



HUMAN RIGHTS DEFENDERS **FOR FREE ELECTIONS**

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

Analytical report

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FINDINGS AND CONCLUSIONS

Elections of deputies of local councils of the 28th convocation, which began on November 14, 2017, took place against the background of an overall deterioration of the political situation in the country compared to the previous period of 'soft practices' lasting between August 2015 and February 2017. The period ended with a wave of protests caused by the application of Decree number 3, which was perceived by the authorities as a serious threat to political stability and resulted in repression against peaceful protesters, opposition activists and leaders, civil society members, independent journalists and human rights defenders. Politically motivated persecution was used, in one form or another, against over 900 people. Forty people were victims of politically motivated criminal prosecution.

Despite the fact that the overall situation stabilized by the year-end, the country's prisons continued to hold political prisoners Mikhail Zhamchuzhny and Dzmitry Paliyenka. The latter is a prisoner of conscience, according to Amnesty International. The authorities failed to drop criminal charges against activists of the independent trade union REP, Henadz Fiadynich and Ihar Komlik. In December 2017 and January 2018, the Ministry of Information blocked access to two popular independent online resources, Belarusian Partisan (www.belaruspartisan.org) and Charter 97 (www.charter97.org). Judicial and other harassment was still used against independent journalists working with foreign media without government accreditation (most notably, TV channel Belsat).

After the launch of the elections, the Belarusian authorities said that they were not going to finalize the process of further improvement of the electoral legislation in line with the recommendations of the OSCE ODIHR. Thus, the electoral law was not reformed and the elections to local councils were governed by the old rules and procedures, which have been repeatedly criticized, including by the OSCE ODIHR observers.

The elections were very passive and hardly visible to the public. Despite the absence of any significant violations and obstacles at the electoral phases of registration of nomination groups, collecting of signatures and election campaigning, the stages that followed, including early voting, counting of the votes and the tabulation of voting results in higher commissions, were marred by numerous manipulations, active use of administrative resources and lack of transparency.

Monitoring of all stages of the elections once again clearly emphasized the systemic problems inherent in the electoral process that need to be addressed.

The electoral process did not comply with a number of key international standards for democratic and free elections. This is evidenced by the lack of equal access to the media for all candidates, the absence of impartial electoral commissions, numerous cases of voter coercion to participate in early voting, and opacity of some election procedures for observers. The key reason for criticism is the lack of transparency of the vote count, which prevents the observers from viewing the announced election results as a reflection of the will of voters.

Election commissions

The formation of election commissions at all levels took place in an atmosphere of greater openness, as compared to the last local elections in 2014. All the representatives of the campaign "Human Rights Defenders for Free Elections" had the opportunity to attend meetings of the authorities in charge of the formation of election commissions, but in most cases the campaign's observers were denied access to the nomination documents, which were submitted to local executive and regulatory bodies.

The formation of election commissions, as in previous elections, was marked by a discriminatory approach towards representatives of the opposition parties in comparison with the nominees from the pro-government political parties and public associations, as well as labor collectives. In particular, only 20.6% of the nominees from the opposition parties were included in the territorial election commissions (TECs) (0.067% of the total number of TEC members), 16.7% — in the district election commissions (DECs) (0.53% of the total number of DEC members), and 11% — in the precinct election commissions (PECs) (0.04% the total

number of PEC members). At the same time, over 90% of representatives of the pro-government political parties and the five biggest pro-government public associations (Belaya Rus, Belarusian Republican Youth Union, Belarusian Women's Union, Belarusian Public Association of Veterans, and the Federation of Trade Unions of Belarus) won seats on the commissions.

Absence of specific criteria for the selection of candidates negate all efforts to appeal against the decisions of the bodies in charge of forming the commissions.

Representation of political parties in election commissions is still extremely low, reflecting the specifics of the Belarusian political system. The main actors of the election process (including election officials) are pro-governmental associations and labor groups.

Nomination and registration of candidates

According to the CEC, 17,542 nomination groups were registered, which is 99.9% of the total number of nominees.

Statistics of refusals to register and withdrawn nominations demonstrate the level of applying the technical procedures of registration (verification of signatures, declarations, etc.) in the political struggle. The audits were used selectively, primarily against opposition candidates. The number of refusals to register candidates for the Minsk City Council was 23%, the Councils at the district level — 1.5%, the rural councils — 0.3%.

78% of the campaign's observers were not admitted directly to the verification procedures and were not able to report a comprehensive and unbiased approach by the commissions. The observers were only able to attend the meetings where the results of verification were announced and decisions on registration were taken. This significantly reduces credibility of the work of election officials, calls into question not only individual decisions to refuse the registration of candidates, but also the decisions which allowed their registration.

Election campaigning

In comparison with the previous elections of local councils of deputies, this year's elections were marked by a greater number of locations for campaigning events, meetings with voters and posting campaign materials. These venues were also more convenient. When making decisions about campaigning locations, local governments were increasingly guided by the principle "everything which is not forbidden is allowed."

Much more candidates, as compared to the previous elections, filed notices of events under a simplified procedure. Accordingly, the number of announced election pickets increased. Traditionally, election campaigning events were more active in Minsk: one candidate announced an average of about 70 events.

Election commissions in the regions mainly failed to inform the public about the time and place of the meetings with voters. 30% of the campaign's observers in the regions reported that candidates were deprived of equal opportunities and could not meet with voters in the premises provided by the authorities. As during previous election campaigns, administrative resources were extensively used in favor of pro-government candidates.

There were no significant barriers to electoral pickets; however, there were elements of pressure at the pickets of opposition figures.

Early voting

As before, early voting was orchestrated by local authorities, administrations of government-owned enterprises and institutions. In some cases, the use of administrative resources in order to ensure voter turnout was accompanied by elements of control of the voters (forcing them to come or not to come to the polls) and threats of various disciplinary sanctions for those who do not want to take part in the elections.

Early voting remains one of the key areas of concern in the overall electoral process in Belarus.

Home voting

Home voting was accompanied by significant violations of the procedure under Art. 54 of the Electoral Code. The campaign's observers documented cases of voters' complaints to the PECs alleging that they did not request home voting.

33.3% of the observers reported cases when voters said, when visited by the PEC members, that they had not applied for arranging home voting.

50% of the observers noted the discrepancy between the number of home voters and the number of ballots issued to the PEC members to organize such a vote.

Voting at the polling stations and vote count

The Electoral Code does not describe the procedure of ballot counting. Recommendations of the OSCE ODIHR and the proposals of the campaign "Human Rights Defenders for Free Elections" on the exact and detailed resolution of the procedure through a decision of the CEC were not been taken into account during the election preparations.

The campaign's observers point out that the vast majority of the PECs covered by the observation carried out a joint and simultaneous counting of ballots, without announcing the voter's choice and demonstrating each ballot to those present. Such a procedure of counting of the ballots is not transparent and does not allow to correlate the results of observation to the data reflected in the protocol of voting results. 97% of the observers assessed the vote count as opaque.

During the observation of the counting procedures, the campaign's observers documented other violations of electoral laws: 7.1% of the PECs did not carry out a separate counting of votes, 42.3% of the PECs did not announce the results of the separate counting of votes, 53.6% of the observers were seated at a considerable distance from the tables on which the vote count was carried out, which prevented them from conducting a comprehensive observation of the procedure.

Appeals against violations of electoral law

Filing appeals against decisions and actions of commissions and other participants in the electoral process still fails to bring positive results, which makes actors in the electoral process rarely use the tool in practice.

INTRODUCTION

The campaign “Human Rights Defenders for Free Elections” is a non-partisan initiative co-run by the Human Right Center "Viasna" and the Belarusian Helsinki Committee. The campaign is aimed at evaluating the elections from the viewpoint of the Belarusian electoral legislation and international standards of free and democratic elections, as well as informing the Belarusian public and international community about the progress of the elections and results of observation.

The observation involved 29 long-term observers. The observers were accredited to the number of TECs and DEC, which covered more than 70% of the voters. The results of processing reports on separate stages of the elections were published in the form of corresponding milestone reports.

During early voting and on Election Day, monitoring was conducted by 102 short-term observers at 102 polling stations throughout the country. Their reports on the results of observation of the electoral procedures of voting and counting of votes revealed general trends in the organization of the electoral process and helped document the level of violations of the Electoral Code.

CONDITIONS FOR OBSERVATION

Traditionally, international missions of the OSCE ODIHR and the Parliamentary Assembly of the CIS were not invited to observe the local elections. International observation was carried out by representatives of some diplomatic missions in Belarus.

Besides the campaign "Human Rights Defenders for Free Elections", national monitoring was carried out by the campaign “Right of Choice – 2018”, bringing together eight political parties and movements.

Also, the observation was carried out by some pro-governmental public associations and political parties (Belaya Rus, Belarusian Republican Youth Union, the Belarusian Union of Women, the Federation of Trade Unions of Belarus and others). However, they failed to publish information on the results of this observation and to make recommendations for further improvement of the electoral process.

Observers of the campaign "Human Rights Defenders for Free Elections" generally did not face any serious obstacles and opposition to their professional activities. Traditionally, however, the following stages of the electoral process remained inaccessible to the observers’ scrutiny: formation of election commissions (lack of access to nomination documents), registration of candidates (monitoring the procedures of verifying signatures and access to other registration documents). As before, the observers could not observe the vote counting procedures, as well as procedures of tabulation at the higher district and territorial election commissions.

LEGAL FRAMEWORK

The legal framework of the country’s electoral system is composed of the Constitution, the Electoral Code and other legislative acts, as well as the Resolutions of the Central Election Commission.

After the local elections of 2014, the Electoral Code amended: the latest of the amendments made to Law number 268-3 of June 4, 2015, elaborates and expands the scope of prohibition on foreign funding of the electoral process. Campaigning for a boycott of the elections is prohibited under the threat of administrative responsibility. The changes also fixed the legitimate grounds for refusing to register a candidate.

Local elections are held in one round. The winner is the candidate who won the majority of the votes who took part in the vote (if only one candidate is running, the seat is won, if he or she receives at least half of the votes). There is no requirement for a minimum voter turnout for an election to be considered valid.

According to the Treaty on the Creation of the Union State, which was ratified by the Republic of Belarus on 24 December 1999, and under Art. 58 of the Electoral Code, 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 the procedures provided for by the Code.

Some earlier disputable issues, which in the previous local elections prevented to observe the formation of the commissions, were resolved by a decision of the CEC. Also, the CEC's decision No. 36 approved the procedure of the formation of election commissions.

Resolution No. 39 by the Central Election Commission of November 15, 2017 approved the procedure for informing citizens about the work on the preparation and conduct of elections to local councils.

As during the previous parliamentary and presidential elections, the Central Election Commission preserved the practice of selective publication of its decisions, which is not consistent with the principle of transparency of elections. By Election Day, at least six decisions of the CEC had not been published.

It is worth noting that the most sensitive moment of the elections, which has always aroused particular criticism of observers, namely the procedure for counting of the votes, as before, was not explained by any guidelines or decisions of the CEC. Immutability of the rules of the counting of votes from elections to elections demonstrates the CEC's unwillingness to organize a transparent counting.

The efforts of human rights defenders aimed at bringing the electoral legislation in line with the ODIHR recommendations have been ignored by the authorities.

ELECTION COMMISSIONS

In accordance with Art. 29 and Art. 34 of the Electoral Code, the preparation and conduct of elections of deputies of local councils are carried out by the district election commissions (DECs), the territorial election commissions (TECs), which exercise the powers of the DECs in the districts of Minsk during the elections of members to the Minsk City Council (one commission is created in each district of Minsk), and the precinct election commissions (PECs). According to Art. 34 of the Code, the DECs and the Minsk TECs 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 PECs 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 procedure for the nomination of representatives to the commissions is governed by Art. 35 of the Electoral Code.

Election commissions are one of the key mechanisms of the electoral process at the local elections. Their activities determine whether local elections meet the standards of free and democratic elections.

The campaign's observers documented no significant impediments to the reception of nomination documents by representatives of the bodies that formed the commissions.

Almost all representatives of the campaign had the opportunity to attend the meetings of the bodies that formed the commissions. This was a positive result of the settlement of a long-standing issue by the Central Election Commission's Regulation number 36 of November 15, 2017. During the local elections of 2014, 46% of the campaign's representatives were not allowed to attend the meetings of bodies in charge of forming the commissions.

Representatives of the campaign were in most cases denied access to nomination documents, and in those cases where it was allowed the documents were only displayed by representatives of the bodies that formed the commissions. Under such circumstances, it was difficult to fully assess the correctness of information provided by the nominees who were eventually approved as members of the commissions.

Access was denied on various grounds, including a reference to the absence of legal regulation (Viciebsk regional TEC), "absence of necessity" (Orša district TEC), without any explanation (Minsk city TEC), absence of necessary documents (Mazyr district TEC), "classified information" (Hlybokaje district TEC), and direct prohibition to disclose information prescribed by the law (Baranavičy district TEC). In Salihorsk, the observer's request was put on a vote and access to documents was denied. 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'.

The meetings of the bodies that formed the election commissions were generally held in a formal manner and did not include the discussion of personal and professional qualities of nominated candidates. The duration of meetings of bodies forming the commissions was in many cases insufficient. For example, the Mahilioŭ district TEC was created in just 8 minutes, and the municipal and district TECs in Baranavičy — in 9 minutes each.

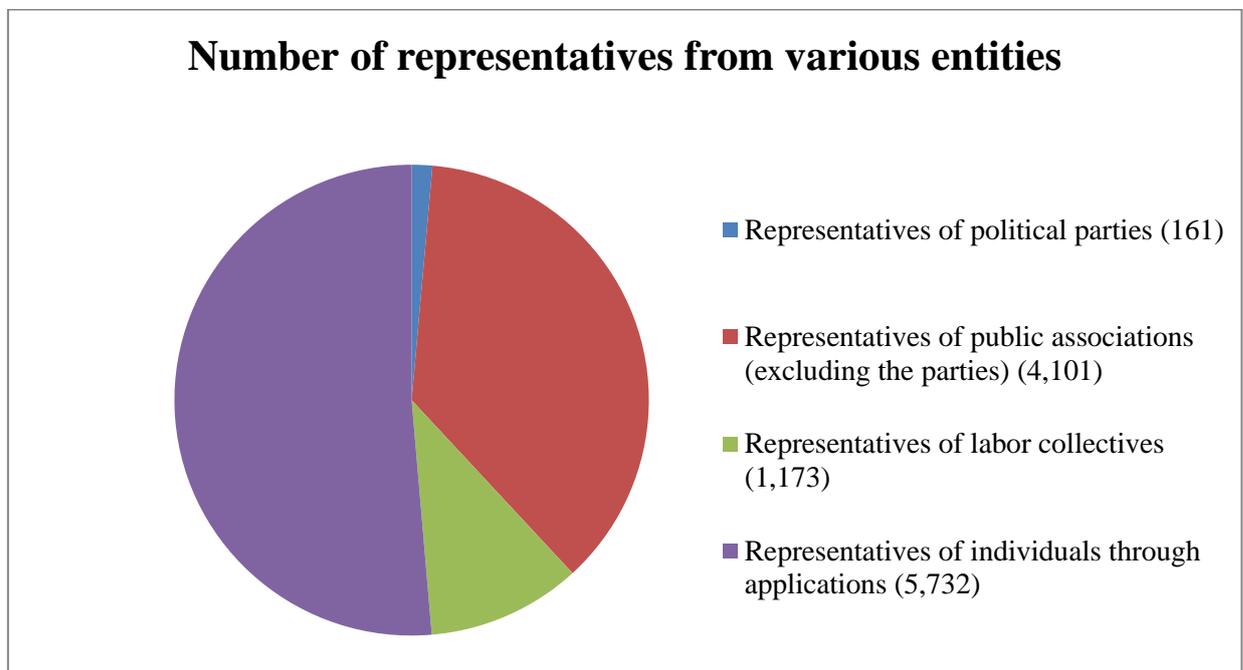
There was no discussion of the candidates at 42.9 % of the meetings. During the formation of the Barysaŭ district TEC and the Mahilioŭ city TEC, personal qualities of applicants were discussed, but the voting was conducted for a pre-arranged decision. The main criterion was earlier experience of work in the election commissions. Opposition representatives were not allowed to join the commissions for various reasons, including "previous work in the TEC with no activity", "breaking the law", and "absence of experience."

During observation of the formation of the DEC's at a meeting of the presidiums of the Brest regional executive committee and the Brest Regional Council, it was found that

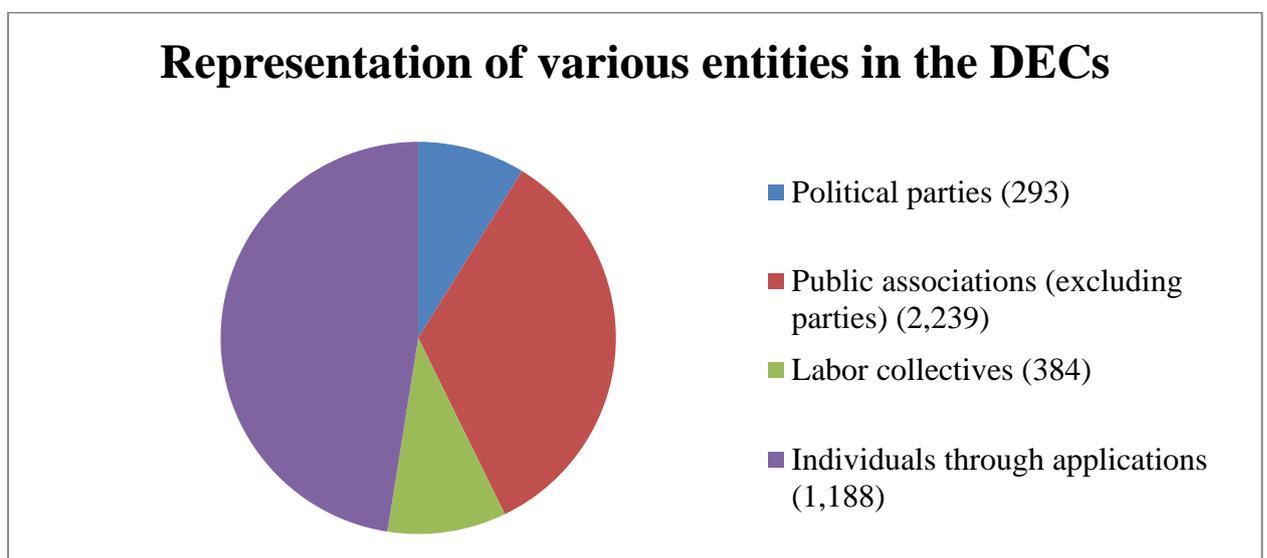
recommendations by 'working groups' were taken into account in the selection process. Occupation of nominated candidates was not voiced. In Viciebsk, chairman of the meeting read out information of unknown origin to characterize the entire commission, rather than specific nominees. The information included such language as, for example, 'all decent citizens who are able to successfully complete the task'. Voting on all the nominees was unanimous.

In most 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. 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.

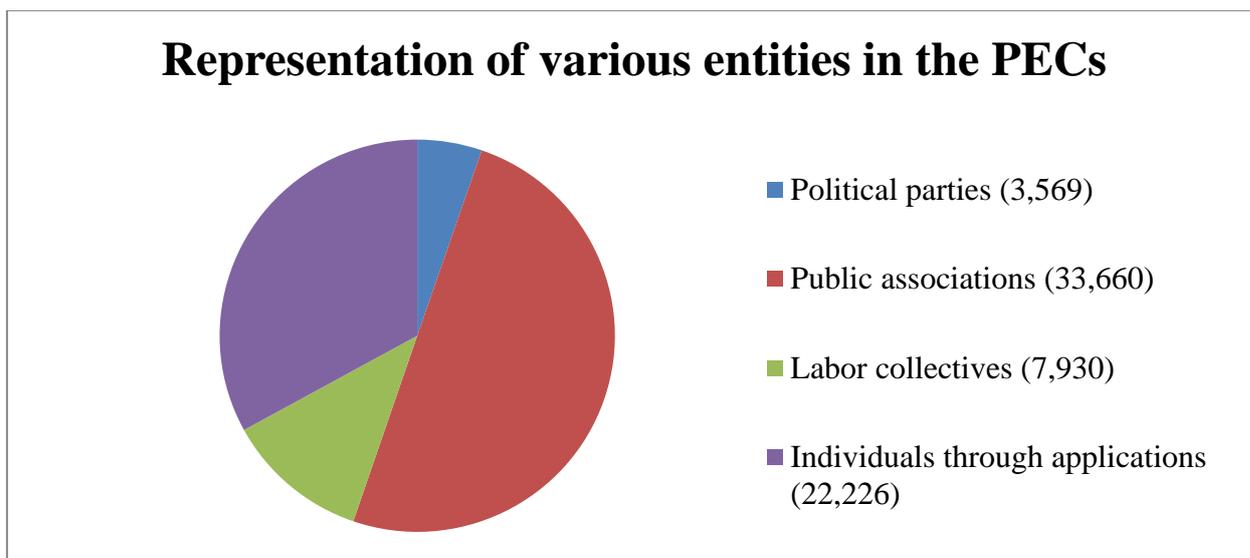
10,499 persons were selected to the 1,309 TECs, or 94% of the nominees.



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



5,870 PECs were formed (300 fewer than in the previous local elections), which included 63,816 persons, or 97% of the total number of nominees.

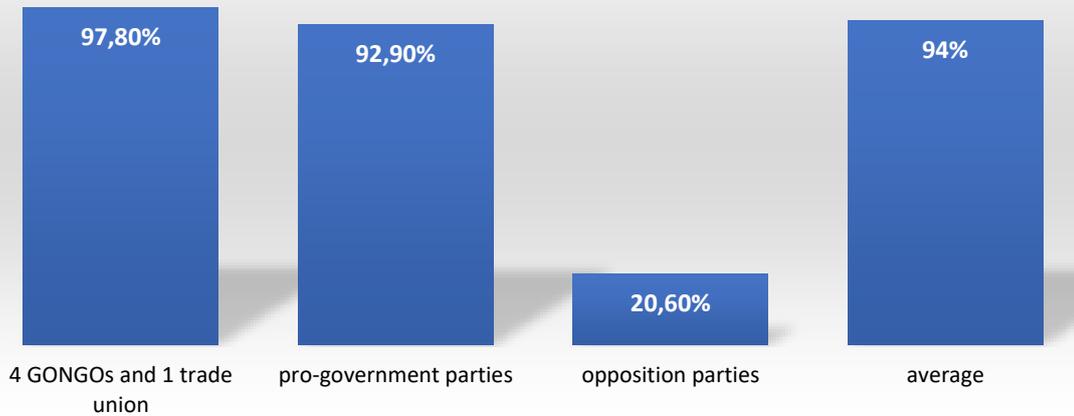


Activity of political parties was low. However, of the 161 party nominees only 125 representatives were included in the TECs, 293 of the 423 nominees became DEC members, and 3,569 nominees won the PEC seats out of 3,932 nominated party members. Most of them were members of the parties loyal to the current government.

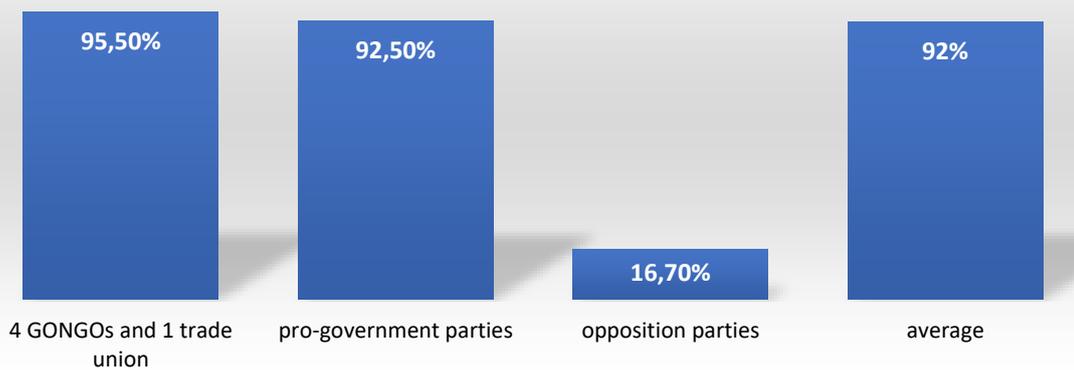
The four pro-government public associations and one trade union (Belaya Rus, Belarusian Republican Youth Union, Belarusian Women's Union, Belarusian Public Association of Veterans, and the Federation of Trade Unions of Belarus) were represented in the TECs by 3,678 members, which is 97.3% of their nominees; in the DECs — 1,871 representatives, or 95.5%; in the PECs — 97%.

Representatives of the opposition parties were present in only 7 of the 1,309 TECs; in 22 of the 361 DECs; and as few as 26 seats in the total of 5,870 PECs. The figures do not depend on the activity of politicians: the ratio of representatives of opposition parties nominated to the commissions and the number of representatives of opposition parties included in the commissions significantly differs from the results of other applicants:

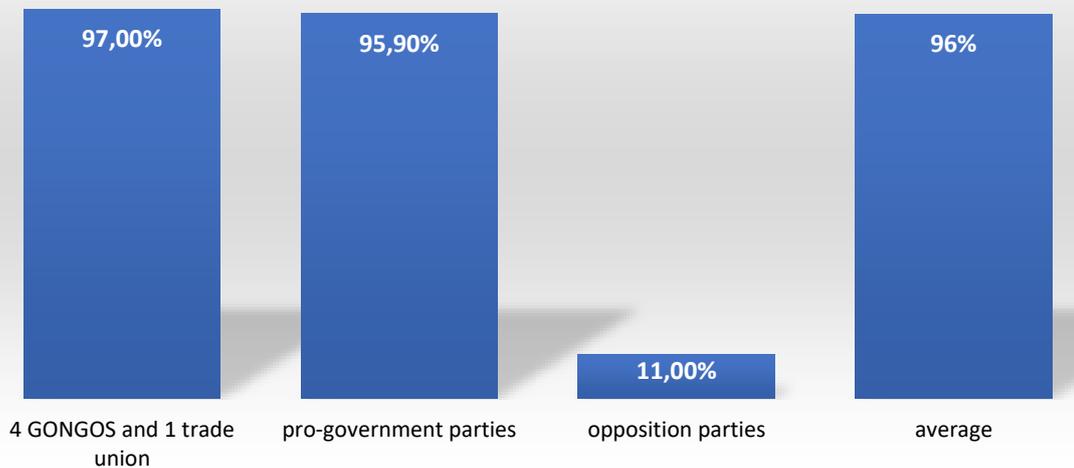
NUMBER OF TEC MEMBERS BY NOMINATION ENTITY



NUMBER OF DEC MEMBERS BY NOMINATION ENTITY



NUMBER OF PEC MEMBERS BY NOMINATION ENTITY



The campaign's observers reported an apparent bias on the part of the authorities against members of the opposition political parties during the formation of the election commissions.

11 members of village and rural TECs, 2 members of DEC's and 8 members of PECs are citizens of the Russian Federation. The proportion of women in the PECs is 72.58% of the total composition. In the regional TECs, there are only 41% female members. Civil servants in the PECs compose 3%, with 12.4% in the DEC's, and 15.4% in the regional TECs.

NOMINATION AND REGISTRATION OF CANDIDATES

In accordance with Art. 60 of the Electoral Code, the right to nominate candidates for deputies of local councils belongs to political parties, labor collectives and citizens (through signature-collecting). Collection of signatures may be conducted in the form of picketing. No permission is required if it is held in places not prohibited by local executive and administrative bodies.

Participation of administrations of organizations in collecting signatures, as well as coercion in the process of collecting signatures and reward to voters for signing is not allowed. Applicants for the status of a candidate do not have the right to involve their subordinates in working hours in the implementation of nominating activities. Failure to do so may be grounds for refusal of registration. The signature sheets shall be submitted to the corresponding DEC to validate the signatures of voters and to authorize the registration of the candidate.

The Electoral Code has not regulated the ability of observers to attend the verification of signatures and other documents submitted for registration. Given that one of the grounds for refusal of registration of candidates is inaccurate signatures for nomination and other documents, monitoring the compliance of their verification with the provisions of the Electoral Code is still crucial.

The procedure of verification of signatures is regulated by Art. 67 of the Electoral Code. Verification does not affect all signature sheets. If the number of invalid signatures reaches a certain percentage, the counting stops and the candidate is denied registration.

The registration of nomination groups and the issuance of certificates and signature sheets to members of these groups took place according to the Schedule. The CEC reported that 17,542 nomination groups were registered. As few as 16 nomination groups were denied registration, 7 applications were withdrawn and 1 application was not considered. It should be noted that all the nomination groups formed to nominate members of political parties were registered; refusals of registration only affected non-party nominees. Compared to the previous elections, the number of failures in the registration of nomination groups decreased by more than two times. Thus, 2.6% of the total number of registered nomination groups are those formed to nominate party members.

Almost all observers reported certain liberalization of signature-collecting procedures. As compared to the elections in 2014 and 2016, the situation in Homiel has changed for the better: the number of places prohibited to collect signatures has decreased significantly, but this year the city's central square was added to the list. The situation has improved in Maladziečna: collecting signatures is only forbidden on railway platforms and public transport stops. In Mahilioŭ, the number of prohibited places has significantly decreased. Similar information has been received from other regions. 100% observers of the campaign "Human

Rights Defenders for Free Elections" reported that at the stage of collecting signatures nomination groups were not hampered by the authorities.

There are still numerous cases of abusing administrative resources. In Orša, signatures for candidate Kazlova, director of the local branch of the Belarusian State University of Transport, running in electoral district number 24, were collected by her subordinates during working hours. Dormitory supervisor collected signatures from the college students.

The verification of signatures and other documents submitted for registration was still opaque. Only 22% observers were allowed to monitor the procedures. 85% observers responded negatively to the question of whether the validation of information about the candidates in their applications and declarations of income and property was open and public.

At the same time, there were some positive results of observers' interaction with the commissions. On January 16, Leanid Sudalenka was allowed to attend the meeting of a working group of the Homieĺ city election commission in charge of verifying the signatures and documents of persons nominated as candidates for the City Council of Deputies. Observer Raman Yurhel in Hrodna said that he was allowed to view the collected signatures and documents of the three candidates running in electoral district number 11. Observer Viktar Adzinochanka was not forbidden to access the data in district election commission No. 18 in Homieĺ. However, he was not able to do so because of inaccurately specified time of the meeting.

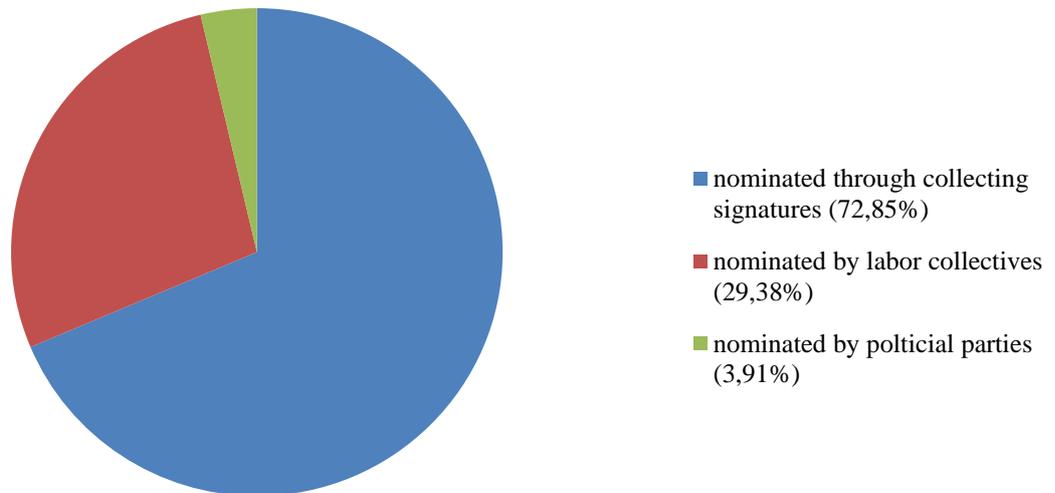
The election commissions announced reasons for denying registration. In particular, the Mahilioŭ city election commission did not register 12 candidates (including a pro-government nominee, director of Belgosstrakh's city office). It was reported that their documents contained false information about taxes, type of nomination and an earlier criminal conviction. Among those who disagreed with the decision of the Mahilioŭ city election commission was first deputy of the Belarusian Social Democratic Party (Hramada) Ihar Barysau. According to him, a number of signatures were found invalid because of wrong description of the boundaries of the district in which extra houses were included.

Most nominees and their nomination groups, according to the observers, were not involved in the process of verifying the documents for registration, often not even present at the meetings of election commissions. It is not possible to assess the nature of verification of the candidates' registration documents by the commissions, as the observers practically did not participate in this process.

According to the CEC, 22,278 candidates¹ were registered, which is 98.09% of the number of nominees. The commissions registered 16,229 candidates nominated by citizens through collecting signatures, representing 72.85% of the total number of registered candidates, 6,546 candidates nominated by labor groups (29.38%), and 871 candidates nominated by political parties (3.91%).

¹ Another 10 candidates were registered as a result of appeals: 9 by higher commissions, 1 in court: http://rec.gov.by/sites/default/files/pdf/Elections-MS28-elect_52-53.pdf. On Election Day, according to the CEC, 22,031 candidates were running, after 7 registrations were canceled and 251 candidates withdrew from the elections: http://rec.gov.by/sites/default/files/pdf/Elections-MS28-elect_52-53.pdf.

Registered candidates (by type of nomination)



The percentage of registration of candidates from the pro-government political parties exceeds that of the opposition parties. In particular, 4 opposition parties nominated 219 candidates, of whom 174 were registered, representing 79.5% of the total amount nominated by the opposition parties (in the past elections, the figure was about 75%). At the same time, the average percentage of registration of candidates from the pro-governmental parties is higher. Candidates from the Communist Party of Belarus were registered in 95% of cases, the Republican Party of Labor and Justice — 92.8%.

There were apparent differences in the approaches to the opposition representatives who were nominated by collecting signatures. The total percentage of registered candidates nominated through the collection of signatures was 98% (the same figure as in 2014), while for the Movement “For Freedom” was 28.6%, the unregistered BCD Party — 33%, and the Tell the Truth campaign — 60.9%.

130 persons representing the political parties were registered in 57 districts of the Minsk City Council, with 238 candidates from the parties in 3,767 electoral districts of the district-level councils, and as few as 123 party candidates in 13,225 village councils. Statistics of refusals to register and withdrawn nominations not only demonstrate the level of political intensity, but also the level of applying the technical procedures of registration (verification of signatures, declarations, etc.) in the political struggle. In particular, the number of refusals to register candidates for the Minsk City Council was 23%, the councils at the district level — 1.5%, the rural councils — 0.3%. The difference in the quality of submitted documents cannot be explained by the level of training of candidates for deputies at the lower level compared to the experienced party members and activists in the capital. Experts of the campaign “Human Rights Defenders for Free Elections” believe that the election commissions continued to use technical procedures selectively when considering submitted documents and allowing or denying registration of candidates.

ELECTION CAMPAIGNING

The legal framework for election campaigning is provided by Articles 45-47 of the Electoral Code.

The Code provides citizens, political parties, public associations, labor collectives, authorized representatives of candidates, as well as nomination groups with the right to free and full discussion of election programs of candidates, their political and personal qualities, the right to campaign for or against a candidate during outdoor events, in the media, as well as during meetings with voters.

Local authorities in coordination with the corresponding election commissions shall determine the facilities for meetings with candidates and election meetings organized by the voters. Candidates have the right at the expense of their own election funds to rent buildings and premises for meetings with voters. Local authorities in agreement with the election commissions shall determine locations in the premises of polling places that are most frequented by citizens and are most suitable for printed campaign materials. Placement of printed campaign materials in other places is allowed with the permission of the head of the organization. Article 45.1 provides for arranging election campaigning events by candidates and their proxies in a simplified manner. Candidates, political parties and other public associations, labor collectives, citizens who have nominated their candidates, from the moment of registration of candidates shall use the state-owned media on an equal footing. Information materials about the candidates disseminated in the media should be unbiased and accurate. They should not give preference to individual candidates.

The procedure for the use of public media by candidates for deputies of local councils of the 28th convocation is regulated by the CEC's decision No. 46 of December 12, 2017. According to the decision, airtime for speeches on the radio was available on weekdays in the period from January 22 to February 12, 2018. The airtime was limited to three minutes. The order of broadcasts was determined by a draw. Campaign speeches of candidates were broadcast in recorded form.

The budget is only used by the election commissions to manufacture common posters with biographical information and information materials about the candidates mailed to the voters. The precinct election commissions shall mail information about the candidates to the voters.

Candidates for deputies of local councils have an opportunity (through their own election funds) to rent premises for meetings with voters (Part 8, Art. 45 of the Code) and to manufacture campaigning products.

Election campaigning lasted from the day of registration of candidates until February 17, 2018 inclusive.

This year's campaign was less active in comparison with the previous elections to the local councils, in spite of the more favorable conditions for campaigning. In particular, in comparison with the previous elections to local councils, there were more places for holding mass events with the purpose of election campaigning. Moreover, these locations were more convenient than those determined during previous campaigns. Many executive committees were guided by the principle "everything which is not forbidden is allowed", when deciding on the list of authorized campaigning locations. The same applies to the premises for meetings with voters,

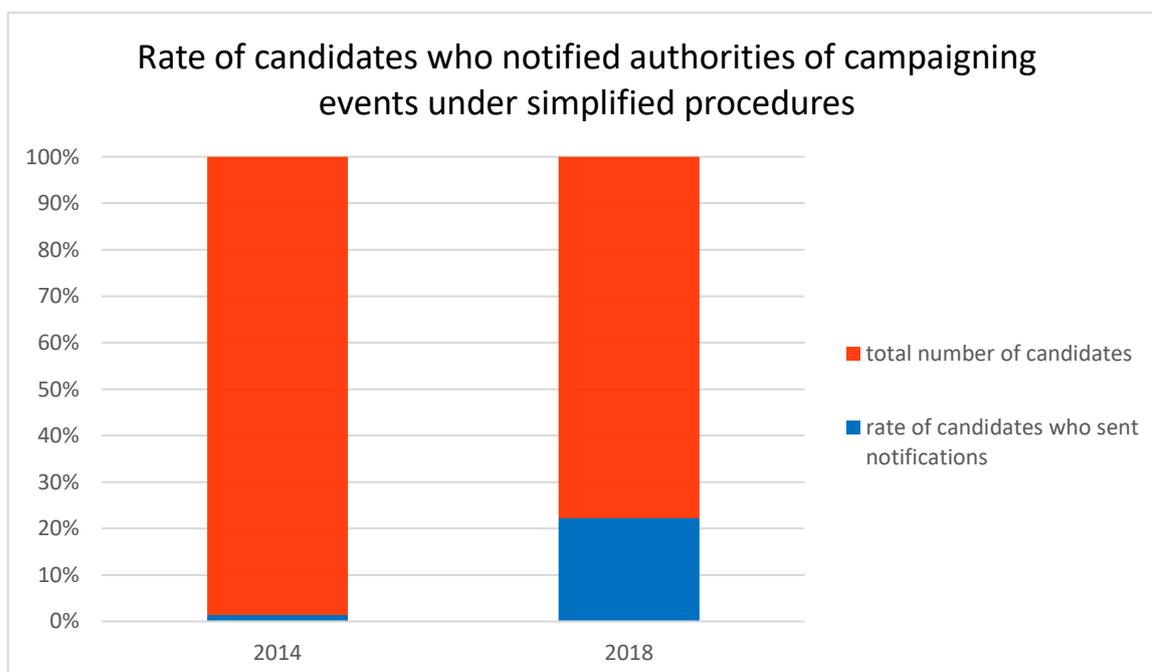
and places for campaign advertising. For example, in Mahilioŭ, Pinsk and other cities, the list of businesses where campaign posters of candidates can be posted was supplemented by the post-offices and telecommunication facilities, which are visited by large number of people.

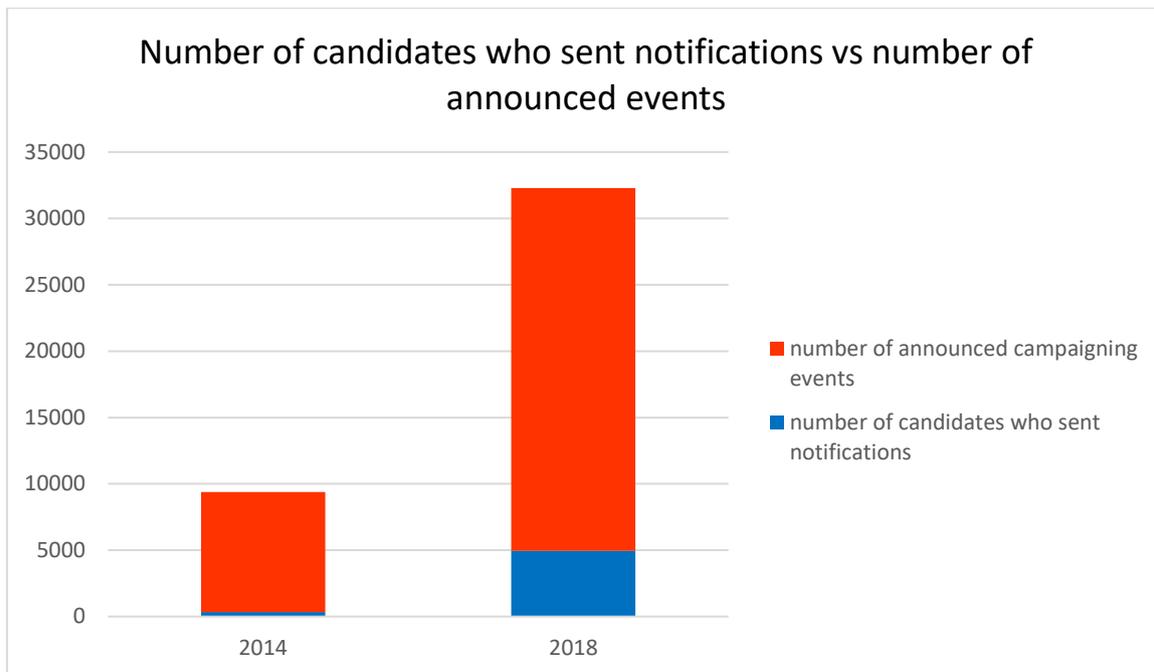
As few as 35% of the campaign's observers in the regions responded positively to the question whether local government and private media published the election programs of candidates. Most state-owned media published little or no information about the candidates from the opposition, including their election programs. The campaign's observers reported the absence of party flyers or other alternative materials.

For example, the Hrodzienskaja Praŭda government-owned weekly mainly published articles about the candidates from the government (acting deputies, officials or managers of state-owned enterprises) in the form of an interview or a call-in show. The newspaper's website posted over thirty similar publications. Social activity and civil position of opposition candidates were not covered in the newspaper. A similar situation was documented in the Baranavičy-based newspaper Naš Kraj, Novaja Hazieta in Navapolack, Viesnik Mahiliova and other local newspapers.

Astravieckaja Praŭda, a state-owned local newspaper in Astraviec, refused to publish the election program of candidate Mikalai Ulasevich. In response to the candidate's letter, chief editor Nina Rybik arbitrarily argued that his election program violated the provisions of the Electoral Code.

In comparison with previous elections, more candidates filed notices of events in a simplified manner: in 2014, only 332 candidates took the opportunity of a notification, or 1.4% of the total number of candidates. 9,064 events were announced. In 2018 (as of February 12), such notices were filed by 4,951 candidates, or 22% of the total number of candidates. During this year's elections, the candidates announced 27,340 campaigning pickets.





One candidate for deputies of local councils announced the conduct of an average of 1.2 events (in the last elections — 0.4). Traditionally, candidates running in Minsk were more active during the phase of campaigning: one candidate announced an average of about 70 events.

When answering the question whether all the candidates enjoyed equal conditions in arranging meetings with voters, 30% of the campaign's observers said that the candidates were deprived of equal opportunities. Election commissions in the regions mainly failed to inform the public about the time and place of the meetings with voters.

The pro-government candidates mainly campaigned at meetings with voters in the assembly halls of state-owned enterprises. Voter participation in these meetings was secured by the administrations of these businesses. In addition, the campaign's observers in Hrodna, Baranavičy and other cities reported that administrative resources were extensively used in schools. Class teachers invited parents (with their passports) to meetings with the candidates. Parents then voted early. Meetings in schools were also arranged by pro-democratic candidates, for example UCP. However, the attendance was insignificant. Cases of forcing employees to participate in the campaigning events were reported by the observers in Minsk, Brest, Orša, Hlybokaje and other cities.

In 92% of the electoral districts covered by the observation within the campaign "Human Rights Defenders for Free Elections", the candidates were not denied the right to hold meetings with voters. There were isolated cases of government-related obstacles. For example, a meeting with Aliaksandr Bulauka, a candidate running for the Orša District Council, was disrupted by the authorities.

There were no serious obstacles to the conduct of election pickets. However, there were elements of pressure at the pickets of opposition figures. For example, security officials were present during the pickets of the opposition candidates in Viciebsk; the law enforcement officers videotaped the events. This led to the fact that the citizens did not dare come and participate in the discussion of the candidates' platforms. On February 8 in Svietlahorsk, a

picket of Yury Liashenka, running for the Homieĺ Regional Council, was also videotaped by law enforcement officers.

Observers of the campaign "Human Rights Defenders for Free Elections" reported facts of editing or groundless changes in the content of campaign materials of candidates from the opposition. Several opposition candidates in Slonim argue that separate facts from their biographies were deleted from their campaigning leaflets.

The Viciebsk-based newspaper Vićbičy published false information (the information was provided by local election commissions) about an earlier criminal conviction of Vadzim Kuzmin, candidate of the Party of the Left "Just World" running in electoral district No. 7. Kuzmin complained to the City Prosecutor's Office. Facts were distorted in the leaflets of Ryhor Kastusiou, running in the Škloŭ-based electoral district No. 54. A substantial part of his biography was deleted, in particular, the fact that the candidate was the chairman of the BPF Party. The Pieršamajski district election commission in Minsk ordered the manufacture of information materials for candidate Aliaksei Sihayeu running in electoral district No. 50 without agreeing with him the facts that are important for the applicant. Candidate Mikalai Ulasevich complained about similar violations in the Astraviec district.

In comparison with the previous elections of deputies of local councils, during this year's elections, the candidates actively used the opportunity to create election funds in order to finance their election campaign expenses. According to the CEC, as of February 8, 2018, 2,328 persons established election funds out of 22,289 registered candidates, or 10.4% of the total number of candidates. Meanwhile, only 1,692 candidates (7.6%) used in whole or in part the resources of their electoral funds. For comparison, in the past elections, only 3.8% of the candidates set up their election funds and only 3.5% of the candidates fully or partially used these funds.

The candidates did not show great interest in the creation of election funds, although, technically, all costs of the election campaign can be only covered from the election fund.

EARLY VOTING

Early voting began on February 13, 2018.

According to Art. 53 of the Electoral Code, a voter who cannot be at their place of residence on Election Day shall be entitled not earlier than five days before the election to come to the polling station and vote. The Code requires no official confirmation of the reasons for the inability to come to the polling station on Election Day.

Early voting is not conducted at the polling stations formed in sanatoriums, rest homes, hospitals and other health care organizations that provide medical care on an inpatient basis. Citizens serving a sentence of detention, confinement in military guardhouses, administrative detention, arrest for more than three hours, people detained in the manner prescribed by the Criminal Executive Code and the Criminal Procedure Code, as well as pursuant to Art. 10 of the Law "On the procedure and conditions for sending citizens to the LTPs and the conditions of their detention in them" of January 4, 2010, according to para. 1 of Resolution No. 3 of the Central Election Commission of January 16, 2018, shall vote in the manner prescribed by Art. 54 of the Electoral Code — at their place of residence (accordingly, only on Election Day). According to para. 7 of this Resolution, citizens held in the LTP, serving sentences in prisons of

open type are included in the voter lists at the polling stations on the territory of which these institutions are located.

Early voting takes place in the presence of at least two members of the PEC and between 10 am and 2 pm and from 4 to 7 pm. Every day at 2 pm and at 7 pm, after the voting is closed, the committee chairperson or their deputy seals up the slot in the ballot box with a piece of paper and signs it. The slot is opened daily, respectively at 4 pm and 10 am, by the commission chairperson or their deputy and may be monitored by an observer.

From 7 pm to 10 am and from 2 pm to 4 pm, voter lists and ballot papers should be kept in a safe or a metal cabinet. At the end of each day of early voting at 7 pm, the safe (metal cabinet) is sealed by the chairperson (or deputy). The storage of the ballot boxes and election documents is provided by the PEC chairperson. During early voting, the chairperson or deputy shall prepare daily protocols, which specify the number of ballots received by the PEC, the number of citizens who received the ballots (on the last day of early voting — the total number of received ballots), the number of damaged ballots and the number of unused ballots. The protocol is signed by the chairperson or deputy chairperson of the PEC and is posted in the premises of the polling station.

As before, early voting was orchestrated by local authorities, administrations of government-owned enterprises and institutions. In some cases, the use of administrative resources in order to ensure voter turnout was accompanied by elements of control of the voters and threats of various disciplinary sanctions for those who do not want to take part in the elections.

As in the previous election campaigns, the bulk of early voters were university students and students of other educational institutions, residents of company-owned dormitories, employees of state enterprises and institutions. University administrators provided days-off and used social networks to force the students from other cities to vote early.

The Central Election Commission head Lidziya Yarmoshyna finds this perfectly acceptable as a method of ‘stimulation’ used by the government-funded organizations and educational institutions. It should be noted, though, that the elections to local councils have no turnout threshold for elections to be declared valid.

Public outcry was caused by a case in the Mechanics and Mathematics Faculty of the Belarusian State University, when deputy dean Valery Kursau put pressure on students. In an interview to the nn.by website, Kursau denied that he asked students to ‘fulfill their civic duty.’

Huge turnout for early voting was reported at the Belarusian State University’s dormitories. In particular, at polling station No. 35 in Minsk the figure was 96.4%.

The top managers of the Naftan major oil refinery in Navapolack threatened to punish their employees for being absent without leave if they do not vote. Director General of JSC *Naftan* Aliaxandr Dziamidau was running for the Viciebsk Regional Council in one of the city’s five electoral districts.

At some PECs, the campaign’s observers documented cases of discrepancy of their estimates of early voters with the information reflected in the PEC protocols. Overstated turnout was reported by the observers of the campaign “Right to Choose” and a number of candidates.

In particular, Yury Hubarevich, a candidate for the Minsk City Council in electoral district No. 48, was forced to call the police at polling station No. 11. On the first day of early voting, the observers witnessed 60 voters, while the PEC protocol said there were 145 ballots cast. Accredited observers and the candidate himself demanded to inspect the case. However, no check was conducted, and in response to a complaint, the Central Election Commission argued that the observers were not entitled to conduct a parallel vote count, as this right is not enshrined in the list of rights in Art. 13 of the Electoral Code.

The large number of voters who took part in early voting (34.95%) suggests that this kind of voting, which is, in accordance with the electoral law, an exception, has become widespread in practice. For example, the early voting turnout in the local elections of 2014 was 32.04%.

Of special note is evidence of multiple voting, even though these cases were not widespread. Considerable media attention was caused by the case of a voter registered in the town of Narač, Minsk region. Despite this, he was able to vote at two polling stations in Minsk. To do this, he penciled a code in his passport, which, according to an anonymous report on social networks, was used by school teachers to arrange multiple voting. The CEC head Lidziya Yarmoshyna later said in an interview with state news agency BelTA that this information was a 'provocation.'

On February 15, a few days before the above case, an anonymous message was sent to the mailbox of the campaign "Human Rights Defenders for Free Elections". A person saying that he was an employee of a school in Minsk said that the school administration "put a pencil mark in the passport and asked to come to four polling stations in the district, and vote for the necessary candidate instead of unfamiliar people." "It was organized as follows: I came to the polling station and showed my passport to the commission. Of course, there was no stamp of registration, which would be assign me to this station. The commission noticed the code and asked me to sign opposite a name, which, of course, was not mine and it was unfamiliar to me. I put the date and the signature, received the ballot and cast it in the box. And I did the same at four polling stations. Together with me, other school personnel came to the stations," the letter said. The person thus voted at the polling stations located in schools No. 185, No. 201, No. 4 and No. 39 in Minsk.

Valiantsina Sviatskaya, observer at polling station No. 28 in electoral district No. 57 of Minsk, spotted a few men who she knew had come to vote a day earlier. The observer demanded that they leave the polling station. One of them went away without receiving a ballot for the second time.

On the second day of early voting, Chairman of the United Civil Party Anatol Liabedzka noticed at a polling station in Minsk a group of seven women who were brought in a minibus to school No. 34. Seeing that Liabedzka filmed the incident on his phone. As a result, the women left.

At polling station No. 71 in Minsk, which was located in school No. 23, an observer saw an organized group of 10 people who came in the same car. They then entered the polling stations in smaller groups and voted.

Yet, experts of the campaign "Human Rights Defenders for Free Elections" note that multiple voting is quite rare for Belarus. Information received from the campaign's observers and media

reports about the fraud raise great concern and should be properly investigated by law enforcement agencies.

HOME VOTING

In accordance with Art. 54 of the Electoral Code, the precinct election commissions shall provide the opportunity to participate in the voting to voters who for health or for other valid reasons cannot come to the polling station on Election Day. To this end, each PEC should have no more than three mobile ballot boxes.

At the voter's request expressed in writing or orally, the PECs instructs at least two members of the commission to organize voting at the location of these individuals on Election Day. Voters have the right to appeal in writing or orally to the corresponding PEC with request to arrange voting at their place of residence at any time after the formation of the PEC, and no later than at 6 pm on Election Day. The law requires no official confirmation of the reasons for the inability to come to the polling station.

After receiving the requests, PEC members receive the ballots and sign for their receipt. The number of ballots shall be equal to the number of requests received from the voters.

For the organization of this type of voting, PEC chairman or deputy copies data on these persons from the main list of voters to a separate supplementary sheet and signs it. This inset shall be signed personally by the voter when receiving the ballot. Then the voter list shall be supplemented by an entry saying that the person voted outside the polling station. The sheets with the signatures of voters who took part in home voting should be stored together with the main list.

Arrangements for the home vote can be monitored by observers.

This voting procedure has traditionally been criticized by national and international observers, primarily due to the fact that Art. 54 of the Electoral Code provides for oral applications of citizens for voting outside the polling station, including on Election Day. This results in numerous violations during home voting and creates obstacles to the observation of the vote.

On December 18, the campaign's observers documented violations of voting procedures during home voting.

In particular, observer Alena Masliukova deployed at polling station No. 26 in Svetlahorsk discovered that of the 11 people mentioned in the home voting list none had requested this vote.

On February 18, the campaign's observer in Hrodna, who traveled to the homes of voters together with members of precinct commission No. 12, found evidence that the home voting lists featured people who never applied for it. In particular, people residing at 7 Davatar Street said that they had not requested home voting and refused to vote. Similar cases were reported during the home voting in PECs No. 15 and No. 19 in the city's Lieninski district.

On February 18, several similar cases were reported in Orša, including at polling station No. 16 in electoral district No. 5. An observer was allowed to follow PEC members for home voting procedures. Of the 100 ballots issued to the commission members, only 14 were filled in, as people either did not open the door or refused to vote. Another group of commissioners, which

received 200 ballots and travelled without observers, returned with a full box after three hours. In another case, the observer was not allowed to follow the PEC members, and at about 2 pm he was removed from the polling station. The reason for this was his 'bad behavior', which the observer rejected.

At polling station No. 8, observer Yauhen Anishchanka, a proxy of the candidate from the UCP Alena Kuchynskaya, documented divergence of the data. As of 1:55 pm, the polling station, according to the observer's estimates, was visited by 130 voters, while the home voting list already featured 265 voters.

33.3% of the campaign's observers noted that they documented cases when voters said that they had not asked the PEC to organize home voting.

50% of the observers reported discrepancy between the number of citizens who voted outside the polling station and the number of ballots issued to members of the PECs to organize such a vote.

VOTING AT THE POLLING STATIONS AND VOTE COUNT

The basic principle of counting the ballots is the separate counting of the votes, when ballots in the boxes for early voting are counted first, then those in the mobile ballot boxes, and, finally, the votes in the ballot boxes for voting on Election Day.

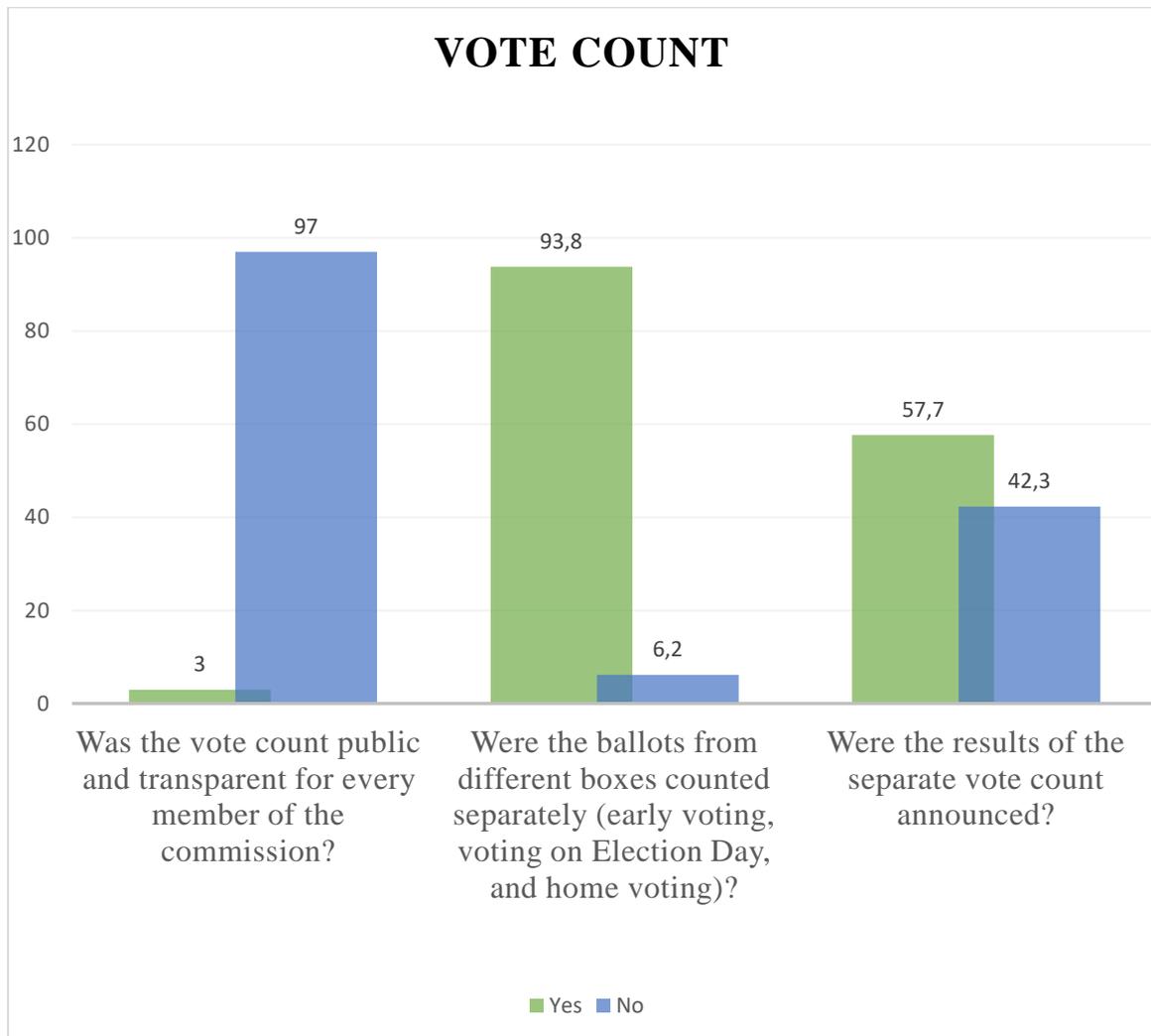
The results of the separate counting are announced, but the protocol on the voting results only indicates the total count result. A copy of the protocol on the voting results shall be posted for the public, the observer has the right to make a copy of it using their own means and funds. This copy is stamped and signed by the PEC members. It should be noted that the method of ballot counting itself is not described directly in the electoral legislation. This fact is a major systemic problem of Belarusian electoral legislation and makes the vote count not transparent for the observers.

It is, as before, the main reason for the criticism of the elections in Belarus on the part of national and international observers, while the recommendations made by the OSCE ODIHR election observation mission contains proposals of legislative regulation of the counting process.

The vote on Election Day, February 18, started at 8 am and ended at 8 pm. No significant violations of the electoral legislation were documented during the voting. However, there were cases of removal of observers from polling stations for using photo and video cameras. It should be noted that Art. 13 of the Electoral Code does not prohibit photographing or filming by the observers. Therefore, removing observers on such grounds is illegal, according to experts of the campaign "Human Rights Defenders for Free Elections", as it violates the principle of transparency in elections.

The CEC's guidelines for the PECs provides that the observers present at the counting of votes take seats which allow them to observe the actions of members of the commission. But in most cases, the observers were seated in the places determined by the PEC chairperson, and from this distance it was impossible to monitor the quality of the counting. This was reported by 57% of the observers.

The PECs failed to implement the CEC’s recommendation to place the commission members around the table on which the vote count is conducted in such a way that one side is always open to the public. In most cases, the commissioners surrounded the table and covered with their bodies the tables where the votes were being counted.



COMPLAINTS AND APPEALS RELATED TO ELECTIONS

According to the CEC, of 16 cases of denial of registration to nomination groups, an appeal was filed in only one case. The appeal was rejected by a decision of a higher commission.

According to the CEC, at the stage of registration of candidates of the 311 individuals who were denied registration as candidates, 75 people filed appeals (or 24%). Of these, 9 complaints were met (12%), which is slightly more than in the last local elections, 6.3%. Another 11 complaints were sent to courts after being considered by higher election commissions. Of these only one was met by the court, or 11% of the total number of considered appeals (in the last elections, 3 of 30 appeals were met, or 0.1%).

According to the CEC, the decisions of local authorities that formed the election commissions were appealed in 15 cases, of which 5 complaints related to the formation of the TECs, 1 — the formation of the DEC, and 9 — the formation of the PECs. As in previous elections, none of the appeals was met.

As repeatedly emphasized by experts of the campaign "Human Rights Defenders for Free Elections", absence of specific criteria for the selection of candidates negate all efforts to appeal against the decisions of the bodies in charge of forming the commissions.

RECOMMENDATIONS

Amendments to the Electoral Code of the recent years do not account for the majority of OSCE and Venice Commission recommendations made as a result of observation of previous elections, as well as proposals of the campaign "Human Rights Defenders for Free Elections". Most of the recommendations have not lost their relevance. This year's elections showed that with no detailed regulation of the procedure of forming the election commissions, voting and counting procedures, it is impossible to ensure that international standards for free and fair elections are met, in particular, the OSCE Copenhagen Document of 1990.

The elections also witnessed the need to ensure real equality of candidates in terms of access to the media and the expansion of the rights of observers. The changes in the electoral law proposed below would bring elections to international standards and increase confidence in the results of the elections on the part of the citizens of Belarus and the international community.

Election commissions

The Electoral Code should be amended with a rule that would guarantee the presence in the election commissions of representatives of political parties and ensure a pluralistic composition of the commissions. It is necessary to ensure that the political parties that participated in the election campaign, including parliamentary elections, have the right to delegate one representative to each of the territorial, district and precinct election commissions. Only in the event that a political party has not used this right, the local administrative and executive bodies will have the right to fill the vacant seats in the election commissions. Similarly, the priority right to nominate their representatives to the election commissions should be enjoyed by the applicants. In addition, it is necessary to define in law the criteria for the persons nominated to the election commissions (delegation of a political party, training, other professional knowledge), which would complicate their arbitrary appointment and would be assessed by the court when considering complaints.

Registration of candidates

It is necessary to rule out the possibility of using administrative resources in collecting signatures, in particular, by prohibiting the collection of signatures by persons who are not members of nomination groups. In addition, it is necessary to provide for the right of observers to be present during the verification of signatures submitted for the nomination of candidates.

Voter lists

In order to increase the transparency and accountability of the voter registration process, it is necessary to create a single registry of all voters of the Republic of Belarus. Citizens and observers (including proxies, media representatives and international observers) should be given full access to the registry. Every citizen shall have the right to familiarize themselves with voter lists before the vote. In addition, observers should be able to view these lists during the

voting. The number of voters registered at the polling station should be announced by election commissions both ahead of the vote and after its completion.

Election financing

Public funding of the candidates' costs for the manufacture of printed propaganda materials should be reintroduced at the legislative level. In a similar way to the presidential election, it is necessary to provide for the possibility of opening special funds from the moment of registration of nomination groups to cover for the costs of collecting signatures for the candidates' nomination.

Election campaigning

The legislation provides for the duration of the election campaign period of no more than 1 month. Such a duration not only limits the possibilities of campaigning for candidates, but also complicates the citizens' perception of information about the candidates and their programs. It is proposed to extend the period of campaigning. In addition, it is necessary to exempt the businesses that are involved in political advertising from liability for the content of advertisements provided by the candidates or political parties.

Judicial appeals of decisions related to elections

The Electoral Code provides for a limited list of grounds for filing a court appeal. It should be possible to judicially appeal any decision of election commissions and other government bodies in cases relating to elections. First of all, it is necessary to allow the judicial appeals of decisions by the commission that confirm the election results.

Early voting

Early voting in its current form allows for various manipulations during the vote count. In this connection, it is proposed to consider the complete abolition of early voting.

If early voting is not canceled, it is proposed to introduce criteria that will give voters the right to vote early. Such criteria should be grounds which clearly show the impossibility of the voter to take part in the voting on Election Day, for example, departure abroad or other documented evidence.

The legislators should also detail the procedures for the storage of ballot boxes during early voting and sealing of premises housing the ballot box. It is necessary to prohibit the stay of unauthorized persons, including police officers, in the voting premises and rooms in which the ballot boxes, ballot papers and other election materials are stored. It is also necessary to provide for the right of observers to be present in the premises for voting outside the working hours of electoral commissions (lunch break, period after the end of voting) in cases when members of the election commissions are also present.

All PECs should be provided with transparent ballot boxes with plastic tapes for sealing and individual polling station numbers, and to organize online surveillance throughout the days of the early voting. All PECs should also be provided with individual stamps with individual numbers of each PEC to ensure the security of ballot papers.

Home voting

It is necessary to provide that the right to vote at home should only be enjoyed by the voters with significant health conditions that prevent them from coming to the polling station, which should be confirmed by a document issued by a medical institution. It is necessary to provide in the Electoral Code that the right to this type of vote is given to the citizen only after the transfer to the PEC before Election Day of a written application about the impossibility of voting at the polling station.

Vote count

The current counting procedure is not transparent. One of the main reasons for this is the absence of a detailed procedure of counting the votes in the Electoral Code. In this regard, it is necessary to legislatively secure the following principles of the vote counting procedure: the vote count is conducted openly in the presence of observers who can monitor the correctness of voters' will in each ballot (i.e. see the contents of each ballot); the vote count is conducted by one of the commission members, who announces the contents of each ballot and displays it to all the commission members and observers; the vote count is performed separately for each ballot box, and the results of such a separate vote counting are reflected in the final protocol. A copy of the final protocol, after being certified and sealed by the chairperson and secretary of the commission, is issued at the request of the observer.

It is also proposed to legislate the right of observers and candidates' proxies registered with the DEC and TECs to directly attend and observe the procedures for the transfer of ballot papers and protocols with voting results from polling stations to the TECs. It is necessary to provide for the possibility of publishing on the CEC's website of voting results in all electoral districts with the voting results for each polling station.

Election observation

In order to enhance the credibility of the elections in Belarus, it is necessary to legislatively increase their transparency and the rights of observers. The observers should be able to freely access documentation relating to the composition of election commissions, types of nomination of its members, voter lists, storage of ballot papers and boxes during early voting, as well as to take photos and record videos during the observation.