



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 nomination and registration of candidates

October 21, 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

- the nomination and registration of candidates was not marked by any significant differences as compared to the previous parliamentary elections;
- almost all the nomination groups have been registered. 14 applications were rejected, which amounts to 2.7% of the total number of registration bids (more than two times less than during the elections in 2016);
- local authorities determined comfortable and favorable locations for signature-collection pickets. The list of places prohibited for signature collecting has not changed compared to the previous elections, while in some districts the lists were reduced;
- the collection of signatures was held in a calm atmosphere, and the activities of the nomination groups were not subject to major interference from the authorities;
- as during the previous elections, there were cases of using administrative resources in favor of pro-government candidates in their signature-collecting events. This is facilitated by the absence of the ban on collecting signatures on the territories of enterprises and institutions (in particular, education and healthcare facilities);
- 703 applicants for the deputy mandate had been nominated, which exceeds the amount of nominations during the last elections. There is a tendency of increased number of nominees among current deputies and representatives of local authorities. Despite the overall larger number of nominated candidates, the proportion of opposition representatives has decreased. The number of women nominated as candidates increased from 23% of the total amount in 2016 to 25% in 2019; among registered candidates — from 25% to 27%;
- according to the CEC, 560 candidates were registered, which is 81% of the total number of nominated applicants. 357 registered candidates had been nominated by political parties, which is 84% of the total number of nominated persons (424), or 64% of the total number of registered candidates. The percentage of refusals to register representatives nominated by the opposition parties is higher than that of the pro-government party nominees (22.3% of refusals to register nominees from the opposition political parties against 10% from the pro-government parties);

- against the background of the current opaque signature verification procedure, of particular concern is the large number of refusals to register opposition candidates nominated through collecting signatures. An analysis of some refusals indicates a possible abuse on the part of the election commissions during the document verification procedures, which could be aimed at preventing the well-known opposition leaders from continuing to run in the elections.

LEGAL FRAMEWORK

In accordance with the Electoral Code and the Electoral Schedule, the nomination of candidates for the House of Representatives starts 70 days before and ends 40 days before voting day (from September 8 to October 7 inclusive).

According to Article 65 of the Code, one of the ways of nominating candidates for deputies is the collection of signatures, which is carried out by a nomination group of no less than 10 people. In order to register a nomination group, the person nominated as a candidate should submit, not later than 65 days before voting day, to the corresponding district election commission a written application for registration of the nomination group, a copy of their passport, confirming the Belarusian citizenship and registration on the territory of the Republic of Belarus, as well as the list of members of the nomination group. The district election commission shall consider the application within five days from the date of its receipt, register the nomination group and issue certificates and subscription lists for the collection of voter signatures in support of the person proposed for nomination as a candidate for deputy. Registration may be refused in case of violation of the provisions of the Electoral Code. The decision of the district election commission to deny registration of the nomination group may be appealed by the person nominated as a candidate to the territorial election commission within three days from the date of its adoption. The decision of the territorial election commission may be appealed, within three days, to the Regional (Minsk City) Court. The court shall consider the appeal within three days. Its decision is final.

In accordance with the Electoral Code and the Electoral Schedule, the registration of candidates begins 40 days before and ends 30 days before voting day (from October 8 to October 17 inclusive).

The following documents specified by Article 66 of the Code should be submitted to the DEC: a statement of consent to run, curriculum vitae, copies of documents confirming degrees and place of employment, income and property declaration, information about the criminal record in case the person previously had criminal convictions. When nominating a candidate for deputy of the House of Representatives by collecting voter signatures, the registration also requires the submission of signature sheets. The registration documents can be submitted both by the potential candidate or their representative on the basis of power of attorney. Following a verification of the submitted documents and the authenticity of signatures of voters, the DEC shall decide on the registration of candidates and within two days after the registration shall issue candidates' certificates.

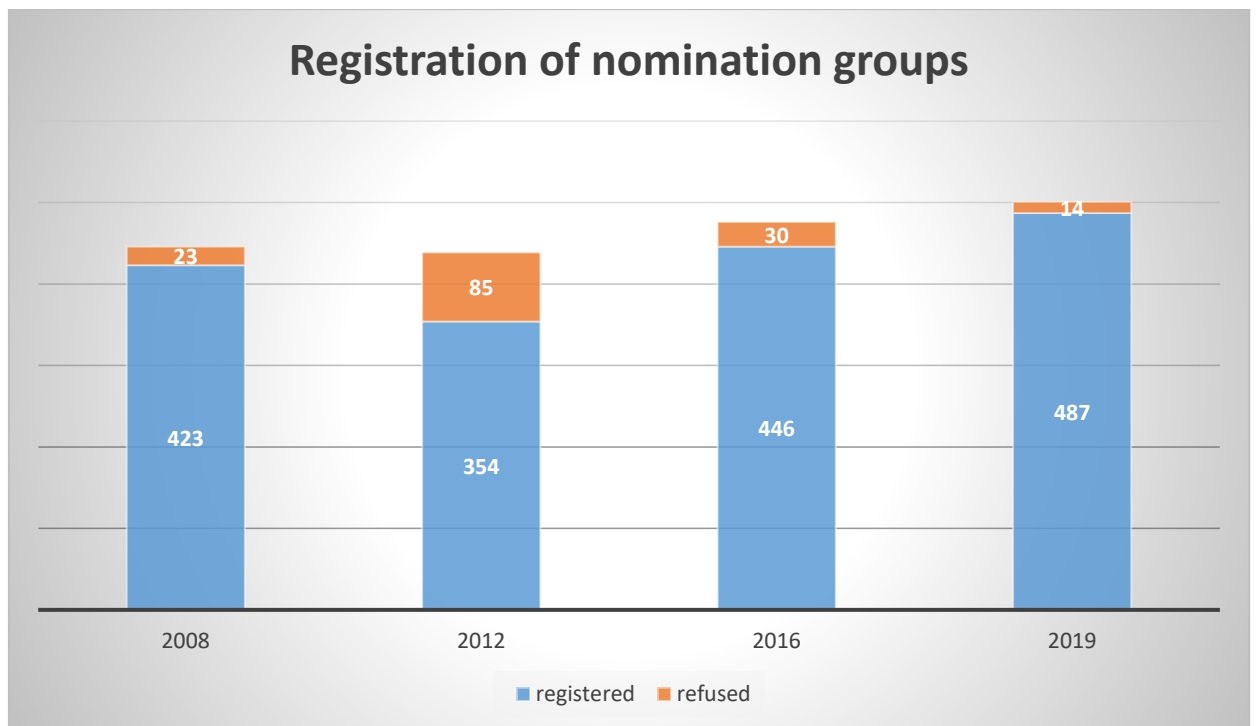
The Electoral Code provides for cases in which the DEC must or may refuse to register a candidate for deputy. The DEC shall deny registration in the case of: failure of a person to meet the Code's requirements to the candidate; criminal record of a person nominated as a candidate; failure to meet the requirements for the nomination of the candidate; failure to submit one or more of the documents necessary for the registration of the candidate; insufficient number of valid voter signatures collected in support of the nomination; use of funds or other material assistance from foreign states, organizations, or foreign citizens, international organizations; presence in the signature sheets of more than 15% of invalid signatures of voters of the total number of signatures;

in other cases of non-compliance with the procedure for the nomination as stipulated by the Code. The DEC has the right to refuse to register a candidate in the case of: presentation in the declaration of income and assets of incorrect information of essential character; taking advantage of official position; participation of government officials in the collection of signatures, coercion in the process of collecting signatures and rewarding voters for a signature; repeated violation by a potential candidate or a nomination group of the requirements of the electoral law, in the presence of an earlier warning. The DEC’s decision to deny registration shall be appealed to the superior election commission, and its decision — to the Regional (Minsk City) Court.

REGISTRATION OF NOMINATION GROUPS

According to the CEC¹, 503 applications for the registration of nomination groups were submitted. 2 applications were withdrawn prior to registration. 14 applications were rejected, which is 2.7% of the total number of applications. This is more than two times less than in the 2016 elections.

Year	Applications	Registered	Refusals	Percentage of refusals
2008	455	423	23	5%
2012	440	354	85	19.3%
2016	497	446	30	6.2%
2019	503	487	14	2.7%



Thus, this year’s elections are marked by the lowest percentage of refusals to register nomination groups in comparison with the three previous elections.

Of the total number of persons whose nomination groups were registered, party members amount to 115 people (23.6%), which is less compared to the elections in 2016 (160 people, or 33%). The bulk of registered groups are representatives of the Communist Party of Belarus — 28 (5.7% of

¹ <http://rec.gov.by/sites/default/files/pdf/2019/stat10.pdf>

the number of party members nominated through collecting signatures), the United Civic Party — 27 (5.5%), BPF — 16 (3.3%), and the Belarusian Left Party “Just World” — 17 (3.5%).

COLLECTION OF SIGNATURES

Locations for the collection of signatures

In preparation for the collection of signatures, local authorities had taken decisions that determined the places prohibited for pickets to collect signatures. As before, the amount of locations blacklisted by the local executive bodies was insignificant. According to most observers, the number of prohibited places remained the same as during the previous elections, or even decreased slightly (in Minsk, Mahilioŭ, Biaroza, Brest, Maladziečna, Hrodna, Orša, Kalinkavičy, Homieĺ, Rečyca, Barysaŭ, Svietlahorsk, and Kryčaŭ).

Signatures were collected in a relaxed atmosphere. The observers recorded no significant interference in the work of the members of nomination groups.

Abuse of administrative resources

During the current elections, as in the past, there were facts of abusing administrative resources by the pro-government nominees. In particular, students of the Baranavičy State University collected signatures during class time, as well as in the dormitory, for the nomination of the vice-rector for education Pavel Papko, who is running in electoral district No. 6.

Signatures were collected for the nomination of Valiantsina Nazaranka, chair of the Mazyr District Council of Deputies, running in electoral district No. 42, during lunchtime at the entrance of a local enterprise. This fact was confirmed by the nominee herself in her conversation with an observer in response to the question how one managed to collect the signatures of 16 voters residing in different districts of the city.

In electoral district No. 3 in Brest, signatures were collected in a children’s clinic for Anatol Dashko, current deputy of the House of Representatives, former chief physician of the facility.

The collection of signatures for Andrei Struneuski, chairperson of a local branch of the trade union of JSC “Belaruskali”, running in electoral district No. 68 in Salihorsk, was also marred by abusing administrative resources. The company’s employees working on fixed-term contracts were invited to the personnel departments of structural divisions to sign in pre-filled subscription lists.

There is evidence of other instances of the use of administrative resources by the administrations of education and healthcare institutions, as well as of state-owned enterprises. Examples include but are not limited to the following cases: employees are asked to come to work with their passports to sign for pro-government candidates, school teachers are often involved in the work of the nomination groups, students are collecting signatures at the request of the administration or professors, etc.

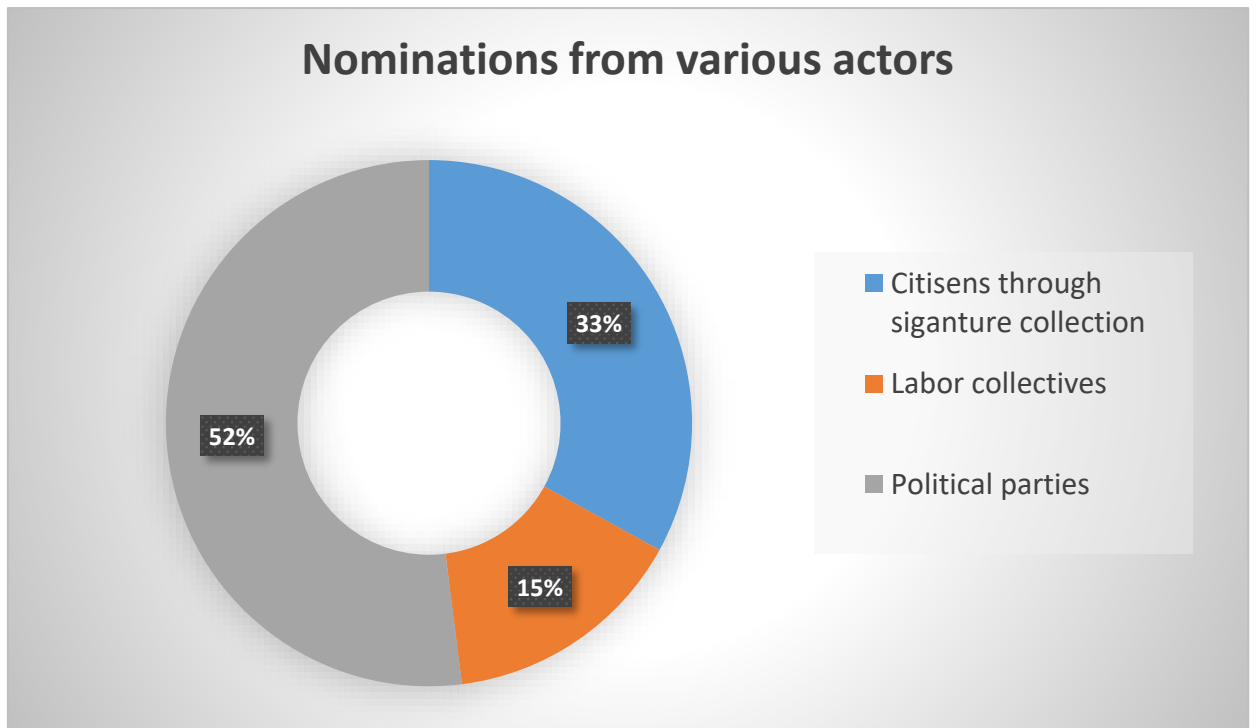
The absence of a ban on the collection of signatures on the territories of enterprises and institutions (in particular, education and healthcare facilities) creates the conditions for the use of administrative resources in order to collect signatures in favor of the pro-government candidates.

NOMINATION OF CANDIDATES

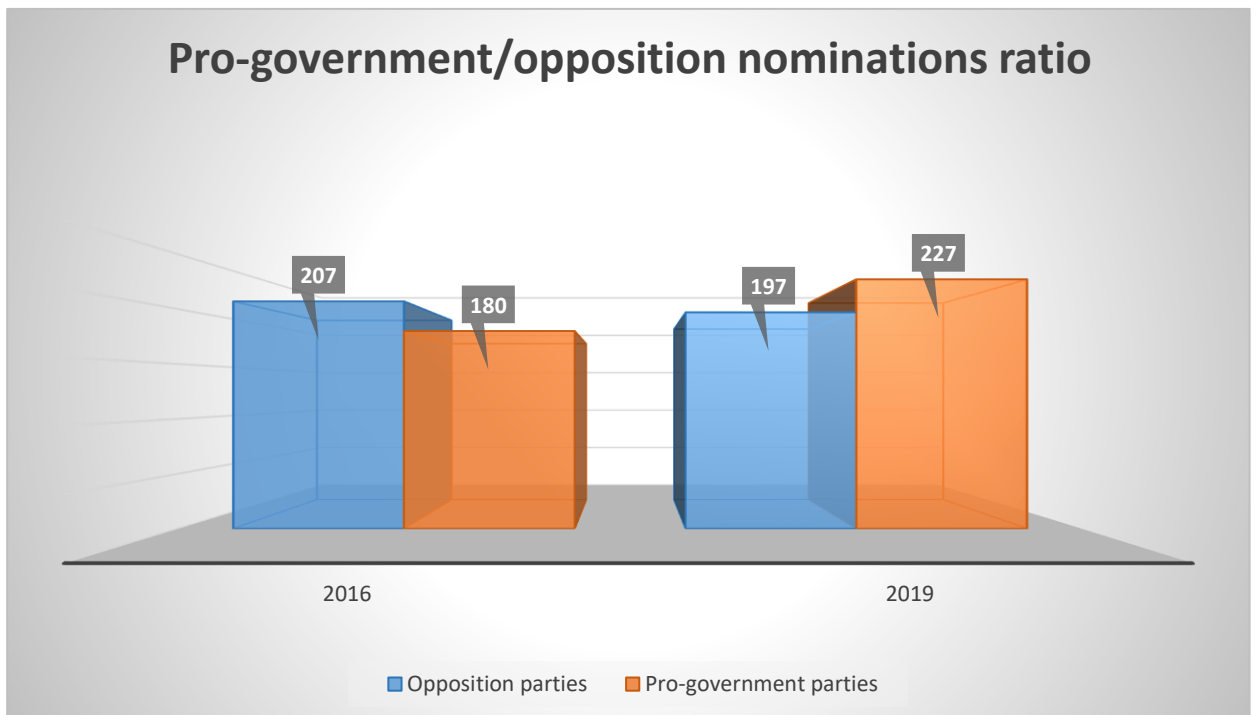
According to the CEC², 703 applicants for candidates were nominated, which exceeds the number of the last elections (630). Among the candidates, most nominees represent the political parties

² <http://www.rec.gov.by/sites/default/files/pdf/2019/stat11.pdf>

(424). 272 contenders were nominated by citizens through signature collection. Labor collectives nominated as few as 128 candidates.³



Representation of political parties among the nominees amounted to 424 persons, which is significantly higher than the corresponding figure in elections of 2016 (387 persons). A comparison of current data with the statistics of 2016 shows a change in the ratio of the candidates from the pro-government and the opposition parties. Despite the overall larger number of nominated candidates, opposition representation has declined.



³ Part of the candidates were nominated by two or three entities at a time

Most representatives were nominated by the following parties: Liberal Democratic Party (107), United Civil Party (56), Communist Party (54), Republican Party of Labor and Justice (43), Belarusian Social Democratic Party “Hramada” (43), BPF (38), and the Left Party “Just World” (33).

There is a tendency of increased representation of current MPs and local authorities. In 2016, 28 members of the House of Representatives and 51 deputies of local councils of deputies were stood for re-election. In 2019, 34 current members of the House of Representatives and 58 deputies of local councils of deputies are running for re-election.

The number of women nominated as candidates increased from 23% in 2016 to 25% in 2019.

REGISTRATION OF CANDIDATES

Verification of voter signatures

The verification of signatures is an important procedure aiming to authenticate the signatures of voters collected for the nomination of candidates for deputies. The Electoral Code does not provide for a direct right of observers to be present during the verification of signatures, but it follows from the principle of transparency and openness of the preparation and conduct of elections, enshrined in Art. 13 of the Code.

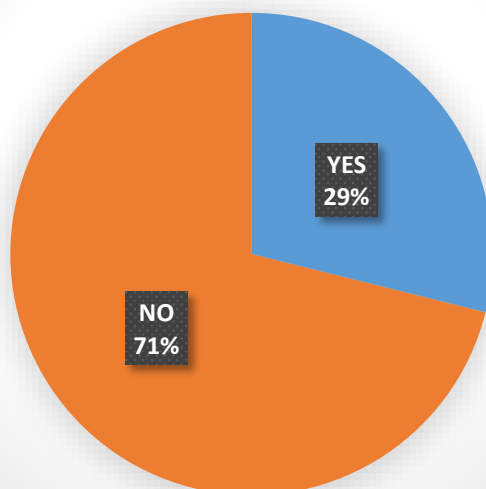
The observers of the campaign “Human Rights Defenders for Free Elections” had written to the DEC, requesting permission to monitor the procedure of authentication of signatures in the signature sheets. Most observers (71%) were denied the opportunity on the following formal grounds: “signature verification is a routine procedure within the DEC”; “observers are only entitled to attend the meetings of the commission, while signature verification is carried out not at the meeting, ” "presence of observers at the signature verification is not provided by law."

Some DEC (29% of the DEC covered by the observation) allowed the observers to monitor the procedure. In particular, DEC No. 102 in Minsk allowed observer Aliaksei Loika to attend the signature verification. However, the commission members accused him of interfering in the signature verification process. According to the observer, the procedure was not transparent, as he was forbidden to come closer to the table.

The campaign’s observers were also allowed to observe the signature verification procedure in DEC No. 6 in Baranavičy, DEC No. 59 in Smarhoń, DEC No. 26 in Orša, DEC No. 46 in Svietlahorsk, DEC No. 68 in Salihorsk, DEC No. 35 in Homieĺ, DEC No. 80 in Babrujsk, and some others. However, the formal admission of observers failed to result in greater transparency of the signature verification procedure, as observers were not able to see all aspects of the procedure.

DECs Nos. 85 and 88 in Mahilioŭ also allowed to observe the verification of signatures, while DECs Nos. 86 and 87 denied such possibility. It shows a lack of common approaches in the work of the DECs.

Could the observers see the verification of signatures in the DEC's?



According to the observers, the verification of the majority of data contained in the application forms and declarations of income and property lacked transparency and publicity. The procedure of selecting signatures for verification and the validation of the signatures together with the documents submitted for the registration of candidates remain highly opaque and allows manipulations in one direction or another.

Results of registration of candidates

According to the CEC⁴, out of 703 persons nominated as candidates for deputies of the House of Representatives, 560 were registered. 12 applications for registration were revoked. 131 persons was denied registration, which is about 19% of the total number of considered nominations. These include 55 representatives of the NGO “Movement For Freedom”, who, in violation of the Electoral Code, were nominated by the association’s conference. The decisions to deny registration to For Freedom representatives referred to the fact that, in accordance with para. 3 of Art. 60 of the Code, candidates can only be nominated by the political parties, labor collectives and citizens through collecting signatures.

Year	Nominations	Withdrawn	Refused	Registered	Percentage of refusals ⁵
2008	365	5	84	276	23.3%
2012	494	9	122	363	25.1%
2016	630	16	93	521	15.1%
2019	703	12	131	560	18.9% ⁶

The electoral authorities registered 357 persons nominated by the political parties, which is 84% of the total number of nominations (424), or 64% of the total number of registered candidates.

⁴ <http://rec.gov.by/sites/default/files/pdf/2019/stat13.pdf>

⁵ Of the total number of nominations excluding those who withdrew applications for registration

⁶ Including refusals to register candidates nominated by the Movement “For Freedom”, which, according to Art. 60 of the Electoral Code, is not entitled to nominate candidates for deputies

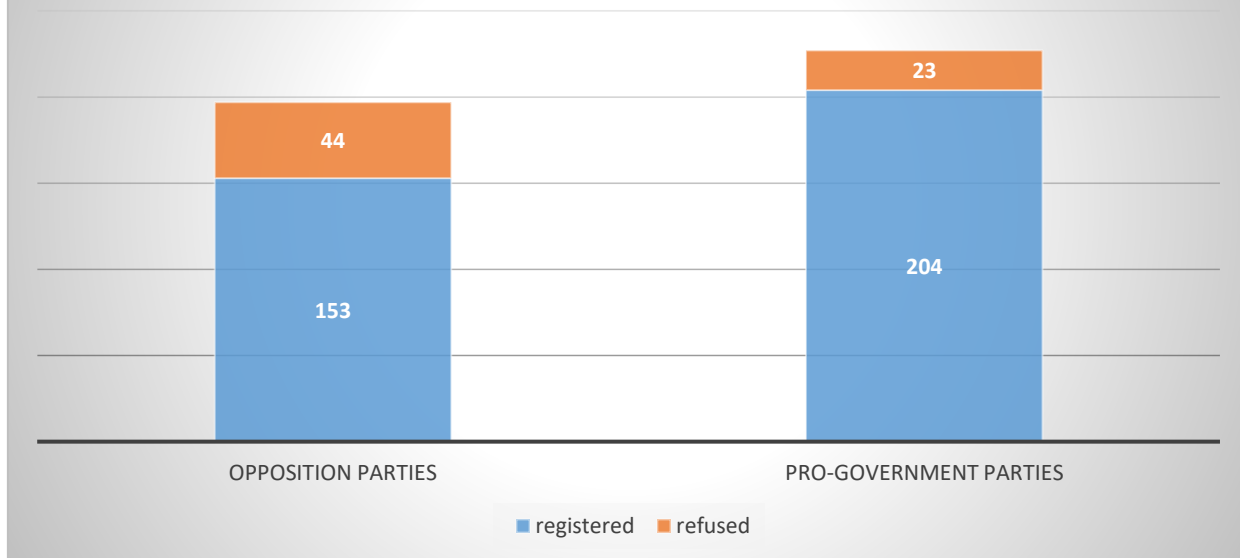
The results of the registration of nominees from the political parties are as follows:

Name	Nominations	Registered	Percentage of refusals
Belarusian Party “The Green”	7	4	43%
Belarusian Left Party “Just World”	33	27	18%
Belarusian Patriotic Party	16	10	37%
Belarusian Social Democratic Party (Hramada)	41	30	22%
Belarusian Social and Sports Party	1	1	0
Communist Party of Belarus	54	50	7%
Liberal Democratic Party	107	98	8%
United Civil Party	56	47	16%
Belarusian Social Democratic Hramada	22	14	36%
BPF Party	38	31	18%
Republican Party	6	5	16%
Republican Party of Labor and Justice	43	40	7%

Thus, the percentage of refusals to register representatives nominated by the opposition parties is higher than that of the pro-government party nominees. In particular, of the 197 opposition party nominees, 153 were registered as candidates, which is 77.7% of the total number of members nominated by the opposition parties (in the elections of 2016 — 85% were registered). At the same time, the commissions registered 204 out of 227 nominees from the pro-government parties, or 90% of the total number of persons nominated by the pro-government parties (in the elections of 2016 — 86%).

Against the background of the opaque signature verification procedure, of great concern is the large number of refusals to register candidates from the opposition who were nominated through collecting signatures. An analysis of some refusals indicates a possible abuse on the part of the election commissions during the document verification procedures, which could be aimed at preventing the well-known opposition leaders from continuing to run in the elections.

Pro-government/opposition candidates registration ratio



A total of 367 members of the political parties were registered as candidates, which is 65.5% of the total number of all registered candidates, as some of them were nominated only by collecting signatures, rather than through party congresses. Most registered candidates represent the Liberal Democratic Party of Belarus — 98 people, or 17.5% of total number of registered candidates, the Communist Party of Belarus — 57 (10.2%), and the United Civic Party — 47 (8.4%).

34 incumbent members of the House of Representatives, as well as 69 deputies of local councils, are running for re-election. Almost all of them were registered as candidates: 32 of the 34 members of the House of Representatives, or 94% of the total number of nominated candidates; 66 out of 69 deputies of local councils (95%).

It should be noted that Hanna Kanapatskaya and Alena Anisim, who are described as independent MPs, are the only two current members of the House of Representatives who have not been registered as candidates.

The proportion of women among the registered candidates is 27%, which is 2% higher than during the elections in 2016.