

On October 8, the Interdistrict Prosecutor of Baranavičy received a complaint about a gross violation of the Electoral Code during early voting at polling station No. 20. The observers of the campaign "Human Rights Defenders for Free Elections" documented forgery of documents during the vote on October 6 and 7. Since these violations could have affected the election results, the claimants asked to bring the perpetrators to trial and to cancel the voting results at the polling station. On October 9, the Prosecutor forwarded the complaint to the Chairman of the city TEC. On October 10, the election official said that the report was investigated and no violations of the law were found, while three other observers gave "positive assessment" of the commission.

On October 11, observers from Mahilioŭ filed a complaint with the Chairman of PEC No. 117 against a falsification of the final protocol of early voting. According to the observers' estimates, a total of 370 voters voted early, but the report indicated a much larger number – 565 people. The complaint said that the observers and the members of the commission regularly checked the number of voters. However, the complaint was rejected by a unanimous vote of all the PEC members.

Voting at polling stations and vote counting

Observers submitted requests for voting results in a number of TECs where the number of votes for T. Karatkevich was reportedly understated. However, all the complaints were dismissed.

For example, an observer from Barysaŭ received a reply to his request for voting results at each polling station of the district. The reply from the district executive committee said that "in accordance with Paragraph 11 of Article 55 of the Electoral Code of the Republic of Belarus, for the sake of openness and transparency the copies of the protocols of precinct commissions after their signing were posted for public inspection at locations determined by the Commission", so that all stakeholders "could see the results of the presidential elections at every polling station."

The same uninformative answer was received by an observer from Mazyr to his complaint filed on October 24, which requested an opportunity to review the voting results at each polling station of the city. On November 4, Deputy Chairman of the Mazyr district executive committee said that "all the necessary information on the results of the counting of votes is available on the official website of the Central Election Commission."

Dzianis Turchaniak submitted a complaint to the Maskoški District Court of Minsk against the actions of the CEC, in particular, the fact that the CEC did not provide the PECs with separate seals for sealing the ballot boxes. All the PECs had the same seals, which created a serious threat to the safety of ballots, especially during the early voting. The Court rejected the complaint for lack of jurisdiction. This position was supported by the Minsk City Court. The courts referred to the fact that the establishment of samples of the PEC seals, as well as the identification of measures to ensure the safety of the ballot boxes was the exclusive competence of the CEC. Therefore, according to the Court, such a complaint cannot be examined by the court.

RECOMMENDATIONS

Most of the recommendations of the OSCE and the Venice Commission, which were made on the basis of observations of previous election campaigns, haven't been implemented during the amendment of the EC in the recent years. Most of these recommendations have not lost their relevance after the elections of President of the Republic of Belarus in 2015. These elections showed that it is impossible to hold elections that would correspond to the international standards of free and fair elections, particularly the Copenhagen Document of the OSCE of 1990, without a detailed delineation of the order of the formation of election commissions, voting and counting.

The campaign also witnessed the need to ensure a real equality of candidates in the field of access to the media and the scope of observers' powers. The changes in the electoral legislation proposed below would allow bringing elections closer to international standards, and also to increase confidence in the results of the elections on the part of the citizens of Belarus and the international community.

Election commissions

The Electoral Code must be supplied with the provision that would ensure the presence of representatives of political parties in election commissions, as well as a pluralistic composition of commissions. It is necessary to ensure the right of the political parties that take part in the electoral campaign, including the presidential electoral campaign, to delegate one representative to each territorial, constituency and polling station electoral commission. The local executive bodies need to be entitled to form the commissions of other nominees for the seats in the election commission only in case none of the political parties use this right. By analogy, the primary right to nominate their representatives to election commissions must belong to candidates for president. Moreover, the criteria for the choice of members to election commissions need to be legally defined (nomination by political parties, education, other professional experience) with the aim to decrease the opportunities for an arbitrary approach in the formation of the commissions and provide the opportunities for court review during the consideration of relevant complaints.

Registration of candidates

It is necessary to exclude the possibility of using administrative resources in collecting signatures for the nomination of presidential candidates, and, in particular, prohibit the collection of signatures by the persons who are not members of the initiative groups of the respective nominees. In addition, it is

necessary to provide for the right of observers to be present at the verification of signatures for the nomination of candidates.

Voter lists

To increase the transparency and accountability of the voter registration process, it is necessary to create the national voter list. Citizens and observers (including, proxies of the candidates, representatives of mass media and international observers) should be given full access to the list. Every citizen shall have the right to examine the list of voters before voting. In addition, observers should be able to familiarize themselves with the voter list during the voting. The number of voters registered at the polling station should be declared by the election commission ahead of the vote, and then – after its completion.

Financing of elections

Provisions of the EC allow the CEC to independently use the means of the state budget for the production of informational leaflets with the general information about the candidates instead of financing their expenditures for printed campaigning materials. This results in the inactivity of the majority of the candidates in the production of campaigning materials. That's why it is necessary to return to the legislation the provision about the state financing of the expenditures of the candidates on production of the printed materials related to their electoral campaigns.

Information about the sources, amounts and aims of spending the electoral funds of candidates should be accessible to observers.

Campaigning

The legislation provides for the duration of the period of pre-election campaign for no longer than one month. This period restricts the possibilities for the campaigning, as well as the receipt of full information about the candidates and their electoral programs. It is proposed to extend the period of campaigning for at least up to two months. Apart from that, it is necessary to ensure that the subjects who post political adverts bear no responsibility for the content of the campaigning materials provided by the candidates or political parties.

Judicial review of decisions related to elections

The EC provides a limited number of reasons for appeals to courts. It is necessary to provide for the possibility of court review of any decisions of election commissions and other state bodies on the issues that are related to the elections. First of all, it is necessary to provide for the possibility of judicial review of the ruling of the CEC that announces the election results.

Early voting

The procedure for early voting in its current form allows the authorities to carry out all sorts of manipulations at any scale. Therefore, it is proposed to consider the possibility of full abolishment of early voting. In case it is not abolished, the following changes are proposed: to introduce the criteria that give an elector the right to vote early. Such criteria must be the reasons that clearly show the impossibility for the voter to vote on election day, for example, the departure abroad and other documented evidence. The procedure of storage of the ballot boxes during the early voting, including the sealing of the ballot boxes need to be precisely delineated in the legislation. It is necessary to prohibit the stay of unauthorized persons, including police officers, in the voting rooms and the places

where the ballot boxes, ballots and other materials related to the elections are stored. It is also necessary to provide for the right of observers to stay in the voting rooms during the hours when the PECs stop their work (during the dinner breaks and overnight, after the end of the hours of early voting) in the cases when members of election commissions stay there. All PECs need to be supplied with transparent ballot boxes with plastic plumbs for sealing (with the individual number of each polling station).

Voting at places of voters' residence

It is necessary to enshrine in the legislation that an elector is entitled to vote at home only in case of a significant health damage, confirmed by documents of a medical institution, which prevents him from coming to the polling station. It needs to be enshrined in the EC that the voter obtains such a right only in case of passing to the respective PEC his written statement about the impossibility to vote at the polling station, and attaching a relevant document of a medical institution to prove this statement.

Vote counting

The existing procedure of counting of votes is not transparent. One of the main reasons is the absence of a detailed description of all counting procedures in the EC. Therefore, the following procedures of vote counting need to be enshrined in the legislation: counting of votes must to be carried out publicly in the presence of observers who can monitor the accuracy of the counting of voters' will in every bulletin (i.e. to see the contents of each ballot); counting of votes must be conducted by one of the commission members, who announces the vote in the ballot box and shows the ballot to all members of the commission and observers; counting of votes must be conducted separately for each ballot box and results of such separate counting must be reflected in the final protocol. A copy of the final protocol, signed by the chairman and secretary of the commission and certified by its seal must be issued to an observer on his request. It is also proposed to provide the observers who are accredited at TECs, as well as proxies of the candidates, with the right to directly attend and observe the procedures of passing the ballots and protocols with the results of voting from polling stations to territorial commissions.

Election observation

The rights of observers need to be expanded by the legislation in order to increase the credibility of the elections in Belarus. Observers should be able to freely study the materials of a Commission related to its composition, ways of nomination of its members, lists of voters, storage of the ballot boxes and ballots during the early voting.

LIST OF ABBREVIATIONS

OSCE - Organization for Security and Cooperation in Europe

Belarusian Union of Women - Public Association "Belarusian Union of Women"

Bielaja Ruś - Republican public association "Bielaja Ruś"

ODIHR - Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe

Belarusian Republican Youth Union - Public Association "Belarusian Republican Youth Union"

BHC - Republican human rights public association "Belarusian Helsinki Committee"

EC - Electoral Code of the Republic of Belarus

NGO - Non-Governmental Organization

Calendar schedule - the calendar plan of organizational measures on preparation and holding of elections of the President of the Republic of Belarus

PACE – Parliamentary Assembly of the Council of Europe

PACIS - Parliamentary Assembly of the Commonwealth of Independent States

HRNA - the House of Representatives of the National Assembly of the Republic of Belarus

Movement "For Freedom" - Human rights and educational association Movement "For Freedom"

CIS - Commonwealth of Independent States

TEC - Territorial Election Commission

PEC - Precinct Election Commission

CEC / Central Commission - the Central Commission for Elections and National Referenda.