



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

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

Report on monitoring the formation of precinct 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 precinct election commissions (hereinafter — PECs) are the key actor of the election process. It is the PECs that directly organize and conduct early voting, voting on Election Day, and home voting, counting of the votes and tabulation at the polling stations.
- as in the previous local elections, one of the essential legally-enshrined obstacles to the nomination of representatives of political parties and public associations to the PECs is a requirement to possess registered local branches (at the regional, city, district, and city district levels).
- there were no significant obstacles to applying for the nomination of representatives to the PECs.
- all representatives of the campaign “Human Rights Defenders For Free Elections” had the opportunity to attend meetings of the authorities charged with the formation of the PECs, which is a positive development compared to the local elections of 2014, when in 52.3% of the cases the campaign's representatives were denied this right.
- Not all stakeholders, including representatives of the campaign “Human Rights Defenders For Free Elections”, had the opportunity to familiarize themselves with the nomination documents (minutes of the meetings of local branches of political parties, public associations, labor collectives, citizens’ applications). In 72.4% of the cases, representatives of bodies that formed the PECs denied access to this documentation, which prevents the observers from properly assessing the compliance of the selection procedures with the provisions of electoral legislation.
- the absence in the Electoral Code of a requirement for mandatory indication of the place of employment by candidates selected as PEC members does not allow to fully evaluate the composition of the formed PECs. At the same time, the Electoral Code prohibits certain categories of persons (judges, prosecutors, heads of local authorities) to be elected as PEC members. It also contains a quantitative restriction on the number of civil servants on the commissions.
- in 65.5% of the cases, the meetings of bodies that formed the PECs did not involve any discussion of the professional and personal qualities of persons nominated to the commissions. In cases where the number of applicants exceeds the number of seats on the commissions, a separate vote was held, but there was no discussion of each candidate.
- in 72, 4% of the cases, the campaign's representatives reported that a pre-arranged list of candidates to the commissions was put on a vote. This indicates that in most cases the formation

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

of the PECs was of a formal nature and the composition of the commissions had been pre-determined by the local executive authorities.

- the role of political parties in the formation of the PECs remains traditionally low. Of the 15 registered political parties in the country, 11 parties nominated their representatives to the PECs (a total of 3,932 persons, or 5.89% of the total number of nominations). Of them, four opposition parties nominated 237 persons (0.37% of the total number of nominations, or 6% of the total amount nominated by all the political parties).
- the majority of persons who applied for PEC membership were representatives of the four major pro-government associations (BRSM, Belaya Rus, Women's Union, and Veterans' Union) and the Federation of Trade Unions. In total, they nominated 24,725 persons (37.05% of all nominations).
- the results of the formation of the PECs indicate a persistent discriminatory attitude towards members of opposition parties and movements. In particular, only 26 persons (11% of the number of nominations) from the opposition parties were included in the PECs. For example, 30,091 persons nominated by the five pro-government associations were included in the PECs (97% of all their nominations); 95.9% of nominations by the pro-government political parties were approved as PEC members.
- the formation of the PECs during the current local elections was held in an atmosphere of greater transparency and openness than in the previous local elections of 2014, but the overall results and the procedures of formation of the PECs did not differ significantly from previous elections. The introduction by the Central Election Commission of requirement to discuss the professional and personal qualities of the candidates nominated to the election commissions failed to contribute to greater political pluralism in the PECs.

LEGAL FRAMEWORK

According to Art. 29 and 34 of the Electoral Code, the preparation and conduct of elections of deputies of local councils are administered by the PECs. They are composed of 5 to 19 persons and are formed by the district and city executive committees, and in the cities divided into districts — by local administrations.

The PECs are composed of members of political parties and other public associations, labor collectives, as well as representatives of citizens nominated through the collection of signatures.

The procedure for the formation of the PECs is regulated by a specifically adopted Resolution number 36 by the Central Election Commission of 15 November 2017.

Representatives of political parties and public organizations generally constitute at least one-third of the PEC members (this provision is not effective when forming the PECs in medical facilities). The PECs may not include judges, prosecutors, heads of local executive and administrative bodies. Civil servants may not constitute more than one third of the commission members.

Accessibility of the PECs for representatives of political parties and public associations is significantly limited by the electoral legislation. The right to nominate their representatives is provided to the governing bodies of local branches of political parties, and other public associations — to the precinct commissions located in the territory of the corresponding region, city of Minsk, district, city or city district. This right is granted to meetings of the parties' and public associations' primary offices, which have national or local government registration; they are entitled to nominate their candidates to the PEC, in whose territory they are located. Thus, national public associations which do not have institutional structures, are generally excluded from participation in the election process as part of the PECs.

The right to nominate candidates to the PECs is also enjoyed by the assemblies of labor collectives or labor collectives, their structural divisions (with the number of employees not less than 10 people), which are located on the territory of the electoral district; voters in an amount of not less than 10 people residing on the territory of the electoral district or an administrative district in Minsk and eligible to vote.

According to the Electoral Code, the meetings of the bodies in charge of forming the PECs may be attended by representatives of political parties and other public associations, labor collectives and citizens who nominated their representatives to the commission. The CEC's Regulation number 36 added to the list representatives of political parties and other public associations, whose members were accredited by the CEC as observers.

According to para. 9 of the decision, the meetings of the bodies in charge of forming the election commission should include the consideration of professional and personal qualities of the persons nominated to the commissions, and if the number of candidates exceeds the allowed amount, information on each nominee should be announced followed by an individual vote.

The provisions of Art. 13 of the Electoral Code do not provide details on the powers of observers at this stage of the election campaign, which is used to restrict observation conditions during the formation of the PECs.

The actors who nominated their representatives to the commissions have the right to appeal against the decision within three days after its adoption.

NOMINATION PROCEDURES

In accordance with the Electoral Schedule², the nomination of representatives to the PECs and the submission of documents to the authorities in charge of their formation were completed no later than 31 December 2017 inclusive.

The websites of regional executive committees and local media announced the time and place of receipt of the documents.

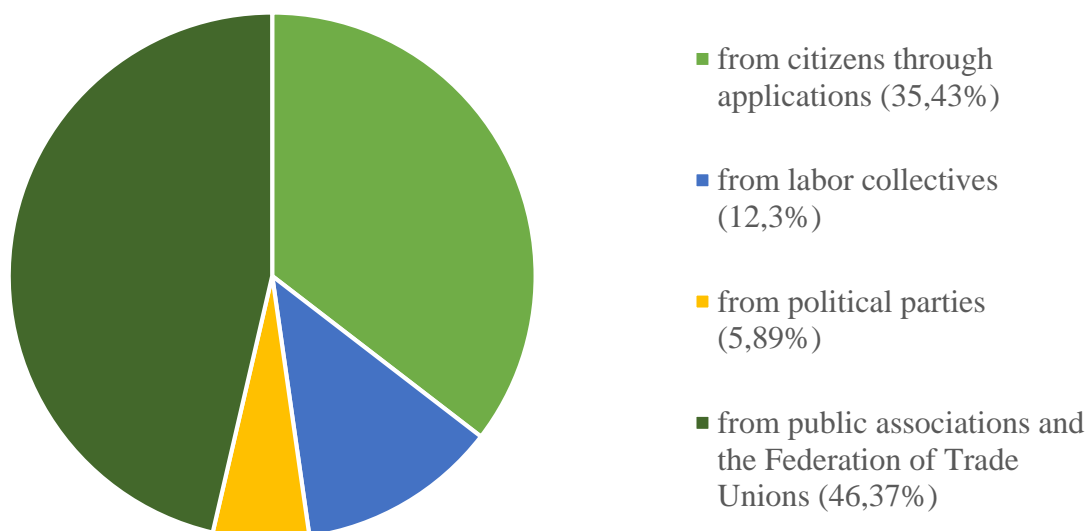
The observers did not document any refusals to accept nomination documents. Due to the fact that the parties and the national public associations that have no local branches or registration, are deprived of opportunities to participate in the electoral process as a part of the PECs, they nominated part of their members by collecting signatures.

In total, according to the CEC³, 66,718 candidates were nominated to the 5,870 PECs (nearly 10,000 less than in the previous local elections), including from citizens through applications — 23,641 representatives (35.43%), labor collectives — 8,207 (12.3%), political parties — 3,932 (5.89%), other public organizations — 30,938 (46.37%). The number of representatives of political parties and public associations remained virtually unchanged compared to the previous local elections, but the percentage of representatives of political parties and public associations has risen slightly due to a decrease in the number of candidates from citizens and labor collectives.

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_28-29.pdf.

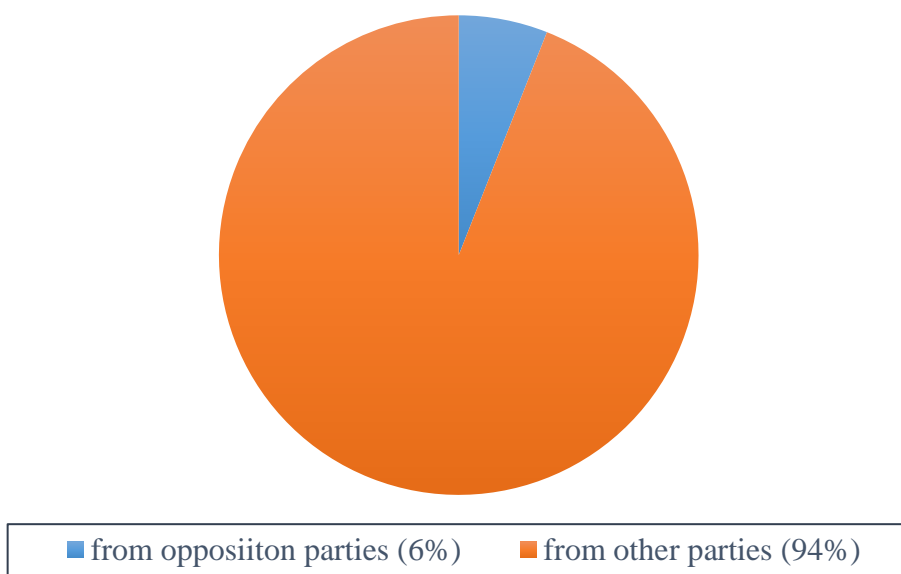
NOMINATIONS TO PECS BY ALL ACTORS



As in previous elections, the majority of candidates to the PECs were nominated by the pro-government associations and the Federation of Trade Unions, with the last putting forward 8,797 people (13.19%). Belaya Rus nominated 4,494 persons (6.74%), the Belarusian Republican Youth Union (BRSM) — 4,006 (6%), the Belarusian Women’s Union — 4,273 (6.4%), and the Belarusian Public Association of Veterans — 3,155 persons (4.73%). The five actors together nominated a total of 24,725 people (37.05%).

Eleven of the 15 registered political parties nominated their representatives to the PECs. Four opposition parties nominated 237 candidates, representing 6% of the number of representatives of political parties and 0.37% of the total number of applicants. Of these, the Belarusian Left Party Just World nominated 84 people, the Belarusian Social Democratic Party (Hramada) — 21, the United Civil Party — 83, and the BPF Party — 49 persons.

NOMINATIONS TO PECS BY POLITICAL PARTIES



MEETINGS OF AUTHORITIES IN CHARGE OF FORMING THE PECs

In accordance with the Electoral Schedule, the meetings of the bodies in charge of forming the PECs were held no later than 3 January 2018, inclusive, while the publication of decisions on the formation of the PECs should be carried out no later than seven days after their adoption.

According to the representatives of the campaign "Human Rights Defenders For Free Elections" who attended these meetings, in most cases, the officials voted for a pre-arranged list without discussing the professional and personal qualities of the candidates. In cases where the number of candidates exceeded the number of PEC seats, a personal vote was held, but in most cases without any discussion of each candidate. The main criterion that guided the representatives of the executive committees and administrations was the presence of previous experience of work in election commissions. It should be noted that the majority of the PECs were formed on a non-alternative basis.

The meeting of the executive committee in Baranavičy lasted one hour. During this time, the participants formed 34 district commissions. According to Siarhei Housha, observer of the campaign "Human Rights Defenders For Free Elections", the optimal number of commission members was not determined in advance, and as a result these commissions differed greatly in the number of their members, ranging from 5 to 19 people. The total number of elected members was 327 people. All of them are members of pro-governmental public organizations, including Belaya Rus, BRSM, Union of Veterans, Agricultural Trade Union, Trade Union of Workers of Culture and others. The rest are the nominees from labor collectives and from citizens put forward by collecting signatures. Pro-democracy representatives were not nominated to the Baranavičy district PECs. According to the observer, only the names of candidates and the method of nomination were announced at the meeting, while the place of employment was not disclosed. A general list of candidates was put on a vote with no discussion of the candidates.

According to observer Uladzimir Tseliapun in Mazyr, the candidates were not discussed at the meeting which formed the PECs, nor were their profiles read out, while the number of nominees coincided with the amount provided for by the electoral law.

According to observer Hanna Martynouskaya, the meeting of the Hlybokaje district executive committee lasted 52 minutes. At the suggestion of the committee's chairperson Aleh Morkhat, for the sake of 'saving time', only the number of applicants was announced, and when deciding on the formation of the PECs only the names of selected candidates were voiced. In each case, the one and only characteristic was voiced, 'fit, repeatedly worked on the PEC.'

Raman Yurhel, who observed the formation of the PEC of the Kastryčnicki district of Hrodna, said that 95% of the PEC members are the people who worked as election officials in the previous elections. The head of the district administration, Aleh Bialinski asked to vote on a list of candidates, if their number does not exceed the permitted amount. As a result, personal vote was held only for the PECs where the number of applicants was larger than the number of possible members. The criteria for selection were previous experience of work on the commissions and knowledge of the electoral legislation.

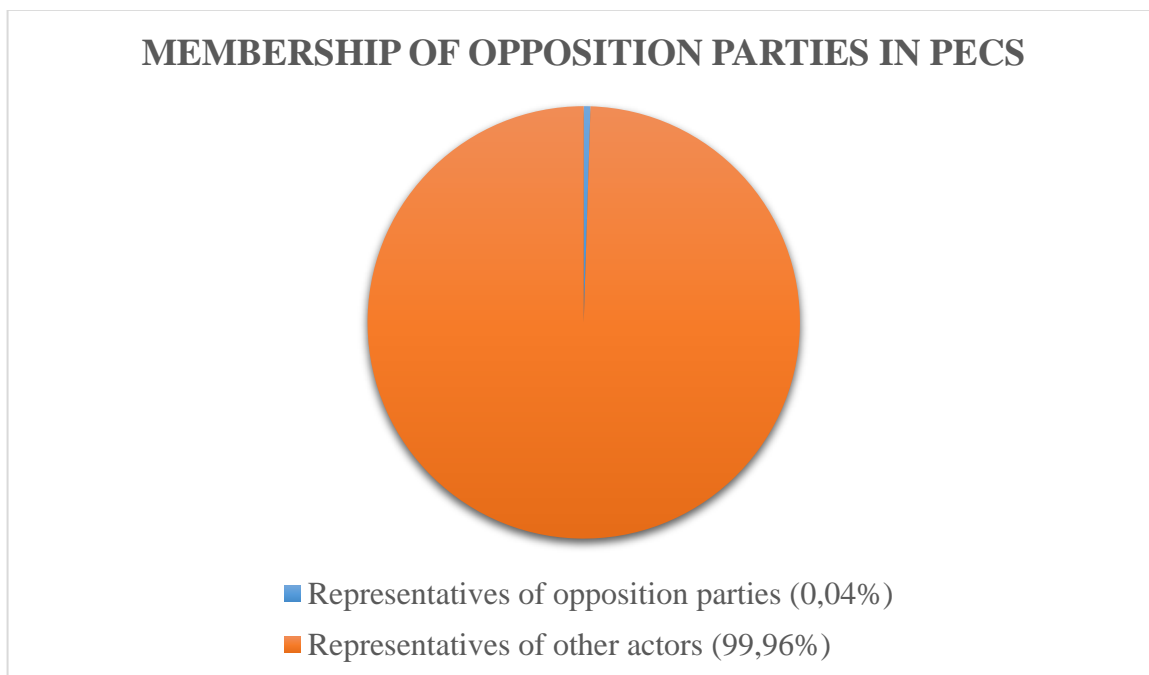
Observer Leanid Svetsik attended the meeting of the administration of the Kastryčnicki district of Vitsiebsk. According to him, at the beginning the chairperson Siarhei Stasheuski banned audio, video and photo recording. This prohibition applied to reporters, which deprived the formation of commissions from any openness and transparency. The officials also refused to publicly discuss each applicant, citing the fact that all the candidates were discussed ahead of the meeting. As a result, 62 district election commissions were formed in the district, which included 824 people. Of these, 38 (61% of the total amount) were unopposed. Opposition challengers from UCP (8 people), the Party of the Left "Just World" (5) and the Party of the Belarusian Popular Front (1 person) were not included in the precinct commissions. Official reasons were not explained.

Most observers reported an extremely formal nature of the meetings that formed the PECs.

COMPOSITION OF THE PECs

According to official data⁴, 5,870 PECs were formed in the territory of Belarus (300 fewer than in the previous local elections), which included 63,816 persons.

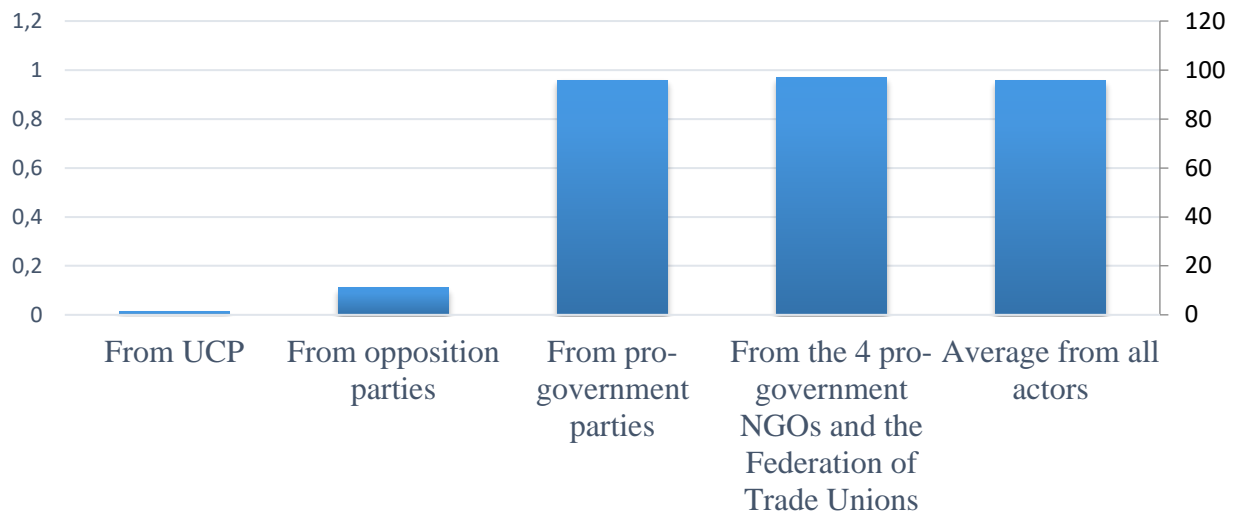
Representatives of political parties took 3,569 (5.59%) seats in the PECs, representatives of opposition political parties received 26 (0.04%) seats. Of the 83 candidates from the United Civil Party, the only party which has a seat in the Parliament, only 1 person became a PEC member. Thus, there is only 1 representative of the opposition per 225 precinct election commissions.



95.7% of nominees were eventually included in the commissions. Comparing the interrelation of successful nominations and the nominating party reveals an apparent discrimination against representatives of the opposition, e.g. only 1.2% of the UCP nominations. Only 11% of applicants nominated by all opposition parties joined the PECs, while the pro-governmental parties can boast a 95.9% ratio. 97% of the candidates nominated by the four major pro-government NGOs were elected PEC members.

⁴ http://rec.gov.by/sites/default/files/pdf/Elections-MS28-elect_30-31.pdf.

NUMBER OF REPRESENTATIVES IN PECS FROM VARIOUS ACTORS



The PECs included 8 Russian citizens. Female members in the PECs compose 72.58% of the total amount of commissioners. In the regional TECs, there are only 41% female members. Civil servants constitute 3% of the PEC members. In the DECes, they occupy 12.4% of seats, and in the regional TECs — 15.4%

CONDITIONS OF OBSERVATION

Despite the fact that the Electoral Code does not provide the opportunity to observe the process of the formation of election commissions, the Central Election Commission, just as during the last parliamentary elections in 2016, partially resolved the problem by issuing Decree number 36 of 5 May 5. 2017.

All the 29 participants of the campaign "Human Rights Defenders For Free Elections" had the opportunity to attend meetings of the bodies that formed the PECs. It is a positive factor compared to the previous local elections in 2014, when 52.3% of the campaign's representatives were denied such a right.

However, the observation of this phase of the elections revealed several traditional barriers to obtaining complete and reliable information on the procedures for the formation of the PECs.

In particular, in most cases (72.4%), stakeholders, including representatives of the campaign "Human Rights Defenders For Free Elections", were denied access to nomination documents (minutes of the meetings of political parties' and public associations' local branches, labor collectives, applications of citizens). Meanwhile, such information is essential for the evaluation of transparency of the process of forming the PECs, the validity of the documents and, accordingly, assessing the legitimacy of selecting (or refusing to do so) a specific representative to the PEC.

The absence in the Electoral Code of a requirement for mandatory indication of the place of employment for election commission members (only the type of nomination is specified) greatly complicates the analysis of the composition of the PECs. It is also noteworthy that the formation of election commissions is burdened by certain limitations for separate categories of people (judges, prosecutors, heads of local executive and administrative authorities), quantitative restrictions for civil servants and so on. In addition, of great concern is the traditional formation of the PECs under so-called 'employment principle,' when members of the commission and its chairperson are employees of the same company. Moreover, the latter is often their immediate superior.