



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Elections of members of Local Councils of the Republic of Belarus of the twenty-eighth convocation

Monitoring report on the formation of district election commissions

Observation 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".¹

The observation campaign involves 29 long-term observers.

EXECUTIVE SUMMARY

- *The district election commissions for the elections of members of Regional Councils and the Minsk City Council of Deputies (hereinafter — DEC)s are an important actor of the election process. The DEC)s' powers include, among other things, organization of the elections, management of the precinct election commissions, registration of nomination groups, campaigning, registration of candidates and their proxies, control over the preparation of voter lists, consideration of complaints against decisions and actions of precinct election commissions.*
- *As before, one of the essential issues of concern enshrined in the Electoral Code is a legal requirement for the presence of registered local structural units of the subjects of the electoral process, which is still a major obstacle in nominating representatives of political parties and public organizations to the DEC)s.*
- *There were no obstacles to the submission of applications for the nomination of representatives to the DEC)s. Information about the time and place of meetings of the authorities in charge of forming the DEC)s was published in due time on the websites of the executive committees and in local government-run media.*
- *All members of the campaign "Human Rights Defenders for Free Elections" had the opportunity to attend the meetings of the authorities in charge of the formation of the DEC)s, which is a positive development as compared to the local elections of 2014, when 43% of the campaign's representatives were denied the right to attend such meetings.*
- *The majority of the campaign's representatives, who were present during the formation of the DEC)s, had no opportunity to examine the documents submitted to nominate representatives to the DEC)s. Executive officials referred to the absence of such a right as the grounds for refusing access to nomination documents.*
- *During the formation of DEC No. 47 at a joint meeting of the Presidium of the Brest regional executive committee and the Brest Regional Council, an observer found that instead of 11 protocols and nomination applications, only 5 protocols and 1 application were available, which is a violation of the Central Election Commission's Regulation No. 36 governing the procedures of nomination of representatives to election commissions.*
- *The formation of the DEC)s involved the discussion of personal and professional qualities of nominated candidates, and in cases when the number of nominees exceeded the number of nominated the number of seats on the DEC)s, a rating-based vote was held. The formation*

¹ Belarusian Helsinki Committee, <http://belhelcom.org>; HRC "Viasna", <http://spring96.org/>

of the DEC's by the Viciebsk, Brest and Mahilioŭ regional executive committees involved no discussion of nominated candidates.

- *Political parties nominated to the DEC's 423 applicants, representing 9.5% of the total number of nominated candidates; public associations nominated 2,372 people, or 53.3% of the total amount of nominees; individuals nominated 1,255 persons, or 28.2 % of the total number of nominated candidates. Opposition parties nominated a total of 132 persons, or 31.2% of the total amount nominated by political parties or 3% of the total number of nominees.*
- *The level of representation of opposition parties in the DEC's remains extremely low. In particular, of 132 persons nominated by the opposition parties, only 22 people were included in the DEC's, or 16.7% of the number of nominated candidates (during the local elections in 2014 — 5.25%). For example: of 291 persons nominated by pro-government political parties, 271 people became DEC members, or 92.5% of the total number of nominees, and of 1,960 persons nominated by the five major pro-government public associations (BRSM, Belaya Rus, Women's Union, the Union of Veterans and Trade Union Federation), 1,871 were selected as commissioners, or 95.5% of their nominees. The total number of representatives of opposition parties on the DEC's is 0.53%. During the local elections of 2014, the figure was 0.25%.*
- *Executive officials still demonstrated an obviously discriminatory approach to the opposition parties during the formation of the DEC's, which was observed in earlier elections. The main criterion used in the formation of the DEC's is previous experience of work in election commissions. It should be noted that the introduction of a requirement to consider the candidates' professional and personal qualities did not contribute to greater political pluralism in the DEC's.*
- *The process of formation of the DEC's took place in an atmosphere of greater transparency as compared to the previous local elections of 2014, but in general the new practices and the results of the formation of the DEC's did not differ from previous election campaigns.*

LEGAL FRAMEWORK

In accordance with Art. 29 of the Electoral Code, the preparation and conduct of elections of members of local councils is administered by the DEC's and the TEC's. The latter exercise the powers of the DEC's in the districts of Minsk during the elections of members to the Minsk City Council (one commission is created in each district of Minsk). According to Art. 34 of the Code, the DEC's and the TEC's are formed by the presidiums of Regional Councils and the Minsk City Council, as well as regional and Minsk city executive committees of representatives political parties and other public associations, labor collectives, as well as representatives of citizens nominated to the commission by submitting an application. The DEC's shall include 9-13 members and be formed no later than 75 days before Election Day. The procedure for the nomination of representatives to the DEC's is governed by Art. 35 of the Electoral Code. The following actors have the right to nominate one representative to the DEC's: the governing bodies of regional and Minsk city branches of political parties and other public associations; assemblies of labor collectives at organizations or their local branches (with no less than 10 employees), provided they are located in the territory of the electoral district; a group of voters comprising no less than 10 people residing in the territory of the electoral district or the administrative district in Minsk and eligible to vote. According to Part 6, Art. 34 of the Code, at least one third of the commission members should be representatives of political parties and other public organizations. The commissions may not include judges, prosecutors, heads of local executive and administrative bodies. Civil servants should not constitute more than one third of the commission members. The meetings of authorities in charge of forming the commissions can be attended by representatives of political parties and other public associations, labor collectives and individuals who nominated

their representatives to the commission. The decision on the formation of commissions can be appealed in court within three days from the date of its adoption. The court shall consider the appeal within three days. Its decision is final.

In addition, the formation of the DEC's is regulated by a specifically adopted Regulation No. 36 of the Central Commission of 15 November 2017.

Despite the lack of a direct reference in the Electoral Code and the Central Commission's Regulation No. 36 to a possibility of nominating Russian nationals to the election commissions during local elections, this right proceeds from Art. 58 of the Code, according to which citizens of the Russian Federation residing in the territory of the Republic of Belarus have the right to participate in the elections of members of local councils in accordance with an international treaty between the Republic of Belarus and the Russian Federation. This international treaty is the Treaty on the Creation of the Union State, which was ratified by the Republic of Belarus on 24 December 1999.

NOMINATION PROCEDURES

Nomination of representatives to the DEC's took place in accordance with the Electoral Schedule² and was completed on December 4.

The process of formation of the DEC's was held against the background of poor, although greater as compared to the previous local elections, media support for the procedures. The websites of regional and Minsk city executive committees, as well as local media announced the time and place of the meetings, as well as the time and place of submitting the documents. Still, most of the campaign's representatives, who were present during the formation of the DEC's, had no opportunity to examine the nomination documents. Executive officials referred to the absence of such a right as the grounds for refusing access to the nomination documents.

The main problem traditionally faced by the opposition political parties when nominating their representatives to the DEC's is the absence of local registered branches at the district and city levels. In previous years, many of the branches were dissolved following claims by local departments of justice alleging violations of registration rules (registration in residential premises, in particular). The fact significantly limited the activity of the political parties in nominating their members to the DEC's.

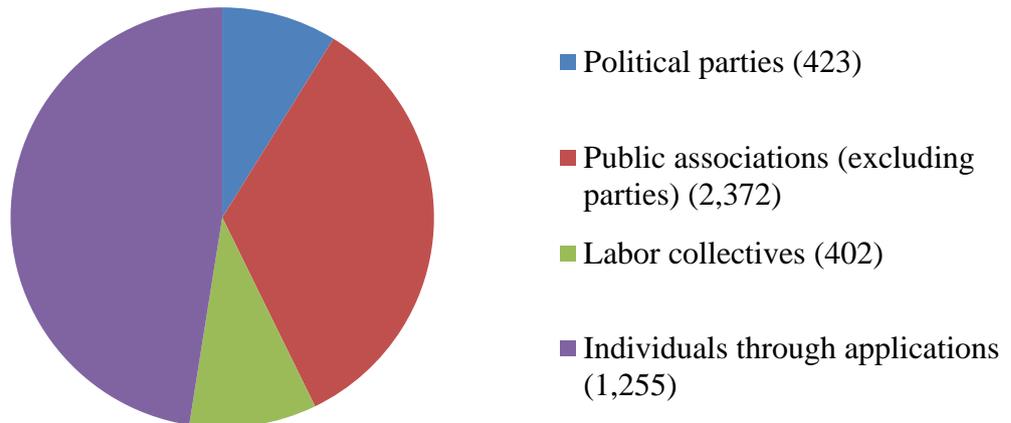
The campaign's observers did not encounter any cases of unjustified refusal to accept the nomination documents from the applicants.

According to CEC³, 4,452 representatives were nominated to 352 regional DEC's and 9 TEC's in Minsk. The CEC provides the following data on the nomination of representatives to the DEC's:

² <http://rec.gov.by/sites/default/files/pdf/Elections-MS28-post32.pdf>

³ http://rec.gov.by/sites/default/files/pdf/Elections-MS28-elect_10-11.pdf

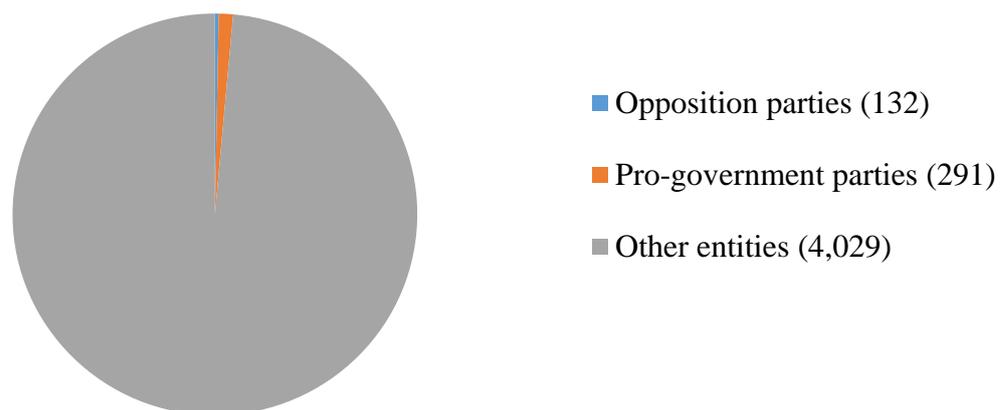
Nominations from various entities



Of the 15 registered political parties, 11 sent their representatives to the DEC, including 4 opposition parties: Belarusian Party of the Left “Just World” (72), United Civil Party (24), BPF (21), and Belarusian Social Democratic party (Hramada) (15). The registered parties nominated to the commissions a total of 423 representatives, or 9.5% of the total number of representatives; opposition parties — 3% of the total number of candidates nominated to the DEC. In total, according to the CEC, 132 representatives were nominated by the four opposition parties, which is 31.2% of the total amount of nominees from the parties.

There were no major changes in the composition of nominees as compared to the previous local elections. The activity of parties in nominating their representatives to the commissions is still extremely low.

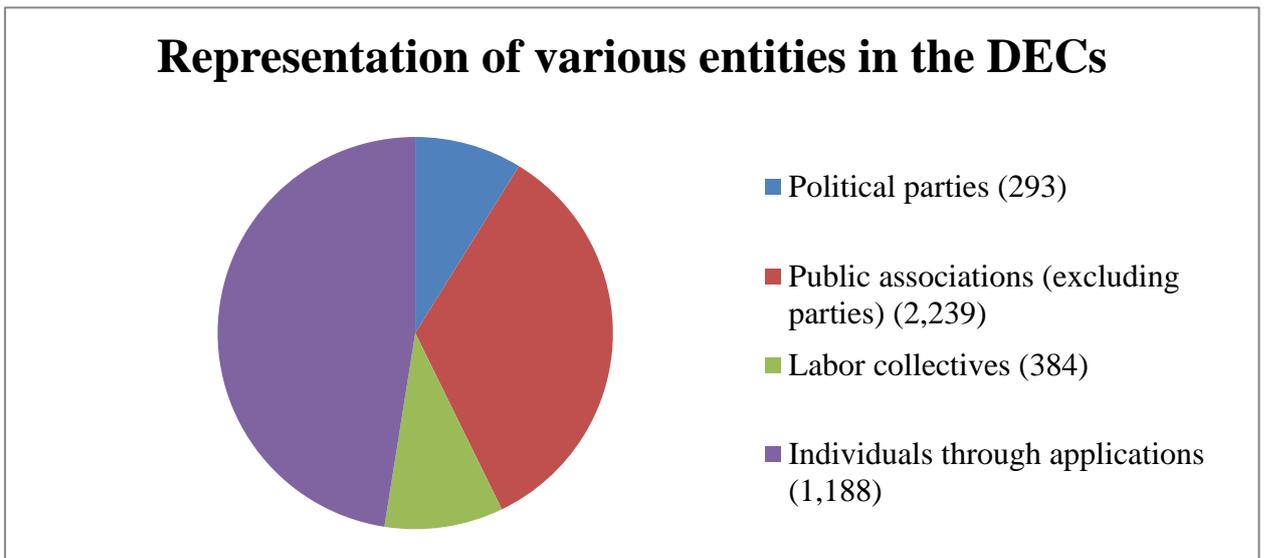
Nominations to the DEC from political parties, including opposition



Representatives of public associations and trade unions constitute more than a third of candidates nominated to the DEC. Meanwhile, only 5 organizations — public association “Belaya Rus”, Belarusian Republican Youth Union (BRSM), the Federation of Trade Unions of Belarus, the Belarusian Women’s Union and the Belarusian Public Association of Veterans — nominated 82.6% of all candidates from public associations and unions.

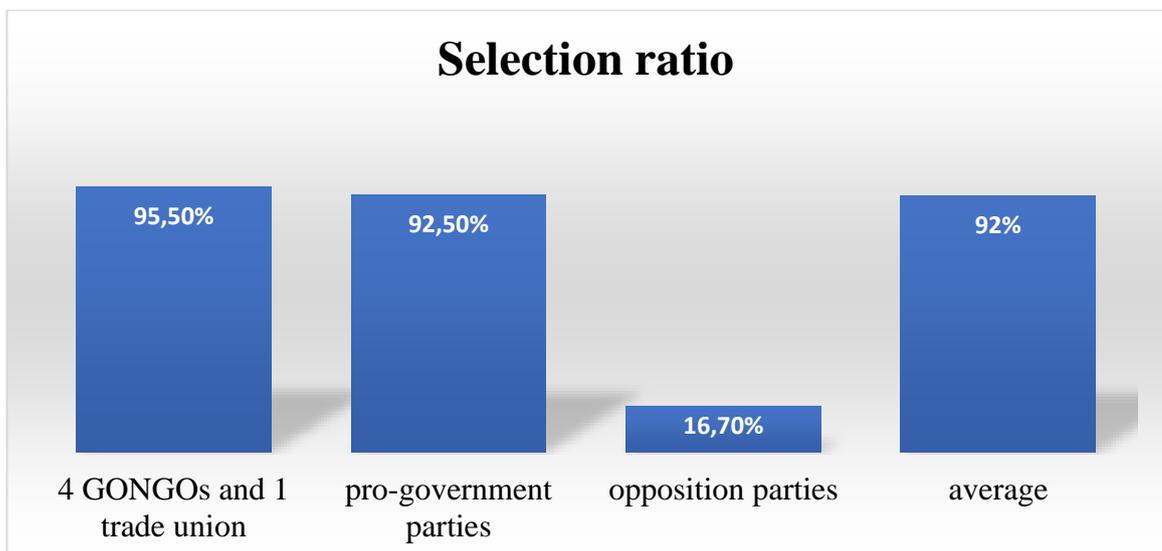
STRUCTURE OF FORMED COMMISSIONS

4,104 persons were elected⁴ members of 361 DEC, which is 92.2% of the nominees.



The activity of political parties was low. However, only 293 of the 423 nominees became DEC members. Most of them are members of the pro-government parties. Of 291 candidates from these parties, 271 people won seats on the DEC (92.5% of the total number of nominees). Meanwhile, of the 132 representatives of the four opposition parties nominated to the DEC, only 22 candidates were included in the commissions (0.53% of the total number of DEC members, or 16.7% of the total number of nominated representatives of opposition parties).

The four pro-government NGOs and one union are represented in the DEC by 1,871 persons, which is 95.5% of the total number of their nominees.



2 members of the DEC are citizens of the Russian Federation.

⁴ http://rec.gov.by/sites/default/files/pdf/Elections-MS28-elect_12-13.pdf

MEETINGS OF AUTHORITIES IN CHARGE OF FORMING THE DECS

The meetings themselves were in most cases extremely formal and did not involve discussion of personal and professional qualities of nominated candidates. For example, during the formation of the DECs at a joint meeting of the presidiums of the Homiel regional executive committee and the Homiel Regional Council, the nominees were discussed only when the number of applicants exceeded the amount of seats in the commissions. Rating-based voting was also conducted. However, if the number of nominees matched the number of seats, those present voted for a list of candidates, without specifying the names and characteristics of the nominees.

During observation of the formation of the DECs at a meeting of the presidiums of the Brest regional executive committee and the Brest Regional Council, it was found that recommendations by 'working groups' were taken into account in the selection process. Occupation of nominated candidates was not voiced.

In Viciebsk, chairman of the meeting read out information of unknown origin to characterize the entire commission, rather than specific nominees. The information included such language as, for example, 'all decent citizens who are able to successfully complete the task'. Voting on all the nominees was unanimous.

In Hrodna, head of department for organizational and personnel work of the regional executive committee announced the names of each of the 683 candidates, their date of birth, place of employment, position, and type of nomination. Then the participants of the meeting vote personally for each candidature, then the entire structure of the DECs was voiced and the decision was once again approved by vote. In most cases, however, a list of candidates was put on a vote when the number of nominees matched the number of seats on the DECs.

CONDITIONS OF OBSERVATION

The Electoral Code does not regulate the procedure for monitoring the formation of election commissions and the TECs in particular. This practice has been a constant target for criticism from both national and international observers during previous election campaigns. However, during the parliamentary elections in 2016 the situation was changed and regulated by the Central Election Commission.

The Central Election Commission's Regulation No. 36 of 15 May 2017 provided for the right of representatives of political parties and other public associations, whose observers have been accredited with the CEC, to attend the meetings of authorities in charge of forming the election commissions. After an observer from the Belarusian Helsinki Committee was accredited as an observer by the Central Election Commission, representatives of the NGO, which co-runs the observation campaign "Human Rights Activists for Free Elections", were allowed to attend the meetings of these bodies.

All the representatives of the campaign had the opportunity to attend the meetings of the bodies that formed the DECs. During the previous local elections, the campaign's representatives were denied that right in 43% cases.

Despite a legal right to attend the meetings, representatives of the campaign were in most cases denied access to nomination documentation. Under such circumstances, it was difficult to fully assess the correctness of the documents submitted for the nomination of persons who were eventually approved as members of the commissions. In most cases, the ban referred to the absence of such a right in the Electoral Code. For example, representatives of the Minsk city executive committee denied access to nomination documents referring to the 'classified nature the documents acquire upon their receipt by the government bodies'.