



CIVIL CAMPAIGN HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Elections to the House of Representatives of the National Assembly of Belarus of the sixth convocation

Observation is carried out by activists of the Belarusian Helsinki Committee and the Human Rights Center “Viasna” in the framework of the campaign *Human Rights Defenders For Free Elections*

Report on the Formation of Precinct Election Commissions

I. GENERAL CONCLUSIONS

- on July 27, local authorities completed the formation of precinct election commissions, which are an important element of the electoral process, as they are directly involved in the organization of voting and the counting of votes. A total of 5,971 PECs were formed, with 65,856 people selected as election commissioners.
- the formation of the PECs took place against a background of widely announced new approaches to be applied by the authorities in charge of the process: the possibility of observers (including international ones) to attend the meetings of bodies in charge of forming the commissions, discussing business and political qualities of the nominated candidates. In cases where the amount of nominees exceeds the stipulated quota, information on each nominee should be considered and a separate vote should be carried out;
- the Central Election Commission did not support the proposal of the *Human Rights Defenders for Free Elections* campaign to remove the concept of ‘political qualities’ from para. 6 of the CEC’s Decree No. 18 of 8 June 2016 before the beginning of the formation of the PECs, which, according to the campaign’s experts, entrenched the practice of biased and discriminatory approaches to their formation;
- all the entities who nominated their representatives to the PECs were generally provided with the opportunity to submit the necessary documents to the authorities responsible for the formation of commissions;
- representatives of the *Human Rights Defenders for Free Elections* campaign had the opportunity to freely attend meetings of the bodies responsible for the formation of the PECs;
- in most cases, the PECs were formed through voting for a list of candidates, without discussing the nominated candidates, at separate meetings the nominees were not even introduced and no characteristics were announced. At most meetings, the lists of nominees were drafted in advance. About a quarter of the meetings discussed part of the nominees, including their business and political qualities; in some cases, applicants were invited for interviews.
- the formation of the PECs was accompanied by an obvious discriminatory approach of executive committees to representatives of opposition parties: only 53 people (10.3% of the

total number of opposition nominees) were included in the PECs out of 514 proposed candidates, while 3,358 people (89%) became commission members out of 3,773 nominees put forward by the pro-government parties. The five largest pro-government public associations (Belarusian Republican Youth Union, *Belaya Rus*, Women's Union, Veterans' Union, and Federation of Trade Unions) nominated 27,080 people, with 25,546 people (94% of nominated candidates) were eventually selected to work as election commissioners.

- the country's opposition parties will be represented in the PECs by 53 people or 0.08% of the total composition, which is less than in the parliamentary elections of 2012 (61 people or 0.1% of the total composition of the PECs) and approximately equal to the number of members of the opposition on the PECs in the 2008 parliamentary elections (48 or 0.07%).

- the absence of legislatively fixed criteria for candidates to election commissions still results in a highly partial approach to the personal composition of these commissions; the CEC's Decree No. 18 has failed to contribute to greater political pluralism: as in the earlier elections, the formation of the PECs was based on a bias in favor of representatives of the pro-government political parties and public associations;

II. LEGAL FRAMEWORK

In accordance with Art. 28 of the Electoral Code, the preparation and conduct of elections of deputies of the House of Representatives are administered by the regional election commissions, the Minsk city territorial election commissions (TECs), and the precinct election commissions (PECs). It is the PECs who organize the voting, counting and the announcement of voting results at the polling stations, which makes them one of the key mechanisms of the electoral process. At the stage of election campaigning, PECs send information about the candidates to voters; control the rules of placing campaign materials at polling stations. PECs consider applications and complaints dealing with the preparation of elections, organization of voting, counting of votes and announce their decisions.

As with the territorial election commissions, PECs are composed of representatives of political parties and other public associations, labor collectives, as well as representatives of citizens nominated to the commissions by collecting signatures.

The procedure for sending representatives to the PECs is governed by the CEC's Decree No. 18 of 8 June 2016.

Political parties and public associations, labor collectives, collectives of their structural units and voters can nominate their representatives to the PECs in the following order:

The governing bodies of the regional branches — to the PECs formed in the territory of the region; the governing body of the Minsk city branch — to the PECs formed on the territory of Minsk; district, city, city district branches — to the PECs formed in the respective district, city, district of the city; the primary organization of a political party and other public association has the right to nominate a representative to the local commission of the polling station on whose territory it is situated;

Assemblies of labor collectives of organizations or their structural units having not less than 10 employees located on the territory of the district, city, district of the city, town, village council;

Voters in the amount of at least 10 people — to the PEC of the polling station, in whose territory they reside;

All of the above entities have the right to nominate only one representative.

The PECs are formed by the district and city executive committees, and in cities with district division — by a group of 5-19 members of local governments.

The entities who have put forward a representative to the commission have the right to appeal against the decision of the authority in charge to the district or city court.

Opportunities of nominating representatives by political parties and other public associations, as before, are limited by the requirement to have local branches. Thus, national public associations that do not have any organizational structures in the regions are deprived of the opportunity to nominate their representatives to the precinct election commissions.

In contrast to previous elections, the CEC's Decree No. 18 provided for the right of observers (including international ones) to attend the meetings of the executive committees and district administrations (in cities with district division) during the formation of the PECs.

In addition, according to para. 6 of the Decree, the business and political qualities of the persons who have been nominated to the election commission should be discussed before deciding on the formation of the PEC, and if the number of nominees exceeds the stipulated quota, information on each nominee should be considered and a separate vote should be carried out.

In the absence of an explanation of the notion of 'political quality' in the current legislation, experts of the *Human Rights Defenders for Free Elections* campaign requested clarification from the CEC.

The CEC said in response that the electoral legislation does not contain an explanation of the concepts of business and political qualities of a person nominated to the election commission. The CEC interprets the concept as "political views, level of representation of public associations and political parties in the region, their recognizability and credibility among the population."

In this regard, on July 7, representatives of the *Human Rights Defenders for Free Elections* campaign wrote to the CEC asking the election authorities to remove the term of 'political quality' from para. 6 of the CEC's Decree No. 18 in the absence of official interpretation of this term in the law, which is of extremely controversial nature and promotes the practice of subjective and selective approach in the formation of election commissions on the basis of the nominees' political views. The human rights activists asked to amend the Decree before the start of the formation of the PECs.

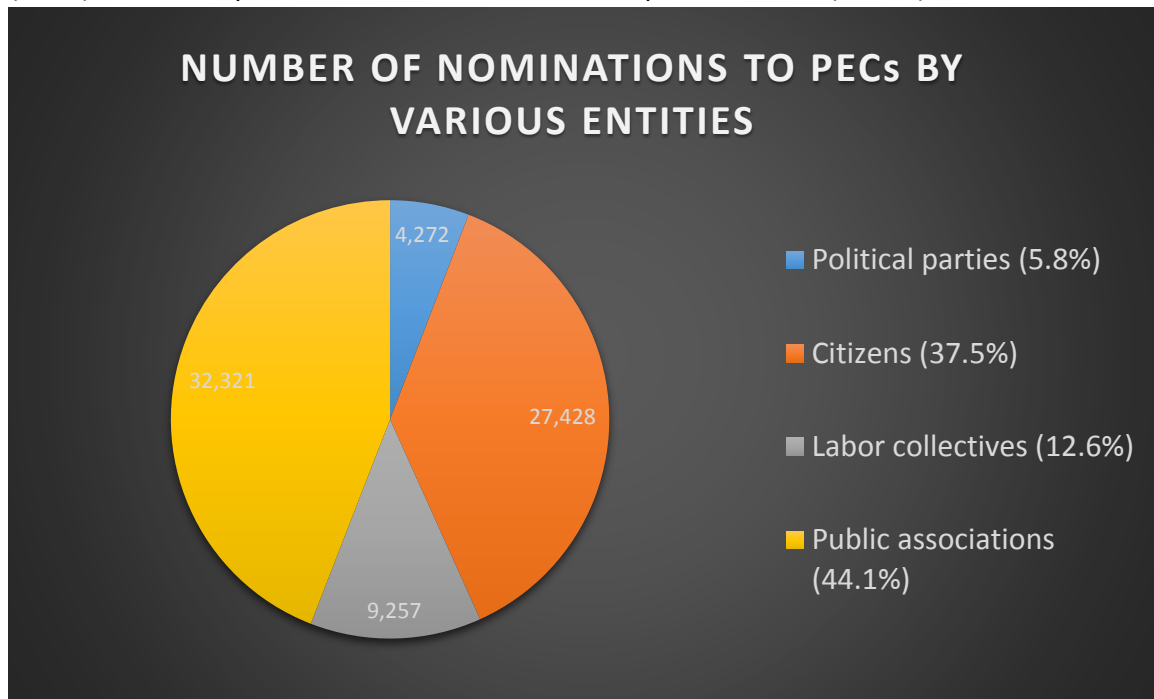
The CEC said in its reply on July 12 that there were no reasons to adjust the said decision or remove the notion of 'political quality'.

III. PROCESS FOR THE NOMINATION OF REPRESENTATIVES TO PRECINCT ELECTION COMMISSIONS

Observers reported several cases of bans on receiving the documents submitted for the nomination of candidates to the PECs. Uladzimir Siakerka, head of the Homieĺ regional branch of the Party of the Left "Fair World", told the campaign's observer in DEC No. 46 (Svietlahorsk)

Alena Masliukova that several of the party members were not included in the local PECs due to the fact that their nomination documents were allegedly received late: a registered letter only arrived seven days after sending, when the formation of the election commissions had been over. Therefore, none of the 24 candidates nominated by *Fair World* was not included in the local PECs.

According to the Central Election Commission, a total of 73,278 persons were nominated to 5,971 precinct election commissions, including through citizens' applications — 27,428 representatives (37.5%), from labor collectives — 9,257 (12.6%), political parties — 4,272 (5.8%) and other public associations — 32,321 representatives (44.1%).



As in previous elections, the greatest number of nominations was submitted by the pro-government associations: the Federation of Trade Unions of Belarus — 9,350 applicants (12.8%), *Belaya Rus* — 4,626 (6.3%), Belarusian Republican Youth Union (BRSM) — 4,066 (5%), Belarusian Union of Women — 4,344 (5.9%), and the Belarusian Public Association of Veterans — 3,160 nominations (4.3%).

According to information provided by the Viciebsk Regional Executive Committee, other nominees were sent by the Belarusian Red Cross Society (342 representatives), the Belarusian Peace Fund — 208, the Belarusian Union of Officers — 66, and the Belarusian Union of Soviet-Afghan War Veterans — 28 representatives. Four more representatives were delegated by unknown associations. Eight members were nominated by the opposition association *Local Government and Society*. Thus, at least 4,619 of the 4,631 nominees were put forward by the pro-government associations.

For example, in the Hrodna region, these entities nominated 91% of applicants from public associations, or 42.9% of the total number of nominated candidates. The activity of the pro-governmental organizations has increased as compared to earlier elections. Five of them nominated 34.5% of the total amount nominated to the PECs and 79% of the total amount sent by the public and other associations, respectively. In the current election campaign, the

proportion of representatives of political parties and public organizations has increased from 47% (2012) to 49.9%.

Ten political parties out of 15 registered nominated their representatives to the PECs. At the same time, pro-government political parties and public associations have increased their activity. For example, the Republican Party of Labor and Justice nominated 1,141 applicants (in 2012 — 832).

Out of 4,272 representatives of the parties, 514 (12% of the total number nominated by the parties, or 0.7% of the total number of nominations) were delegated by the opposition parties.

Compared with the parliamentary campaign of 2012, the activity of the opposition parties has slightly declined: in the 2012 elections, 664 candidates from five opposition parties accounted for about 0.8% of the total number of nominees. Approximately the same numbers were reported during the presidential campaign of 2015, when the opposition parties nominated 515 out of 3,877 applicants from all parties. According to the Central Election Commission, the Belarusian Party of the Left "Fair World" nominated 169 people, the Belarusian Social Democratic Party *Hramada* — 42, UCP — 223, and the BPF Party — 80 candidates.

IV. MEETINGS OF BODIES IN CHARGE OF FORMING THE COMMISSIONS

The meetings of the district and city executive committees, and in cities with district division — local administrations were held on July 25-27 to form the precinct election commissions.

Observers and representatives of entities that nominated their candidates to the PECs did not encounter major obstacles to attending the meetings.

The meetings lasted for an average of 2 hours. However, in some cases, executive committees formed commissions in 55 minutes (Smarhoń executive committee, the administration of the Kastryčnicki district of Mahilioŭ), and in some cases the meeting lasted for 6-8 hours (Sluck district executive committee, the administration of the Lieninski district of Mahilioŭ, the administration of the Saviecki district of Minsk).

Most of the nominated representatives were selected as PEC members by the bodies that formed the commissions, but the figures vary in some PECs. In particular, the Pieršamajski district administration of Babrujsk received documents from 1,038 nominees, of which only 483 were included in the PECs; the Kastryčnicki district administration of Hrodna selected 889 people from 1,223 candidates.

At the majority of meetings, those present voted for a list of candidates, without discussing the nominations; there were cases when the nominees were not even introduced. At most meetings, the officials were offered to vote for a list that had been drafted in advance. About a quarter of the meetings discussed part of the nominees, including their business and political qualities, which indicates that the authorities make use of standards provided in the CEC's Decree No. 18 of 8 June 2016, which for the first time mentioned this type of discussion.

However, observers noted that the term 'business and political quality' were interpreted differently by bodies that formed the PECs:

In particular, the administration of the Frunzienski district of Minsk refused to consider the nominations submitted by the unemployed.

The administration of the Partyzanski district of Minsk said that the main criteria for the inclusion in commission were the person's social and political activities, organizational skills, ability to work with people and hear them.

In addition, representatives of district executive committees named other criteria for the selection of nominees to the PECs: experience of social and labor activity, experience of work in election commissions, support for the government's policies.

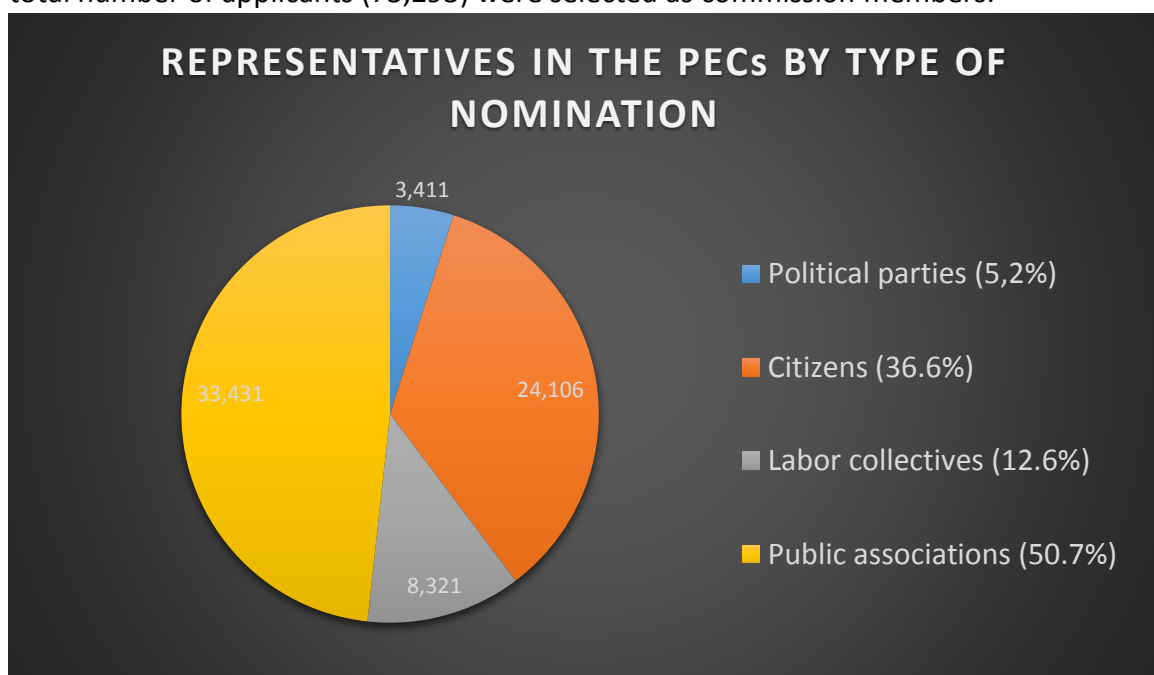
These criteria has been the main cause of bans on selecting persons nominated by opposition parties. It should be noted that the term of 'political quality' provided for in para. 6 of the CEC's Decree No. 18 in most cases is understood as support for the government's policy.

In some cases, applicants were invited for an interview by the agencies that formed the commissions. In particular, Aliaksandr Dabravolski, UCP member, former deputy of the Supreme Soviet of the USSR and the Supreme Soviet of Belarus, was invited to the administration of the Centralny district of Minsk. During the interview, administration officials tried to test the politician's knowledge of the rules of the Electoral Code. It is unknown if similar tests were conducted for candidates nominated to PECs by the pro-governmental public organizations and political parties, representatives of labor collectives.

In early July, CEC head Lidziya Yarmoshyna said that the formation of the PECs should not be based on a formal approach. In her opinion, if there is no competition for the commission seats, it is necessary to briefly characterize each candidate, and then hold a vote for the list of candidates. In case the number of nominees exceeds the amount of seats, a separate vote on each candidate should be held, so that it was clear whose candidacy was put on a vote. However, as evidenced by the campaign's observers, the authorities in charge of the procedure were not always guided by the approach voiced by the CEC head.

V. COMPOSITION OF FORMED COMMISSIONS

A total of 5,971 PECs were formed, which is included 65,856 commissioners. Thus, 89.8% of the total number of applicants (73,293) were selected as commission members.

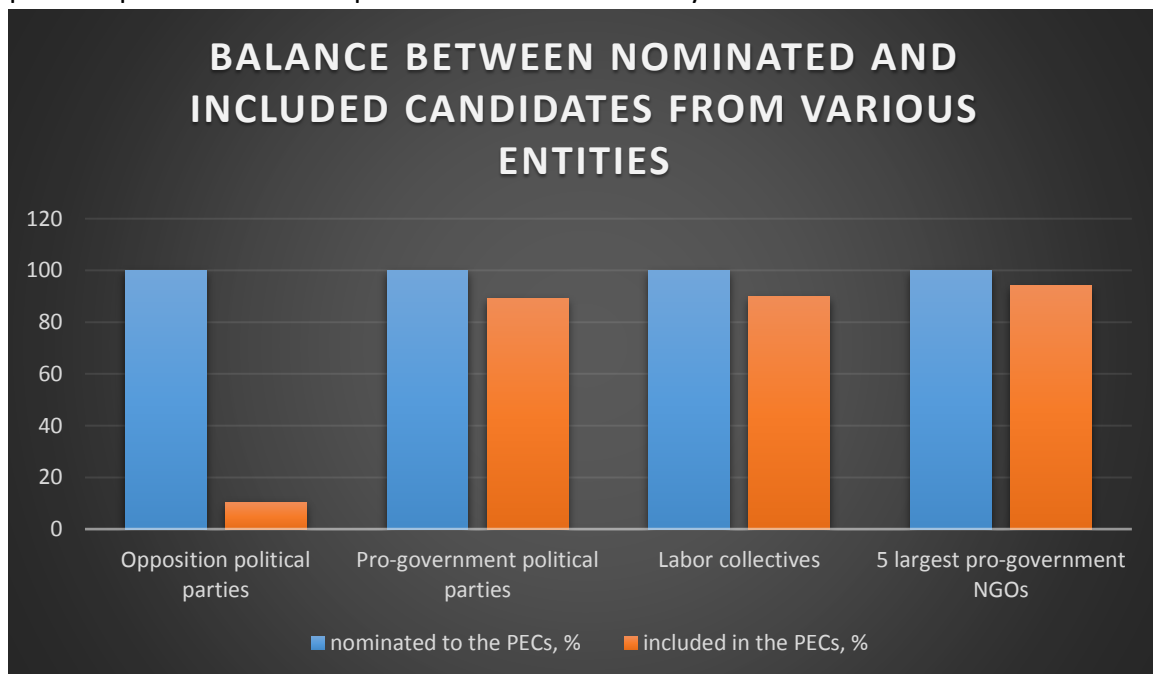


The same representation rate was demonstrated by the candidates from the seven pro-government parties. Out of 3,773 persons nominated by the pro-government parties, 3,358 persons (89% of the total number) were included in the PECs.

A traditionally high representation in the PECs can be claimed by representatives of the five largest pro-government associations. Representation of *Belaya Rus*, the Belarusian Republican Youth Union, the Federation of Trade Unions, the Belarusian Women’s Union and the Belarusian Public Association of Veterans was significantly above average: out of 27,080 representatives nominated by them, 25,546 people (94 %) were included in the PECs.

At the same time, of the 514 representatives of the five opposition parties nominated to the PECs, only 53 people received seats on the commissions (10.3% of the total number). As a result, representatives of the opposition parties make up 0.08% of the total PECs composition, which is less than in the parliamentary elections in 2012 (61 people or 0.1% of the total composition of the PECs) and approximately equal to the number of opposition representatives in the composition of the PECs in the parliamentary elections of 2008 (48 or 0.07%).

Thus, as in previous election campaigns, the main organizers of the elections in the country are representatives of the five largest pro-government organizations: *Belaya Rus*, the Belarusian Republican Youth Union, the Federation of Trade Unions, the Belarusian Women’s Union and the Belarusian Public Association of Veterans. These organizations have 25,546 of their members on the PECs, which is 38.7% of the total number of PEC members. 24106 persons were included in the PECs through submitting applications by the citizens, which is 36.6% of the total number of PEC members. For comparison, the percentage of representatives of all political parties in the composition of the PECs is only 5.2%.



V. APPEALS AGAINST DECISIONS TO REFUSE MEMBERSHIP IN THE PECs

In Viciebsk, a group of citizens appealed against a violation of the personal voting procedure to the court of Pieršamajski district.

The *Fair World Party* appealed to the court of Orša district against a groundless decision to deny PEC membership to several representatives of the party and to the Kastryčnicki District

Court — against a discriminatory decision in a similar case. The same grounds were used by the party to lodge a complaint in the court of the Pieršamajski district of Viciebsk.

Fair World's representatives in Homieĺ appealed against a case when their nomination documents were not considered at the meeting.

As at the date of this writing, the results of these appeals remained unknown.