



19 November 2010

**Election of the President of Belarus 2010:
Pre-election Monitoring Report on Collection
of Voters' Signatures in Support of Persons
Nominated to be Presidential Candidates**

GENERAL CONCLUSIONS

1. The collection of signatures was held from September 30 to October 29 in accordance with the new amendments to the Electoral Code, which simplified the procedure of filling in signature lists and allowed collecting signatures in the form of pickets without any prior permit of the authorities, provided they are held in places not prohibited by local authorities.

2. At the same time, explanations of the Central Election Commission (CEC) on the procedure of collecting signatures have formed a legal basis for participation in collection of signatures for persons, who were not members of initiative groups, and participation of administrations of institutions in collecting signatures, which is directly prohibited by the Electoral Code.

3. 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 rejected 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.

4. Administrative resources were broadly used for collecting signatures in support of Alyaksandr Lukashenka. The most common forms thereof were: participation in collection of signatures of administrations of state-owned institutions and enterprises, who forced their subordinates to sign in; collection of signatures by the 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").

5. Election commissions did not allow observers to be present at verification of signatures, explaining that under the Electoral Code observers may attend sittings of commissions, while verification of signatures took place outside such sittings. According to experts of the campaign "Human Rights Defenders for Free Elections", the lack of transparency in the process of signature verification gives serious grounds to question the objectivity of results.

6. Election stakeholders have been actively using the opportunity to judicially appeal against actions of various subjects in relation to collection of signatures; the lawyers of the "Human Rights Defenders for Free Elections" alone helped in filing 51 such complaints (3 of them were satisfied). Most of the known complaints concerned the following: appointment of places prohibited for pickets to collect signatures; obstacles to collecting signatures in hostels; violations of the electoral legislation by individual initiative groups and their members, including participation of individuals who were not members of initiative groups in collection of signatures.

7. While some complaints regarding location of pickets and access to hostels were satisfied, the CEC and territorial election commissions (TECs) rejected all of the numerous complaints of violations of the electoral legislation by Lukashenka's initiative group.

I. LEGAL FRAMEWORK

According to the Electoral Code (EC), presidential candidates are nominated by initiative groups (at least 100 members in each of them) that collect at least 100,000 voters' signatures. The procedure of collecting signatures and verification of authenticity thereof is regulated by Article 61 of the EC:

Anyone, who has the right to vote, i.e., a citizen of Belarus, who has reached the age of 18¹, may subscribe in support of nomination of offered individuals. A voter may sign-in in support of several nominees, but only once in support of one and the same person. A voter also has the right to withdraw his or her signature from the signature list by submitting an application to the respective election commission.

The signature list shall indicate (in handwritten way) the surname, first name and patronymic, date of birth, place of residence, and passport series and number of every signatory. The voter shall put with his/her own hand the date and signature in the signature list.

Any participation of administrations of organizations in collecting signatures, as well as coercion in the process of collecting signatures and paying voters for signatures are not allowed. The nominees for the status of a presidential candidate have no right to order to their subordinates or persons in other service dependence to participate in activities that promote nomination during their working hours. Violation of these requirements may form grounds for rejection of registration of a presidential candidate.

Verification shall be made of 20 percent of signatures, collected in support of each of the nominees, submitted to the appropriate commission. If the number of detected invalid signatures makes up more than 15 percent of those verified, additional verification of another 15 percent of signatures is made. In case the total number of invalid signatures identified in the

¹ The persons found incapable by the court, those kept in jails under court verdict and those, in whose relation detention has been chosen as freedom restriction measure shall not take part in elections.

verification makes more than 15 percent of the number of verified signatures, the verification is stopped, and all the voters' signatures in submitted signature lists are rejected at determination of the outcome of collecting signatures in the district (city district, or city (town)).

The data on verification of signatures and signature lists are submitted by district, city (town) and city district commissions to the regional and Minsk city commissions, which also have the right to verify, within five days, the authenticity of signatures. The regional and the Minsk city election commissions count the number of voters who have signed in and sum up the totals for the regions and the city of Minsk, draw respective protocols and submit them to the CEC.

As compared with the 2006 presidential election, this election is held under the 2000 Electoral Code as amended on January 4, 2010. The major changes in the procedure of collecting and verifying signatures, which the campaign "Human Rights Defenders for Free Elections" finds to be positive, are as follows:

1) The signature list shall be signed by the voters residing in the territory of one town of regional subordination, or district, or one city district in cities split into districts (not in one dwelling settlement as in the previous wording of the EC);

2) The possibility of collecting voters' signatures in the form of picketing. Obtaining of a permit to hold picketing for this purpose is not required, if a picket is held in places not prohibited by local authorities;

3) Signature lists are certified by a member of the initiative group. Certification of signature lists by seals of the local authorities, in whose territory signatures were collected is no longer required;

4) If the signature lists submitted to the district, city (town) and city district election commission contain signatures of the voters residing in different districts, cities (towns) of regional subordination, and districts in the city, only those signatures collected in the respective territory shall be verified and counted. The remaining signatures are not verified and not counted. In the previous edition of the EC the signatures of voters who lived outside of the respective dwelling settlement were invalidated.

Apart from the EC, the procedure for collecting signatures and verification of authenticity thereof was explained in the Methodological Recommendations "Organizational and Legal Issues of Preparation and Holding the Election", approved by Decision of the CEC No. 43 of September 15, as well as in two other Decisions of the CEC (No. 47 of September 15 and No. 96 on November 5, 2010). According to experts of the campaign "Human Rights Defenders for Free Elections", certain provisions of these explanations do not comply with Article 61 of the Electoral Code.

For example, point 6 of the Decision of the CEC No. 47 provides for a possibility of filling in signature lists not only by members of initiative groups and voters, who are signing

in, but by others persons (at the request of the voters), although Article 61 of the EC contains a mandatory requirement of collecting signatures only by members of initiative groups and does not assume any delegation of the powers of a member of the initiative group to any third persons. Article 61 also obliges election commissions to invalidate all the signatures on the signature list, if they were collected by a person who is not a member of the initiative group.

In addition, contrary to the categorical prohibition of participation of administrations in collecting signatures contained in Article 61, the CEC allowed representatives of administrations to take part in collecting signatures in their non-working hours (Methodological Recommendations).

II. COLLECTION OF SIGNATURES

By September 24, as was envisaged by the Calendar Plan of the Election, local authorities had identified the places forbidden for pickets to collect signatures. With the exception of Minsk, where restrictions were minimal, in most cities the ban covered the territories located at a distance of less than 50-200 meters from underground passages; territories within the radius of 50 meters from central town squares, enterprises and institutions, train stations and administrative buildings, or generally all the places "where pickets will obstruct the operation of enterprises, organizations, institutions or create risk for life and health of picketers."

Thus, initially local authorities in fact had banned collection of signatures in places most suitable for contacts with voters. However, many executive committees later made new decisions (or amended previously adopted ones) on this matter, which greatly expanded the possibilities for collecting signatures. The process of collecting signatures by means of picketing went on without significant interference by authorities.

At the same time, from the very beginning initiative groups had been put in unequal conditions compared with the initiative group of the incumbent president. Its members were given the right to collect signatures in places, where other initiative groups were not admitted. For example, while the group of Alyaksandr Lukashenka was freely collecting signatures in the building of the Minsk railway station, the administration of the latter did not allow any other initiative group to do so. Similarly, it was impossible for other initiative groups to collect signatures in the territories of state-owned enterprises and institutions, where, at the same time, collect signatures in support of the incumbent was at full swing. Across the country, managers of students' and workers' hostels in the vast majority of cases did not allow members of initiative groups (except for the Lukashenka's one) to collect signatures in their hostels due to the absence of proper permits from the bosses of those institutions that administratively supervise these hostels.

Collection of signatures in support of Lukashenka was accompanied by massive use of administrative resources. The overall management of collection of signatures for the incumbent president was exercised 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-fulfilment of instructions. The plans ranged from 16 to 500 signatures for every teacher or other employee of the budget sphere, involved in collecting signatures.

The greatest publicity was received by the report of organization of signature collection by teachers in the Lenin District of Minsk. For two weeks, starting from October 14, the department for education of the Administration of the Lenin District of Minsk was ensuring participation of employees of educational institutions in the picket for collecting signatures in support of Lukashenka near the Serebryanka 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 Alyaksandr Lukashenka's election headquarters. Ms Naskova argued 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, the 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 even at street pickets.

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

Observers of the campaign "Human Rights Defenders for Free Elections" 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 the pressure on him exerted by the principal of the secondary school where he works as a teacher. In Baranavichy (Brest Region), a member of initiative groups 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.

There were cases when TECs (Territorial Election Commissions) refused to accept signature lists, which were collected by persons other than those who handed them over. For example, the Svslach District Election Commission (Hrodna Region) refused to accept signatures in support of Ryhor Kastusyou from a member of his initiative group Anatol Valyuk under the motive that he had brought not only his signatures. The signatures were accepted only after Valyuk's appeal to the CEC.

According to the Methodological Recommendations of the CEC, the logbooks of entry documents of election commissions fixed only the number of handed over signature lists, rather than the number of handed over signatures, which did not exclude the possibility of voluntary increase or decrease by election commissions of the number of signatures handed over in support of individual nominees.

III. VERIFICATION OF SIGNATURES

Verification of authenticity of signatures in signature lists was held on November 5-15. At the start of verification, Lidziya Yarmoshyna, Chair of the CEC, publicly expressed doubts about the compliance of many signature lists with the electoral legislation: "Too many errors are evident <...> There are more subtle fakes, which were partially handwritten. And there are crude forgeries, where everything was copied. Some of the lists will go to experts."² However, by the end of verification Yarmoshyna reported that 10 out of 11 candidates have "a real chance to be registered as candidates,"³ and the CEC Secretary Mikalai Lazavik said that "the tough approach to the stage of registration," specific for previous election campaigns, would not be applied this time.⁴

Indeed, only in a few district election commissions the number of invalid signatures in support of individual candidates exceeded 15 percent, as a result of which all the signatures in support of a particular candidate were nullified. For example, at the sitting of the Salihorsk TEC on November 8 the data was announced that signatures for only 5 out of 9 candidates were recognized as valid. After two checks, 18.9 percent of verified signatures for Ales Mikhalevich were invalidated, 16 percent – for Uladzimir Nyaklyaeu, more than 20 percent – for Andrei Sannikau, more than 15 percent – for Dzmitry Uss, which means cancellation of all the signatures collected for these nominees in the territory of the Salihorsk TEC.

According to observer findings, verification of signatures in signature lists everywhere was held in a closed manner. Typically, observers were officially denied the possibility to monitor the procedure. For example, observers of the "Human Rights Defenders for Free Elections" could not be present at verification of signatures in any one of the election commissions of the Hrodna Region. Despite numerous official requests to the Salihorsk District Election Commission (Minsk Region), observer of the campaign "Human Rights Defenders for Free Elections" Leanid Markhotka and members of the initiative group of

² <http://kp.by/daily/24584.5/754378/>

³ BelTA, 15.11.2010

⁴ BelaPAN, 14.11.2010

Nyaklyaeu were not admitted to observe the verification of signatures. Markhotka could attend only the final sitting of the commission. He was also denied the materials on verification of signature lists.

As a typical reason for refusal of opportunity to observe the signature verification, we can quote the words of Alyaksandr Nelipovich, Chairman of the Byaroza District Election Commission (Brest Region), who referred to Article 13 of the EC: "You, as a registered observer at district election commission, may attend sittings of the commission. Verification of signatures for nominees to candidates for President of the Republic of Belarus <...> is a working issue of the commission. The materials of verification of authenticity of signatures in signature lists are considered at the sitting of the district commission."

It should be noted here that Article 13 of the EC contains an exhaustive list of limitations of observers' rights; and prohibition of monitoring the procedure of verification of signatures in territorial commissions is not mentioned there. While monitoring, the observers of the campaign "Human Rights Defenders for Free Elections" rely on the principle of transparency in all stages of the election campaign, including the procedure for verification of signatures, which is set up by the Electoral Code.

According to experts of the "Human Rights Defenders for Free Elections", the lack of transparency in verification of signatures gives serious reasons to doubt the objectivity of verification and its 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, which was not recorded during 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, writing of applications by the voters, for whom other people put signatures, drawing acts of verification, etc.

Certain members of the Minsk City Election Commission did not agree with the outcomes of signature verification. Thus, members of this commission Halina Syamdzyanova, Yury Khadyka and Alyaksei Sigaeu told other members of the Minsk City Election Commission that the commissions of the Frunze and Tsentralny Districts of Minsk the acts on the number of signatures that are not subject to verification were not made in the appropriate format as approved by the CEC. The result was that for every nominee the number of signatures was indicated less than actually delivered. These district committees had to update their acts and protocols, while the City Commission had to reappoint its sitting. Since the members of the Minsk City Election Commission G. Syamdzyanova, Yu. Khadyka and A. Sigaeu could not confirm the authenticity of the figures submitted by the above district election commissions, they refused to sign the respective protocols of the Minsk City Election

Commission. Besides, Syamdzyanava added her dissenting opinion of a member of the commission to these protocols.

During presentation to the CEC of the documents required for registration as presidential candidates, an incident happened with signatures in support of Nyaklyaeu. On November 1, Yarmoshyna reported that 161,824 signatures had been handed over for Nyaklyaeu, while on November 3 she announced a new number – 193,829 signatures. According to the official version, this technical error (the line for the Vitsebsk Region was left blank) revealed a significant lack of the procedure of verification of signatures. The lack of official data from territorial election commissions about the number of signatures they had received seriously reduces the credibility of the final figures, announced by the CEC⁵.

IV. APPLICATIONS AND COMPLAINTS RELATED TO COLLECTION OF SIGNATURES

Participants in the election process actively used the possibility of judicial and other appeals against actions of various actors of the signatures collection process. The lawyers of the "Human Rights Defenders for Free Elections" alone helped in preparation of 51 complaints (of which only 3 were satisfied). The total number of complaints filed in connection with the collection of signatures to the local authorities, election commissions, prosecutor's office and the court is unknown, but it is obviously much higher than the above figure. In most known cases, complaints were on the following:

- 1) Definition of places where picketing to collect signatures was prohibited;
- 2) Obstacles to collecting signatures in hostels;
- 3) Violations of electoral legislations by individual initiative groups and their members, including participation of non-members of initiative groups in collection of signatures.

Most successful were appeals against decisions of executive committees on definition of places prohibited for pickets to collect signatures. For example, in connection with the appeal of Raman Yurgel to the Hrodna Regional Executive Committee on the issue of amending the latter's decision on definition of places prohibited for collecting signatures, the decision of the city executive committee was amended. Similar cases happened in Maladzechna (Minsk Region) and other dwelling settlements.

Initiative groups of potential presidential candidates have repeatedly filed complaints against prohibition to collect signatures in hostels. For example, the actions were appealed against of administrations of the hostels of the Construction Trust and Housing-Maintenance Department of the Open Joint-Stock Company (OJSC) "Belshyna" (Babruisk, Mahilyou

⁵ Data on the number of voter's signatures in signature lists handed over to territorial election commissions by members of initiative groups for nomination of presidential candidates in the Republic of Belarus: <http://www.rec.gov.by/elect/indexprb.html#prb2010mess>

Region), hostels Nos. 3 and 10 of the Belarusian State University (BSU) (Minsk), hostel No. 4 of the Belarusian State Medical University (Minsk) and others.

In most cases, territorial election commission refused to satisfy such complaints, referring to violations of members of initiative groups of internal regulations of hostels. At the same time, there were some cases of positive consideration of complaints against non-admission of signature collectors to hostels. Thus, in response to the complaint lodged by Ms Tkharova to the Lenin District Election Commission in Brest against the ban to visit the hostel of the OJSC "Brest Factory of Household Chemicals", the commission instructed to let Tkharova into the hostel and not to prevent her from collecting signatures.

Quite a lot of complaints and appeals dealt with violations of the electoral legislation by members of the initiative group of Lukashenka. In considering these complaints, the CEC and territorial election commissions did not identify a single violation of the electoral legislation, despite the fact that such violations were obvious. No violations of the current legislation were identified also in connection with complaints about participation of administration of organizations in collecting signatures for Lukashenka, including in working hours, as well as of the CEO" instruction of their direct subordinates to collect signatures for Lukashenka.

For example, complaints of Vyachaslau Dyyanau and Mikita Krasnou regarded the facts of 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 their school hours. These students were not members of the initiative group and "just helped" to collect voters' signatures to Mr Khmyl, a member of the initiative group and Vice-Rector for Academic Affairs. At 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 schedule of students' classes may have certain peculiarities, and they may have days free from classes. However, the response to complaints said nothing on whether particular students who participated in the picket were free from classes at the university on that day, as well as 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 to be put by the own hand of the signatory) can be made only by members of the initiative group.

Similarly, the CEC found no violation of the EC when considering the complaint lodged by Larysa Schyrakova on the fact of collecting signatures in support of Lukashenka in the main building of the Belarusian University of Transports (Hemel) by Halina Chayankova,

Vice-Rector for Academic Affairs and head of Lukashenka's initiative group in the Chygunachny District of Homel. According to the CEC, Chayankova was collecting signatures during her service vacation; and no pressure was exerted by her or by other members of the university administration on students.

No violations of the EC were established also as a result of considering the complaint lodged by Valyantsin Stefanovich on the fact of posting on the website of Euroradio of the document entitled "Schedule of Participation in Picket near 'Serebryanka' Marketplace" (see above). According to the CEC, Angela Naskova exceeded her official powers; and in this regard the CEC asked the head of the Lenin District of Minsk to discipline Naskova. At the same time, the CEC did not find in this case any participation of the administration in collecting signatures and instructing direct subordinates (non-members of the initiative group) to collect signatures during working hours. The CEC motivated its opinion by the fact that Naskova was on her service vacation and generally is not a direct manager of the educational institutions listed in the above schedule.

Thus, the CEC and territorial election commissions avoided carrying out full checks on complaints about violations of the EC by members of the initiative group of Alyaksandr Lukashenka and failed to take measures to prevent misuse of administrative resources during collection of signatures in his support. The most indicative in terms of their attitude to complaints against the actions of Lukashenka's initiative group is the response of the CEC to the complaint lodged on October 25 by Nyaklyaeu. The complaint listed numerous examples when signatures were collected by non-members of the initiative group of Lukashenka and when signatures were collected in the places prohibited by the law. The CEC concluded that the information set forth in the complaint was "either of general nature, which is impossible to check, or was not confirmed in the course of checks."

At the same time, on October 25, the CEC issued a warning to Uladzimir Nyaklyaeu for violating the electoral legislation by his initiative group (involving of minors to collection of signatures, transfer of certificates of members of the initiative group to other persons and collection of signatures by non-members of his initiative group).

The aim of the campaign "Human Rights Defenders for Free Elections" is observation of the election of the President of the Republic of Belarus, assessment of the election process from the viewpoint of Belarusian electoral legislation and international standards of free and democratic elections, and keeping the Belarusian public and international community duly informed about our conclusions. The campaign is independent and politically non-engaged. More information about the campaign may be found in the websites of the Human Rights Centre "Viasna" (<http://spring96.org>) and Belarusian Helsinki Committee (<http://www.belhelcom.org>).