



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

Analytical weekly report on the results of observation: August 5-10

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 2019 parliamentary elections take place against the background of complex political circumstances in the world and Europe, certain progress in the relations between Belarus and the United States and the EU, and a bilateral crisis in the Belarus-Russia relations;
- there has been ongoing cooperation of Belarus and democratic countries in many areas, and a certain liberalization of the socio-political and cultural spheres is observed against the background of continuing violations of human rights;
- the elections are governed by the legislation that fails to take into account the most crucial recommendations made by both domestic observers and international organizations;
- the President’s decree to schedule the elections to the House of Representatives for November 17 violates the constitutional provision on the term of office of the National Assembly members, significantly reducing the tenure of the current Parliament, and constitutes an interference in the activities of the legislature.

LEGAL FRAMEWORK

The legal basis of the country’s electoral system is the Constitution of the Republic of Belarus, the Electoral Code and other legislative acts, as well as the decisions of the Central Commission for Elections and National Referendums (hereinafter, the Central Election Commission, CEC).

Since the last elections to the House of Representatives of the National Assembly, the Electoral Code of the Republic of Belarus has not undergone any changes. The electoral authorities failed to take into account any of the recommendations made by the OSCE and the Venice Commission following the monitoring of elections in Belarus, in particular the formation of election commissions, the candidates’ rights,

the rights of observers, as well as recommendations relating to the procedures of voting, counting and tabulation.

POLITICAL CONTEXT

The elections are being held against the backdrop of complex political circumstances in the world and Europe, which have changed substantially, including in connection with the Russian-Ukrainian conflict. A thaw trend in relations between Belarus and the West, which has been observed since before the previous elections to the House of Representatives, has led to some positive changes in domestic policies. The authorities have expanded their cooperation with the UN and other international organizations in the field of human rights.

However, the situation with observance of human rights in Belarus remains stably bad and no systemic positive changes have occurred in this area. The few progressive changes in the legislation governing the exercise of the rights and fundamental freedoms, most notably the decriminalization of participation in the activities of unregistered organizations and the introduction of elements of the notification-based principle of organizing assemblies, have been accompanied by the introduction of administrative responsibility for the same actions and the establishment of heavy charges for policing peaceful gatherings.

The absence of a real desire for democratic change is indicated by ongoing repression of citizens implementing their constitutional rights to freedom of opinion and expression, freedom of peaceful assembly and religion, harassment of independent journalists, as well as the failure to restore the full political and electoral rights of former political prisoners.

ANNOUNCEMENT OF ELECTIONS AND ORGANIZATION OF ELECTORAL PROCESS

According to the Constitution of the Republic of Belarus (Art. 91) and the Electoral Code (Art. 56), the elections to the House of Representatives of the seventh convocation shall be announced by the President of the Republic of Belarus no later than 4 months and held no later than 30 days prior to the termination of powers of the House of Representatives of the current convocation.

The Constitution (Art. 93) provides for a four-year term of office for Parliament members. The powers of the members of the House of Representatives of the sixth convocation elected in 2016 expire in October 2020.

However, in late April 2019, Aliaksandr Lukashenka said in his address to the Belarusian people and the National Assembly that the elections to the House of Representatives would be held in November 2019.

With this in mind, on May 29, the Central Election Commission approved the average number of voters per constituency, the decision that should have been taken, according to the Electoral Code, no later than 5 months before the end of the term of office of the House of Representatives of the current convocation.

At the same meeting, the CEC approved the Guidelines for the local and district election commissions for the preparation and conduct of elections of deputies of the House of Representatives of the National Assembly of the seventh convocation and a set of methodology materials for the district election commissions.

The elections were announced on August 5 when the President signed Decree No. 294. The vote is scheduled for November 17, 2019.

As there are no valid grounds for the early termination of the powers of Parliament under Art. 94 of the Constitution, and the four-year term of his office has not expired, the decree violates the constitutional provision on the term of office of the Parliament, and constitutes an interference in the activities of the legislature. A significant reduction in the tenure of the House of Representatives reduced the number of legislative sessions to seven (the Parliament of the fourth convocation held 11 sessions, and the fifth convocation — 10 sessions).

On August 6, the Central Election Commission examined the issues of the preparation of elections.

It approved the following regulations:

Resolution No. 19 “On approval of the Schedule of organizational measures on the preparation and holding of the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution No. 22 “On the formation of constituencies for the elections to the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution No. 23 “On explanation of the procedure of the formation of the election commissions for the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution No. 24 “On explanation of the application of the provisions of the Electoral Code of Belarus providing for the procedure of nomination of candidates for deputies by collecting signatures of voters for the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution No. 25 “On approval of the Regulations on the delegation and activities of the observers during the preparation and conduct of the elections of deputies of

the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution No. 26 “On approval of the Regulations on the activities of foreign (international) observers during the preparation and conduct of the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution No. 27 “On informing the citizens about the activities on the preparation and holding of the elections to the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution No. 28 “On the procedure of the participation of Belarusian nationals residing outside the Republic of Belarus in the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution No. 29 “On the creation of additional conditions for the participation of citizens with disabilities in the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution No. 30 “On establishing the forms of documents for the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”;

Resolution of August 6, 2019 No. 37 “On the extra budgetary fund for additional financing of the costs for the preparation and conduct of the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation”.

These regulations and guidelines failed to introduce any significant innovations in the existing procedure of holding the elections, in particular, they do not explain the procedure for counting the votes. Thus, the most sensitive issue, which has caused a particular criticism of observers, still remained unchanged, indicating a lack of interest of the CEC in the organization of a transparent vote count.

At the same time, the Central Election Commission provided for additional measures to improve the accessibility of election procedures for people with disabilities.

It also lifted a ban prohibiting observers from taking photos at the polling stations. However, this can not be assessed as an extension of the rights of observers or strengthening the guarantees of transparency in elections, since the CEC guidelines provide for an opportunity to “allow observers to take several pictures at their request,” which significantly restricts the rights of observers to document violations at the polling stations.

As in previous campaigns, the CEC continues the practice of selective publication of its decisions, which is unacceptable from the point of view of the principle of transparency in the election process. In particular, it is not known why Regulations Nos. 20, 21, 31-36 have not been published on the CEC website.