



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation

Report on the formation of precinct election commissions

October 4, 2019

Observation of the elections to the House of Representatives of the National Assembly of Belarus is carried out by the Belarusian Helsinki Committee and the Human Rights Center “Viasna” in the framework of the campaign “Human Rights Defenders for Free Elections”.

SUMMARY

1. On October 2, the authorities completed the formation of the precinct election commissions (PECs), which are an important element of the electoral process directly responsible for the organization of voting and vote counting. A total of 5,785 PECs have been formed, with 63,646 persons selected as their members.
2. All the observers of the campaign “Human Rights Defenders for Free Elections” were able to freely attend the meetings of bodies that formed the PECs. The observation covered 41 meetings of the bodies (executive committees and district administrations in the cities) which formed the PECs.
3. All the entities who nominated their representatives to the PECs had the opportunity to submit the necessary documents to the bodies that formed them and to attend their meetings.
4. In most cases (77.5%), there was no discussion of nominated applicants, while the drafted lists of nominees were put on a vote without a discussion of the candidates (52.5% of cases). This applies mainly to the DEC, in which there was no competition and all the nominated persons were included in the commissions. At the same time, in some cases, observers reported that the nominees were pre-selected by specially established working groups.
5. In some cases, observers reported refusals to put submitted documents on a vote due to the presence of errors, e.g. failure to specify the name and number of the electoral district. At the same time, the numbering of polling stations in these districts was changed ahead of the elections. It should be noted that the sample protocol for the delegation of the representatives of parties and other public associations to the PECs, which was approved by the Central Election Commission’s decision No. 30, does not contain such details as the name and number of the electoral district.
6. In most cases, observers report the employment-based principle of the formation of election commissions, when members of the commission are co-workers and their direct superior is the chairperson of the election commission. The composition of the PECs, according to the campaign’s observers, did not reveal any significant changes since the previous elections.

7. Absence of legal guarantees for the representation of all political actors on the election commissions, as in the past, resulted in arbitrary and discriminatory treatment in respect of opposition parties and movements.

8. The formation of the PEC was marked by an obvious discriminatory approach on the part of the executive committees towards representatives of the opposition parties: out of 495 nominees to the PECs, as few as 21 persons (4.2% of the nominated) were included in the commissions, while out of 3,884 persons nominated by the pro-government parties, 3,763 people (96.9% of the nominated) were elected commission members; the five largest pro-government associations — Youth Union, Belaya Rus, Women's Union, Union of War Veterans, Belarusian Peace Foundation and the FPB trade unions — nominated 28,980 people, of which 27,790 persons (95.9% of the nominated) were elected to the commissions.

9. The total number of members of opposition parties on the PECs is 21 people, or 0.033% of the total composition of the PECs, which is up to three times less than in the previous parliamentary elections of 2008, 2012 and 2016.

I. LEGAL FRAMEWORK

In accordance with Art. 28 of the Electoral Code, the preparation and conduct of elections of deputies of the House of Representatives are administered, together with the regional and Minsk city territorial election commissions (TECs) and the district election commissions (DECs), by the precinct election commissions (PECs).

The powers of the precinct election commissions are set out in Art. 44 of the Code.

According to this article, it is the PECs that notify the voters about the candidates, organize the voting, counting and tabulation at the polling stations, deal with complaints related to the preparation of the elections, which makes them one of the key mechanisms of the electoral process.

The procedure for delegating representatives to the PECs is regulated by the CEC's Resolution No. 23 of June 8, 2019.

Political parties and public associations, labor collectives, and their structural units, as well as voters can nominate their representatives to the PECs in the following order:

the governing bodies of regional organizational structures — to the PECs formed on the territory of the region; the governing body of the Minsk city organizational structure — to the PECs formed on the territory of Minsk;

the organizational structures of the district, city and city district level — to the PECs formed in the respective region, city, or district of the city;

local branches of political parties and other public associations have the right to nominate their representative to the commission of the polling station on the territory of which it is registered.

Meetings of labor collectives of organizations or their structural units located in the district, city or city district, township, or village councils, attended by at least 10 employees (voters in an amount of not less than 10 people) — to the PECs of the respective territory;

All of the above entities have the right to nominate only one representative to each PEC.

The PECs are formed by the district and city executive committees, and in the cities divided into districts — by district administrations consisting of 5 to 19 members.

The entities which nominated their representatives to the commissions have the right to appeal the decision of the respective authority to the district or city court. The possibilities of nomination to the PECs from political parties and other public associations, as before, are limited by a legal requirement to possess local institutional structures.

Thus, national public associations, which do not have organizational structures in the regions, are effectively deprived of the opportunity to nominate their representatives to the precinct election commissions.

Para. 7 of the CEC’s Resolution No. 23 provides for the right of observers (including international ones) accredited by the CEC to attend the meetings of the district executive committees and district administrations (in cities subdivide into districts) convened to form the PECs.

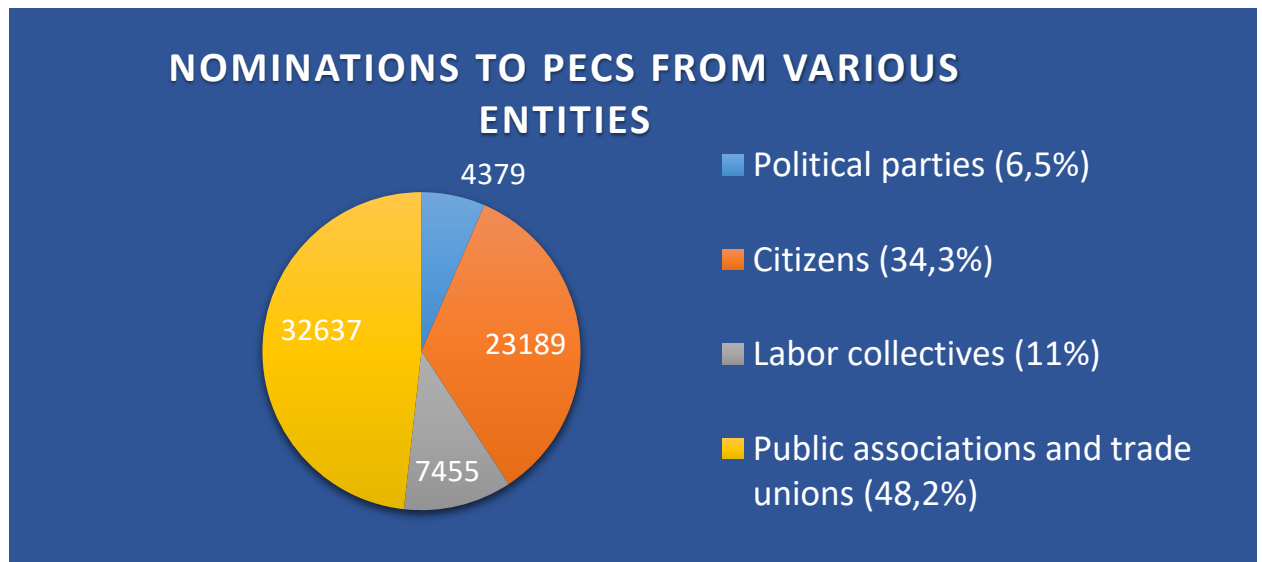
According to para. 8 of the Regulation, before making a decision on the formation of the PEC, the meeting shall discuss the issue of professional and personal qualities of the individuals who have been nominated to the election commission, and if the number of applicants exceeds the maximum amount of members, information about each candidate should be heard and the nominees should be put on a separate vote.

II. NOMINATION TO THE PECs

The observers did not report any refusals to accept documents for the nomination of candidates to the PECs.

According to the CEC¹, a total of 67,660 persons were nominated to 5,785 commissions. Compared to the parliamentary elections in 2016, the total number of the PECs decreased by more than 3%, while the number of nominees — by almost 8%.

Citizens nominated 23,189 representatives (34.3% of the total number), labor collectives — 7,455 (11%), political parties — 4,379 (6.5%), and other associations — 32,637 (48.2%) representatives.



Compared to previous campaigns, there were no significant changes in the composition of nominations. Most representatives, as before, were nominated by the pro-governmental public associations: trade unions of the pro-government Federation of Trade Unions of Belarus — 9,190 applicants (13.6%), public association “Belaya Rus” — 4,611 (6.8%), Belarusian Republican Youth Union (BRSM) — 4,484 (6.6%), Belarusian Women’s Union — 4,409 (6.5%), Belarusian

¹ <http://rec.gov.by/sites/default/files/pdf/2019/stat18.pdf>

Public Association of War Veterans — 3,330 (4.9%), and the Belarusian Peace Foundation — 2,957 (4.4%). Together, these actors nominated 28,980 people, or 42.8% of the total number of nominees. The amount nominated by “other public associations” almost halved due to the fact that the data on the nomination of representatives of the Belarusian Peace Foundation began to be accounted for separately.

In the Hrodna region, pro-government associations nominated 55% of the total number of nominated candidates to the PECs from public associations; the largest percentage of nominees from political parties was reported in Minsk — 30.5%; the Minsk region was most active in the nomination of citizens’ representatives — 49.1%, while the Mahilioŭ region — of labor collectives (15.4%)

Twelve political parties of the 15 registered entities nominated their representatives to the PECs. At the same time, political parties only slightly increased their activity in comparison with the year 2016, nominating a total of 4,379 people. Of these, 495 (11.3% of nominated by parties or 0.7% of the total number of nominated) were members of the opposition parties. Compared to the parliamentary elections in 2012 and 2016, the involvement of the opposition parties has decreased: in 2012, 664 candidates from the opposition parties accounted for about 0.8% of the total number of nominees.

According to the Central Election Commission, the Belarusian Left Party “Just World” nominated 66 people, the Belarusian Social Democratic Party (Hramada) — 54, the UCP — 174, the BPF Party — 201 representatives.

It should be noted that the opportunities of opposition parties and public organizations in nominating their representatives to the commissions are substantially reduced due to the fact that such representatives may be only nominated by the governing body of a local organizational structure. Meanwhile, these entities still face unfavorable conditions to create local organizational structures.

III. MEETINGS OF BODIES IN CHARGE OF FORMING THE COMMISSIONS

Meetings of the district and city (cities of regional subordination) executive committees, local administrations were held in accordance with the Electoral Schedule, no later than October 2, 2019.

All the observers of the campaign “Human Rights Defenders for Free Elections” were able to freely attend the meetings of the bodies that formed the commissions. The observation covered the meetings of 41 bodies (executive committees and district administrations in the cities), which formed the commissions.

The observers reported that all the representatives of the entities that nominated their representatives to the PECs had the opportunity to attend these meetings without restrictions.

In most cases (77.5%), nominations were not discussed. In half the cases (50%), the candidates were presented and their personal and professional qualities were voiced. In 52.5% of cases, drafted lists of candidates were put on a vote, without discussing the nominations. This applies mainly to the PECs, in which there was no competition (the number of nominations matched the number of seats on the commission) and all the nominees were included in the commissions. In some cases, observers reported that all the nominees to separate commissions were selected by specially created “working groups.”

The observers point out that special attention was paid to the presence of previous experience of work in election commissions. It was the absence of such background that was the main reason to deny many nominees membership on the election commissions.

Other criteria for the selection of candidates to the commissions were personality characteristics, including interpersonal skills, ability to work in the commission, reference from the employer, etc.

At the meeting in the administration of the Lieninski district of Mahilioŭ, the discussion of the nominees' personal and professional qualities included such characteristics as: "expert in the field", "well-versed in the profession", "winner of many sports competitions", "youth leader", "persistent in achieving one's goals" and even "first category in martial arts". No discussion of the candidates followed, however, as they were voted for in silence, and then the composition of the PEC was announced.

At a meeting of the administration of the Kastryčnicki district of Mahilioŭ, in cases when the number of applicants coincided or was less than the number of seats in the PECs, the speaker only voiced the type of nomination, which was followed by voting for a list of applicants without discussion. If the number of applicants exceeded the number of seats (6 PECs), each candidate was put on a separate vote. In such cases, the speaker, head of organizational and personnel work of the district administration A. Mysliuchyk, announced the type of nomination and added one characteristic — the presence or absence of previous experience of work in election commissions. If such experience was absent, those present unanimously voted "for" the candidate, when there was none — unanimously "against".

The formation of 38 PECs held at the Mahilioŭ district executive committee lasted nine minutes. Information about the nominees was not announced.

At a meeting in the administration of the Kastryčnicki district in Hrodna, the names of nominees and the type of nomination were announced for each of the 74 PECs, without specifying employment and positions. Then the entire list was put on a vote. The nominees were not discussed.

The observers report apparently discriminatory attitudes of the bodies that formed the election commissions to nominees from the opposition political parties and organizations. As a rule, the majority of those present voted against such nominees. Moreover, in most cases, the decisions referred to lack of previous experience of work on the commissions, or no reasons were called at all.

Sometimes the reasons for the denying membership to representatives of the opposition parties were absurd. For example, at a meeting on the formation of the PECs in the Maskoŭski district of Brest, none of the representatives of the opposition was elected, and the reasons for the decision were as follows:

Kuzmich from BPF — "failure to find information about his professional qualities";

Liauko from BPF — "in order not to distract him from his work, as he is a valuable employee";

Dzianisenka from "Just World" — "to be elected next time";

Miashkevich from the Belarusian Social Democratic Party "Hramada" — "could not be contacted for clarification of data";

Chapurnykh from "Just World" — "the working group learned that he has just undergone surgery";

Vakulenko from the Belarusian Social Democratic Party "Hramada" — "unemployed".

In some cases, the bodies that formed the commissions refused to consider the protocols on the nomination of representatives from the Belarusian Popular Front party due to the fact that these protocols only specified the numbers of the precinct election commissions, but did not mention the names and numbers of electoral districts, in particular, in the Kastychnicki and Lieninski districts of Hrodna, as well as in the Minsk region. According to the district administrations, each of these territories has its own numbering of polling stations and thus in the territory of one administrative district there may be two PECs with the same number. It is this context that was called essential in the submission of protocols for the nomination to the PECs.

It should be noted that the change in the numbering principle (lack of so-called continuous numbering of polling stations) did not affect all regions. Where the numbering principle remained intact and the duplication of polling stations was ruled out, there were no issues with the nomination documents (for example, in the Pieršamajski district of Viciebsk).

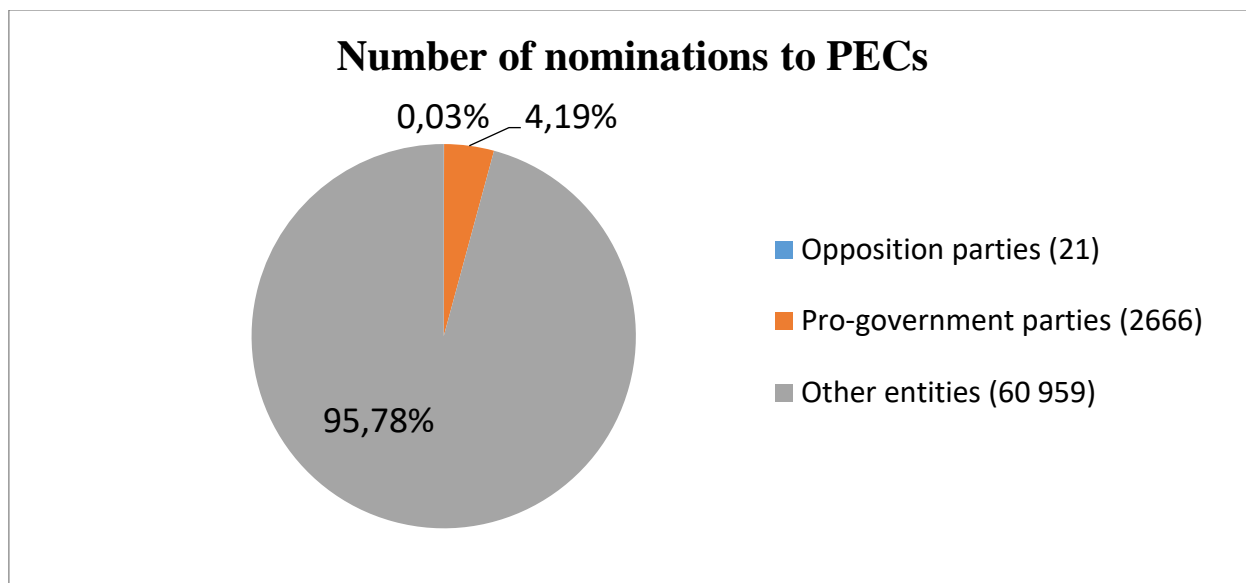
Experts of the campaign “Human Rights Defenders for Free Elections” believe that the principle of numbering of polling stations should be identical for all constituencies of the country, and in the cases the renumbering principle is changed (separate numeration of polling stations in each constituency), this must be reported to all stakeholders.

It should be noted that the sample protocol of the meeting of a political party’s or other public association’s local office (Appendix No. 19 to the CEC decision No. 30 of August 6, 2019) reads as follows: “to nominate to the precinct election commission of polling station No. ...”.

Thus, the proposed CEC samples documents does not specify the name and number of the constituency, which, as a result of changing the principle of numbering of polling stations (absence of so-called continuous numbering), in some cases resulted in refusals to consider (vote) documents for nomination to the PECs.

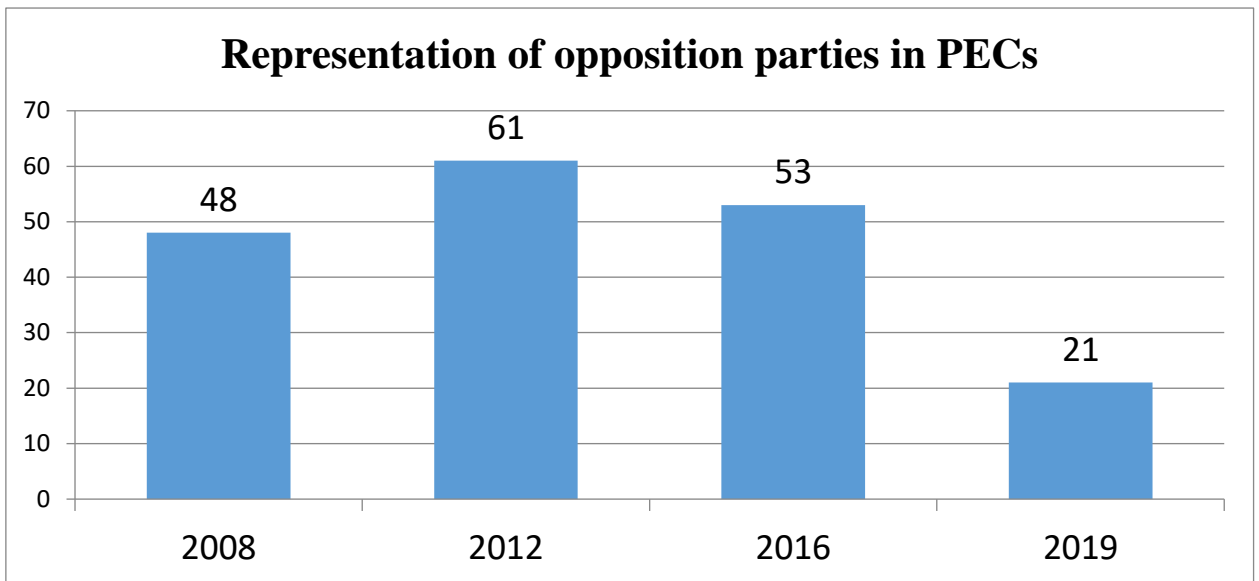
IV. COMPOSITION OF PECs

63,646 persons, or 94% of the total number of applicants, were elected to 5,785 PECs. Most of them are representatives of the five major pro-government NGOs and the trade unions of FPB — 27,790 persons or 43.8% of all the commission members. Only 5.2% of the commissioners are party members.

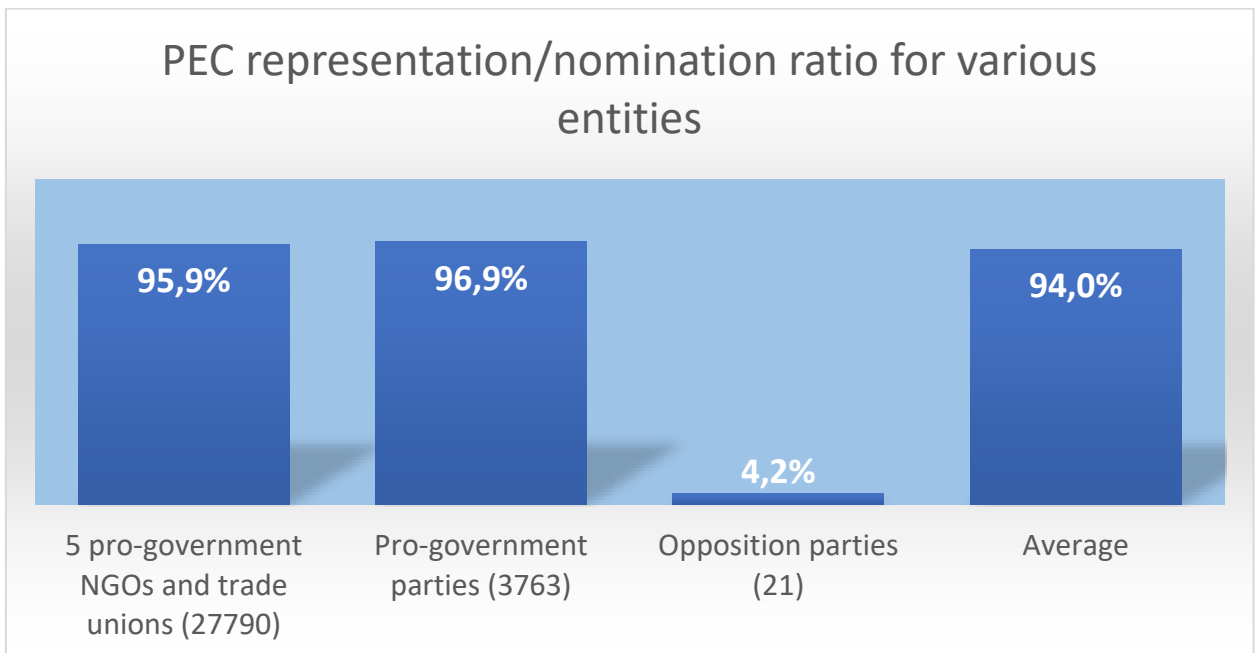


This year’s elections are marked by the record low (as compared to the last four parliamentary elections) proportion of the opposition parties in the commissions: only 21 out of 495 nominated

persons were included in the commissions. All the 54 nominees of the BSDP “Hramada” were denied membership.



A comparison of the admission ratio demonstrated by the opposition parties and that of the pro-government entities gives grounds to speak about the biased approach to the opposition candidates on the part of the bodies that created the election commissions.



As a result, representatives of the opposition parties were elected to as few as 21 out of 5,785 PECs, which leaves no chance for the opposition to influence the freedom and transparency of the basic electoral procedures, including the counting of votes.