

### **Stage 1. Formation of territorial and constituency election commissions.**

According to article 34 of The Electoral Code of the Republic of Belarus, *territorial election commissions* on the election of deputies of local Soviets are formed by the presidiums of oblast, Minsk city Soviet of deputies and oblast, Minsk city executive committees, composed of 9-13 commission-members. The mentioned commissions are formed no later than 85 days before the elections.

In accordance with the calendar plan of organizational activities on the preparation for and holding of elections to the local Soviets of deputies of the Republic of Belarus of the 26-th convocation, adopted by the Regulation of the Central Election Commission from 21.01.2010 № 7, the nomination of candidates to the membership of territorial election commissions is to held before January, 26 2010 inclusive, and the formation of the territorial commissions- before January, 29 2010.

*Constituency election commissions* on the election of deputies of oblast Soviets, territorial election commissions, functioning within the areas of Minsk as constituency election commissions on the elections to Minsk city Soviet of deputies, are formed by the presidium of oblast, Minsk city Soviets of deputies and oblast, Minsk city executive committees, composed of 9-13 commission-members, no later than 75 days before the elections.

In accordance with the calendar plan, the nomination of the candidates in the membership of the constituency election commissions is to be finished on February, 5 2010, and the formation of the commissions- before February, 8 2010.

The mentioned activities were completed in compliance with the calendar plan.

The electoral code was supplemented with the following norm: bodies, that form the commission, include in it representatives of political parties and other

public associations, which make up, as a rule, no less, than one third of the commission's membership. The analyses of the election commissions' formation shows, that this norm was realized in full. For example, all in all 4171 representatives of political parties, other public associations were included in the territorial election commissions throughout Belarus, which makes up 34,7% of the total membership of the commissions.

Though, one has to admit, that *the percentage of political parties in the commissions remains insignificant*. The percentage of political parties in the territorial commissions makes up only 0,9%, in the constituency commissions- 6,6% of the total amount of commission-members.

The percentage of oppositional parties is minimal: 0,12% and 1,4% correspondently. Moreover, one has to stress, that most of those, who were not included in the commissions, were representing political parties. Out of 149 representatives, nominated by political parties to the territorial election commissions, 105 (70, 5%) were included throughout the country. To compare: the percentage of inclusion of the citizens in the territorial commissions by submitting applications amounted to 87,7%, work collectives- 95,5%, public associations- 98% from the total amount of nominated. What concerns oppositional parties, the percentage here is even lower- 25%.

The majority of the commission-members represent Belarusian party of the left "Spravedlivyj mir": 9 representatives of the party were included in the territorial commissions, 48- in the constituency; further come United civil party (UCP) (4 out of 14 correspondently), Belarusian Social-Democratic Party (Gramada)- 2 out of 3, Party of Belarusian People's Front (BPF)- 0 out of 6.

Regarding the representatives of the organizational committee on the foundation of party "Belarusian Christian Democracy" (BCD), they were

nominated by signatures gathering. Out of 43 representatives of BCD, nominated in the territorial commissions by citizens, only 3 nominees were included in the commissions, which makes up about 7% of the total amount nominated. At the same time, general percentage of inclusions of representatives by signatures gathering amounts to 87,7%. That may indicate, that the commissions are composed of persons, previously agreed upon (See table 1).

The situation has changed to some extent after the formation of the constituency election commissions. The percentage of political parties and other public associations in the constituency commissions throughout the country raised to 50 %. At the same time, the representation of oppositional parties reached 1,4 %. Out of 180 representatives of oppositional parties 72 (40%) were included in the constituency commissions. Nevertheless, the percentage of political parties as major subjects of the election campaign remains insignificant (See table 2).

***Holding the meetings of the bodies, forming the election commissions.***

As observers report, the meetings of the bodies, forming the commissions, lacked transparency and democracy in many cases, and in some regions were even held secretly. For example, the representatives of BSDP (Gramada) and Belarusian party of the left “Spravedlivyj mir” were not invited to the meeting of presidium of Orsha region Soviet of deputies and Orsha region executive committee on the formation of Orsha region election commission. The meeting of presidium of Borisov region Soviet of Deputies and Borisov region executive committee was held without the participation of M. Statkevich, nominated by citizens in Borisov regional election commission. Neither the human rights activist, nor the citizens, who nominated her, were invited to the meeting or given the information on the time of its holding. Similar facts were highlighted by observers in Baranovichy, Novopolotsk, Bobruisk and other cities. There were also cases of non-admission of

observers to the meeting of local governance and self-governance bodies on the formation of election commissions. For example, observer of Republic Human Rights Public Association “Belarusian Helsinki Committee” R. Jurgel was not allowed to be present at the meeting of presidium of Grodno oblast Soviet of deputies and Grodno oblast executive committee on the formation of Grodno oblast election commission.

A similar case was observed in Soligorsk.

Voting on the inclusion of the candidates in the commission was held according to the list, there was no real discussion of the candidacies at the majority of the meetings. Most of them lasted only for 10-15 minutes, just like during the previous election campaigns.

As observers report, in 70-80% of cases the commissions are composed of the persons, who used to be commission-members earlier. The electoral code does not specify the criteria, applicable to the commission-members. According to the chairperson of the Central Election Commission L. Ermoshina, citizens with legal education or experience in organization and holding of election campaigns usually become members of the commissions.

#### ***Appeal against the decisions about the formation of the commissions.***

Observers report about rare cases of appeals against the decisions of the bodies, forming the commissions, about non-inclusion in the commissions. All the submitted grievances were not settled. For example, Grodno oblast organization of party “Belarusial social-democratic Gramada” was rejected by the decision of Grodno oblast court from 04.02.2010 in settling a grievance against the Presidium of Grodno oblast Soviet of deputies and Grodno oblast executive committee from 28.01.2010 about the formation of Grodno oblast election commission on the election of deputies to the local Soviets of deputies

Arguments of the party, that the party candidacies were not discussed at the meeting, the voting was conducted according to the previously prepared list, were not taken into consideration by the court. It is specified in the decision of the court: “representatives of political parties and public associations make up more than half of the commissions’ membership, which corresponds to the demands of part 2 of article 34 of the Criminal Code, according to which the indicated representatives should form no less than one third of the commissions’ membership”. The same motivation is provided in the decision of Minsk city court on the appeals of party BPF and Public association “BPF Adradzhenne”. Discrepancy of the documents, submitted by the included commission-members, with the demands of the Instruction on office work was assessed by the court as “insignificant slips of the pen”.

The absence of the criteria in the Election Code for the formation of the commissions allowed the courts to reduce the legal considerations of the appeals to the formal check of the procedure of the commissions’ formation.

Actually, the discriminative character of non-inclusions, first of all, of the oppositional activists was not investigated and assessed by the courts.

### **Conclusions:**

1. Despite the proposal of amendments into the Election Code, according to which bodies, forming the commissions, include in them representatives of political parties and other public associations, which make up, as a rule, no less, than one third of the commission’s membership, the percentage of political parties remains insignificant, whereas the representation of oppositional parties in the election commissions was minimized;
2. The meetings of the bodies, forming the commissions, in many cases lacked transparency and democracy, and in some regions were held secretly;

3. Like in the previous election campaigns, voting on the inclusion of the candidates in the commission was held according to the list, there was no real discussion of the candidacies at the majority of the meetings;
4. In 70-80% of cases the commissions are composed of the persons, who used to be commission-members earlier;
5. Rare cases of appeals against the decisions of the bodies, forming the commissions, appear. All the submitted appeals were left by the courts without settlement;
6. Due to the absence in the Election Code of the criteria for the election commissions' formation, the considerations of the appeals were conducted formally.

**Table 1. Data on the membership of territorial election commissions in the Republic of Belarus**

Nominated		%	Included	%, out of nominated	%, out of commission-members
<b>Total:</b>	<b>13106</b>	100	<b>12016</b>	91,7	100
Out of them:					
from citizens by submitting applications	7216	55,1	6327	87,7	52,7
from work collectives	1590	12,1	1518	95,5	12,6
from political parties and public associations	4300	32,8	4171	97	34,7
Including:					
<b>from political parties</b>	149	1,1	105	70,5	0,9
Out of them:					
<b>from oppositional political parties</b>	58	0,4	15	25,9	0,12
Spravedlivyj mir	21	0,2	9	42,9	0,07
BSDP (Gramada)	8	0,06	2	25	0,02
UCP	14	0,1	4	28,6	0,03
BPF	6	0,05	0	0	0
BSDG					
<b>from public associations</b>	4151	31,7	4066	98	33,8

**Table 1. Data on the membership of district election commissions in the Republic of Belarus**

Nominated		%, out of nominated	Included	%, out of nominated	%, out of commission-members
<b>Total:</b>	<b>5499</b>	<b>100</b>	<b>4542</b>	<b>82,6</b>	<b>100</b>
Out of them:					
from citizens by submitting applications	1888	34,3	1457	77,1	32,1
from work collectives	910	16,5	828	91	18,2
from political parties and public associations	2701	49,1	2257	83,6	49,7
Including:					
<b>from political parties</b>	468	8,5	302	64,5	6,6
Out of them:					
<b>from oppositional political parties</b>	180	2,9	72	40	1,4
Spravedlivyj mir	104	1,9	48	46,1	1,1
BSDP (Gramada)	10	0,2	3	30	0,07
UCP	43	0,8	14	32,6	0,3
BPF	22	0,04	6	27,3	0,1
BSDG	1	0,02	1	100	0,02
<b>from public associations</b>	2233	40,6	1955	87,6	43