HUMAN RIGHTS DEFENDERS
FOR FREE ELECTIONS

Republic of Belarus. 2020 Presidential Election

Report on the formation of precinct election commissions

Observation of the presidential election 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

- on June 24, the authorities completed the formation of precinct election commissions (PECs), which are an important element of the electoral process directly engaged in the administration of voting and counting of votes. A total of 5,723 PECs were established, comprising 63,347 members;
- due to the COVID-19 epidemic, the conditions for monitoring the formation of PECs deteriorated, as the CEC Resolution No. 13 of May 8 did not provide for the possibility of attending PEC formation meetings by representatives of NGOs accredited with the CEC, as was the case in previous elections. However, in most cases, the campaign's representatives had the opportunity to attend the meetings (78%), while some observers were denied this opportunity without a valid reason;
- in half of the cases where PEC formation meetings were held online, the campaign's representatives had difficulty observing them due to poor livestream quality, or did not have the opportunity to observe at all due to the absence of livestreams or interruptions. In 5%, instead of livestreams, videos of the meetings were published, of which only 20% of the observers noted their good quality;
- of the 42 PEC formation meetings monitored, representatives of nominees and the media were invited to 61% of the meetings. 45% of nominees were not discussed at the meetings, and in 35%, those present were offered to vote for a list of candidates. In commissions where the number of nominees exceeded the number of seats, the discussion was of a formal nature, and as a result of preferential voting, representatives nominated by opposition parties or other independent public organizations were not, as a rule, included in the commissions;
- in most cases, the observers noted the employment-based principle of forming the election commissions when commission members are co-workers in the same organization;
- the formation of PECs was clearly discriminatory against representatives of opposition parties: out of 545 nominees, only 6 became PEC members (1.1% of the total number of nominees), while 3,717 out of 3,844 applicants from pro-government parties were elected to the commissions (96.7% of the total number);
- PEC seats were occupied by almost all representatives nominated by the five pro-government organizations, BRSM, Belaya Rus, Women's Union, Union of Veterans, the Belarusian Peace Fund, and the Federation of Trade Unions (FTUB), or 96.9% of those nominated;

- the total number of representatives of opposition parties in the PECs is 6, or 0.009% of the total number of PEC members, which is five times less than in the previous 2015 presidential election;
- the absence of legal guarantees for equal representation in the election commissions of all political entities participating in the elections, as before, resulted in an arbitrary and discriminatory approach to opposition parties and movements.

LEGAL FRAMEWORK

In accordance with Art. 27 of the Electoral Code, together with the territorial election commissions (TECs), the preparation and conduct of presidential elections are administered by the precinct presidential election commissions (PECs).

In presidential elections, precinct election commissions are formed by district and city executive committees, and in cities with a district division — by local administrations. The PECs should consist of 5-19 members and must be formed no later than 45 days before Election Day. If necessary, the composition of precinct commissions may be increased or decreased.

The bodies that form the commissions, as a rule, should ensure that at least one third of PEC members are representatives of political parties and other public associations. This provision does not apply to the formation of precinct commissions in hospitals and abroad. The commissions may not include judges, prosecutors, heads of local executive and administrative bodies. Civil servants may not make up more than one-third of the commission. The latter ban does not apply to the formation of precinct commissions located abroad.

Precinct commissions located abroad are formed by the heads of diplomatic missions (consular departments) of the Republic of Belarus operating on the territory of the respective foreign states.

The procedure for nominating representatives and the decision-making process on the establishment of the commissions is enshrined in the Electoral Code and the CEC's Resolution No. 13 of May 8, 2020 (as amended by the CEC's Resolution No. 24 of May 15, 2020) "On clarification of the application of provisions of the Electoral Code on the procedure for the formation of commissions in the 2020 presidential election".[1]

The decisions of the bodies that formed the commissions may be appealed within three days from the date of their adoption to the district and city courts by the entities that nominated their representatives to the commissions. The appeal must be signed by the head of the political party, public association and their local offices, or the citizens who nominated their representative to the commission. The court shall consider the appeal within three days; its decision is final.

PECs ensure compliance with the requirements of the Electoral Code (EC) and other acts governing elections on the territory of the polling station; provide preparation of polling stations, ballot boxes and other equipment; organize voting on Election Day, provide the possibility of early voting, as well as the safety of ballots. PECs consider applications and complaints about the preparation of elections, the organization of voting, and the counting of votes, and issue decisions.

At the campaigning phase, PECs send voters information about the presidential candidates provided by the CEC; monitors compliance with the rules of placing campaign materials on the territory of the polling station.

[1] http://rec.gov.by/sites/default/files/pdf/2020/post13.pdf

On Election Day, PECs count the votes and announce voting results at the polling station.

The powers of precinct election commissions expire upon completion of the elections on the territory of the polling station.

NOMINATION OF REPRESENTATIVES TO PECs

PECs consist of representatives of political parties, other public associations, labor collectives, and representatives of citizens who are nominated to commissions by collecting signatures. According to the CEC[2], 70,200 persons were nominated to 5,723 PECs, the number of which has decreased by 1,000 since the 2001 presidential election.

Nomination of representatives of parties and other public associations takes place in the following order: the governing bodies of regional organizational structures — to the PECs formed on the territory of the region; the governing body of the Minsk city organizational structure — to the PECs formed on the territory of Minsk; the organizational structures of the district, city and city district level — to the PECs formed in the respective region, city, or district of the city; local branches of political parties and other public associations have the right to nominate their representative to the commission of the polling station on the territory of which it is registered.

Of the 15 registered political parties, 11 nominated 4,389 persons (6.3% of those nominated) to PECs (including 3 opposition parties: the United Civil Party nominated 212 representatives, the BPF — 109, and the Belarusian Social Democratic Party (Hramada) — 224). The Belarusian Left Party "Just World", which had traditionally been active in all previous election campaigns, refused to participate in the election.[3] The Belarusian Green Party also refused to participate.[4] The statements by the parties' headquarters, in particular, noted the fact that holding elections during the COVID-19 pandemic was an irresponsible decision that endangered people's lives.

As before, the process of nominating representatives of opposition parties and other public organizations is complicated by the fact that, according to the Electoral Code, the right to nominate their representatives is only enjoyed by the governing bodies of regional, Minsk city, district, city (in cities of regional subordination), and district (in cities) offices of political parties and other public associations. Since 2003, many organizational structures of political parties have been liquidated in connection with their registration in residential buildings.

Despite this, opposition parties nominated 545 representatives to PECs, which is almost 60 more than in the 2015 presidential election.

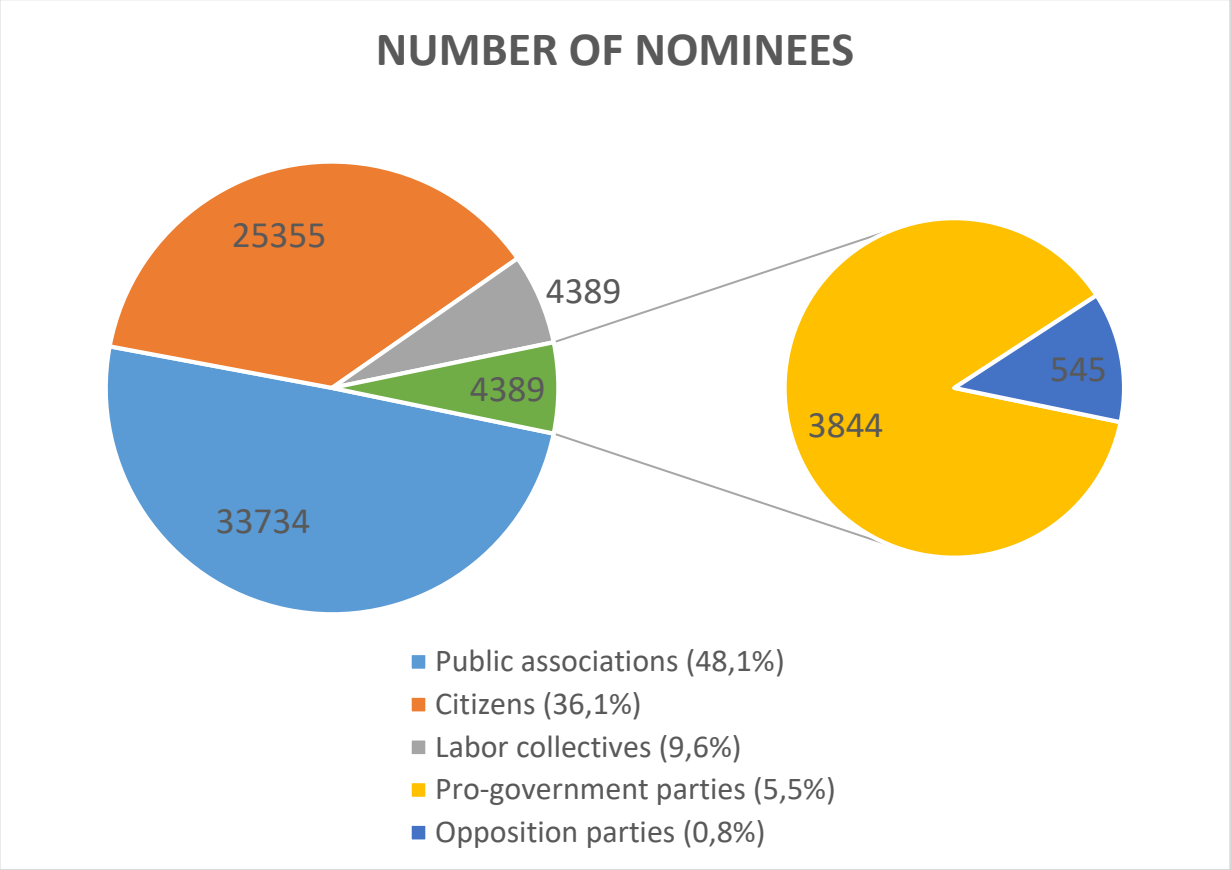
Pro-government parties nominated 3,844 representatives, e.g. the Belarusian Agrarian Party nominated 576 people, 572 of whom — in Minsk; and the Republican Party of Labor and Justice nominated 1,294 people.

The bulk of nominees (33,734, or 48.1%) are representatives of NGOs and trade unions. The number of representatives of public associations nominated to the commissions has increased by 6% compared to the previous presidential election, but this does not indicate an increase in public influence on the electoral process: the majority of nominees were representatives of the six largest pro-government organizations: Belaya Rus, Belarusian Republican Youth Union (BRSM), offices of the Federation of Trade Unions of Belarus, the Belarusian Women's Union, the Belarusian Public Association of Veterans, and the Belarusian Peace Fund, which nominated a total of 29,796

[2] http://rec.gov.by/sites/default/files/pdf/2020/stat13.pdf
[3] http://spravmir.org/2020/05/10/statement-elections2020
[4] https://www.facebook.com/belarusiangreens/posts/2595529590712782

representatives, or 88.3% of the representatives of public associations and 42.4% of all nominees. Other public associations are also mainly represented by pro-government NGOs: the Belarusian Union of Soviet-Afghan War Veterans, the Belarusian Red Cross Society, and the Belarusian Union of Officers.

Among the opposition NGOs, the BPF "Adradzhennie" (85 people) and "Tell the Truth" (112 people) were the only two to nominate their representatives to PECs.



Meetings of labor collectives of organizations or their structural units located in the district, city or city district, township, or village councils, attended by at least 10 employees can nominate their representatives to the PECs of the respective territory.

Labor collectives nominated 6,722 representatives, or 9.6% of those nominated.

A group of voters of at least 10 people has the right to nominate a representative to the precinct commission of the polling station in whose territory they reside. A group of at least three voters whose residence in the territory of a foreign state has been confirmed at the time of nomination can nominate their representative to a precinct commission located outside Belarus.

Citizens nominated 35,355 people, or 36.1% of the nominees. The year's election was marked by multiple nominees representing the civil initiative "Honest People", the launch of which was announced on June 9 by the presidential nominee Viktar Babaryka. 2,042 persons were nominated by the initiative to 1,164 precinct commissions.[5]

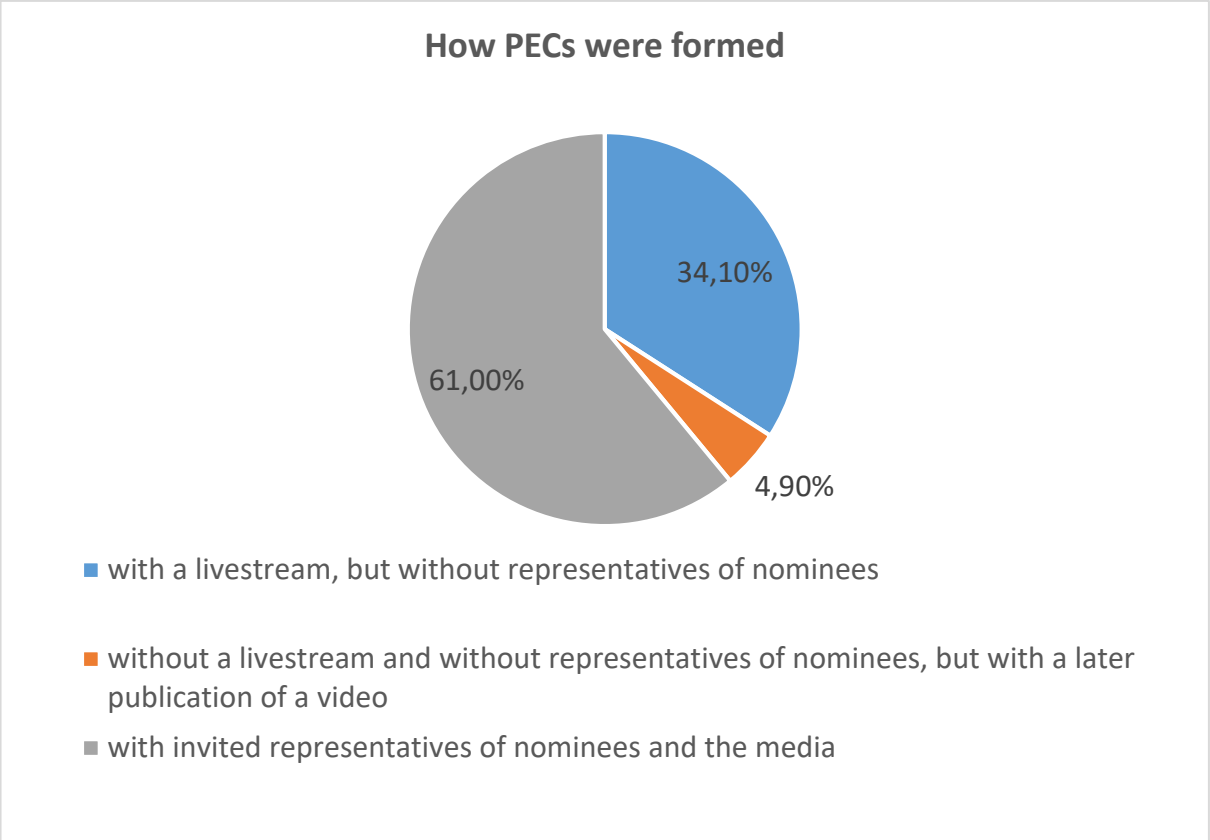
[5] https://honestpeople.by/dashboard

MEETINGS OF BODIES IN CHARGE OF FORMING PECs

Meetings of the district and city (cities of regional subordination) executive committees, local administrations were held in accordance with the Electoral Schedule, no later than June 24, 2020.

The year's election is taking place in the context of the coronavirus pandemic, which affected the process of meetings of the bodies that formed the PECs.

In particular, the CEC's Resolution No. 13 (as amended) provided for the possibility of either livestreaming the meetings of the PECs (without inviting representatives of entities that nominated their representatives to the commissions or the media) or with the subsequent publication of a full video of the meeting, or with invited observers without a livestream and a video. Thus, the meetings of the bodies that formed the PECs could take place in three formats.



The campaign's representatives observed the process of the formation of PECs at 42 meetings of district executive committees and district administrations in city districts.

The majority of the meetings were, as before, attended by invited representatives of entities that had nominated their representatives to election commissions and the media, or 61% of the meetings.

In 34.1% of the cases, representatives of nominees or the media were not invited, but a livestream of the meeting was organized, and in only 5% of cases, representatives of nominees were not invited to the meetings and no livestream was organized, but a video of the meeting was later published.

In most cases, the campaign's observers noted that all the entities that nominated their representatives to election commissions had the opportunity to submit nomination documents and the bodies that formed them accepted these documents for consideration.

The observers also note that in most cases they were informed in advance of the time and place of the meetings, or of the platform on which a livestream had been organized or a video was published.

The CEC's Resolution No. 13 regulates the conduct of meetings that form the PECs, according to paragraph 9 of which, before deciding on the establishment of a commission, the body in charge should discuss the professional and personal qualities of the nominated persons. If the number of nominees exceeds the maximum number of seats, information on each candidate should be announced and each nominee should be put on a separate vote.

As for the voting and discussion of the nominated candidates, the campaign's observers note that the approaches by the district executive committees depended on the number of nominees. If the commissions were formed on a non-alternative basis, as a rule, the characteristics of the nominees were not announced or all nominees were described together, and the entire list of nominees was put on a vote. If the number of nominees exceeded the number of seats in PECs, the nominees received personal characteristics and a preferential vote was organized. Moreover, often when the number of submitted applications matched the maximum possible number of PEC members (from 5 to 19 people), the chairmen of district executive committees proposed a smaller commission, approved it by voting, and then eliminated extra nominees by preferential voting. The extra nominees were usually representatives of opposition parties, as well as nominees from citizens who had not previously participated in the work of election commissions.

In 45% of the cases, there was no discussion of the nominees, and in 35% of the cases, it was proposed to vote for a draft list of candidates without discussing other nominees.

Traditionally, preference was given to those who had earlier experience in election commissions, were positively characterized by their employers and were nominated by such public associations as the BRSM, the FTUB, Belaya Rus, or the Women's Union.

With no legislation-based eligibility criteria, various aspects, sometimes obviously absurd, were mentioned as characteristics of personal and professional qualities, e.g. timely payment of utility bills or leading a healthy lifestyle (announced at a meeting on the formation of PECs in the Frunzienski district administration of Minsk). In many cases, the representatives of the bodies that formed the PECs did not explain their choice at all, citing the fact that they were not obliged to do so.

Most observers note the traditional employment-based principle of PEC formation (when the commission includes employees of the same enterprise or organization) and the fact that the composition of the commissions has not actually changed compared to the 2019 parliamentary elections.

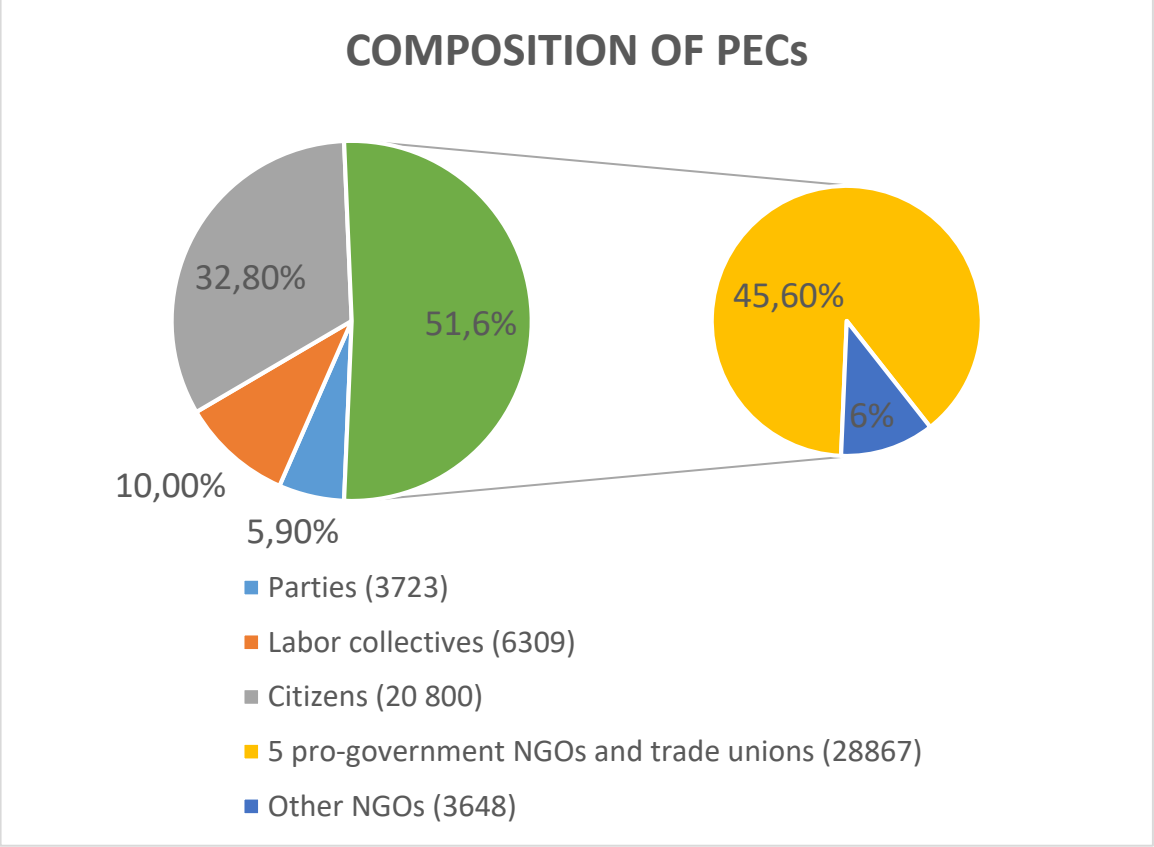
The main issue of concern in the formation of PECs, as before, is the lack of guarantees for the representation in election commissions of all entities participating in the elections. As a result, selective and discriminatory approaches to nominees are observed in the formation of commissions, depending on their affiliation to a particular political party, public association, etc.

COMPOSITION OF ESTABLISHED COMMISSIONS

According to the CEC[6], 63,347 persons were elected members of 5,723 precinct commissions.

3.9% of the PEC members are civil servants. Women make up 72.5% of the total number of PEC members.

The commission included 20,800 representatives of citizens who were nominated by applications (32.8% of the total number), and 9,554 representatives of labor collectives (14.2%).



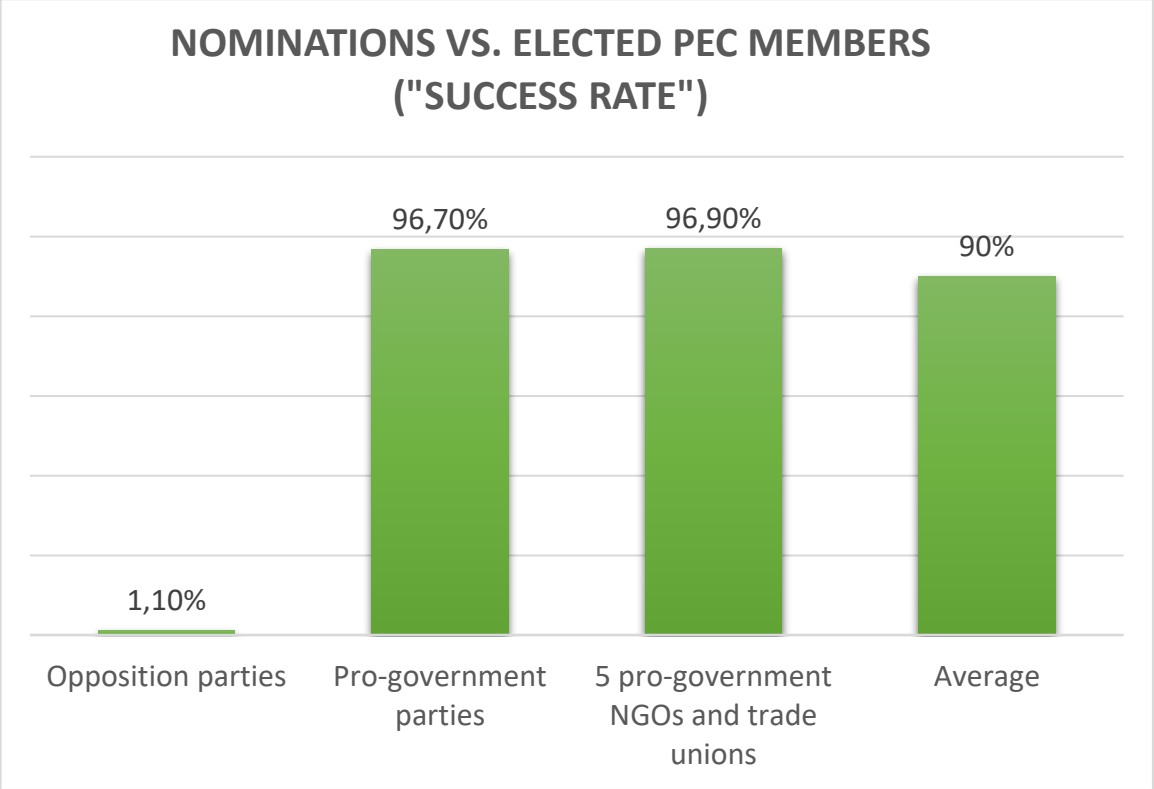
3,723 representatives of political parties (5.9% of the total composition) were elected to the PECs. Out of 545 candidates from opposition parties, as few as 6 representatives became PEC members (three each from the BPF Party and the BSDP (Hramada), or 1.1% of the nominees). As compared to the previous presidential election, the number of representatives of opposition parties in PECs decreased by 5 times, and the "success rate"[7] also decreased almost five times. 3,717 people representing other political parties were included in the commissions (96.7% of those nominated).

The majority of PEC members are representatives of NGOs: 33,734 persons, or 48.1% of the total number of elected PEC members. Of these, 28,867 people represent the five pro-government NGOs and local offices of the pro-government Federation of Trade Unions. The share of representatives of the five pro-government NGOs and trade unions included in the PECs is 96.9% of the total number of nominations.

Representatives of opposition NGOs were not included in the commissions.

[6] http://rec.gov.by/sites/default/files/pdf/2020/stat14.pdf

[7] The ratio between the number of representatives nominated to the commissions and the number of representatives included in the commissions



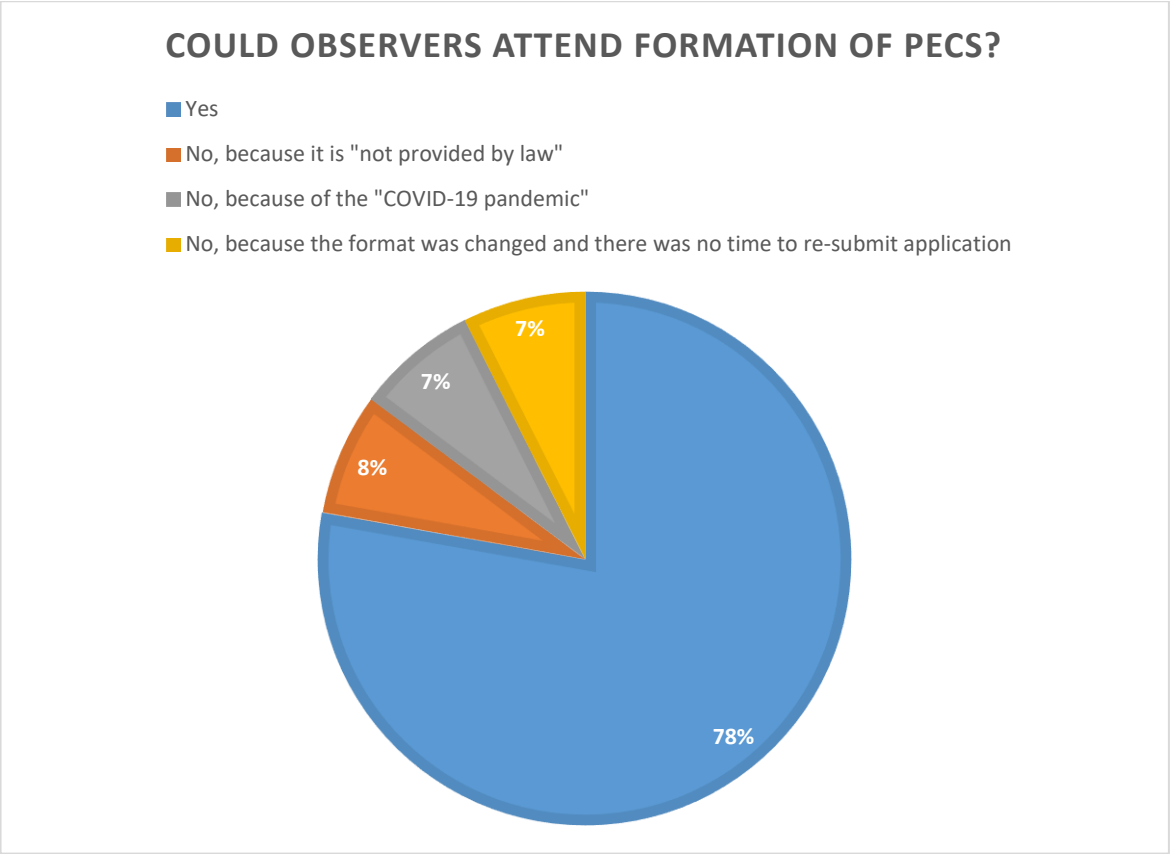
Similarly, almost all representatives of the Honest People initiative were not included in the PECs.

It should be noted that none of the established commissions is composed of the maximum possible number of members: the average number of PEC members is 11 people per commission. The law did not prohibit the executive committees and district administrations from including in the commissions all those who met the requirements set by the Electoral Code and submitted the necessary documents for nomination to the commission. Thus, it can be concluded that the authorities have taken all measures possible to prevent the inclusion of opposition representatives and independent nominees in the PECs and to form the PECs from loyal people.

The absence of legal guarantees for the representation of registered parties in the commissions resulted in only six of the 5,723 PECs having representatives of the political opposition, accounting for 0.009% of the total number of PEC members; this situation determines the low level of confidence in the activities of these commissions by various political and social institutions.

CONDITIONS OF OBSERVATION OF THE PEC FORMATION PROCESS

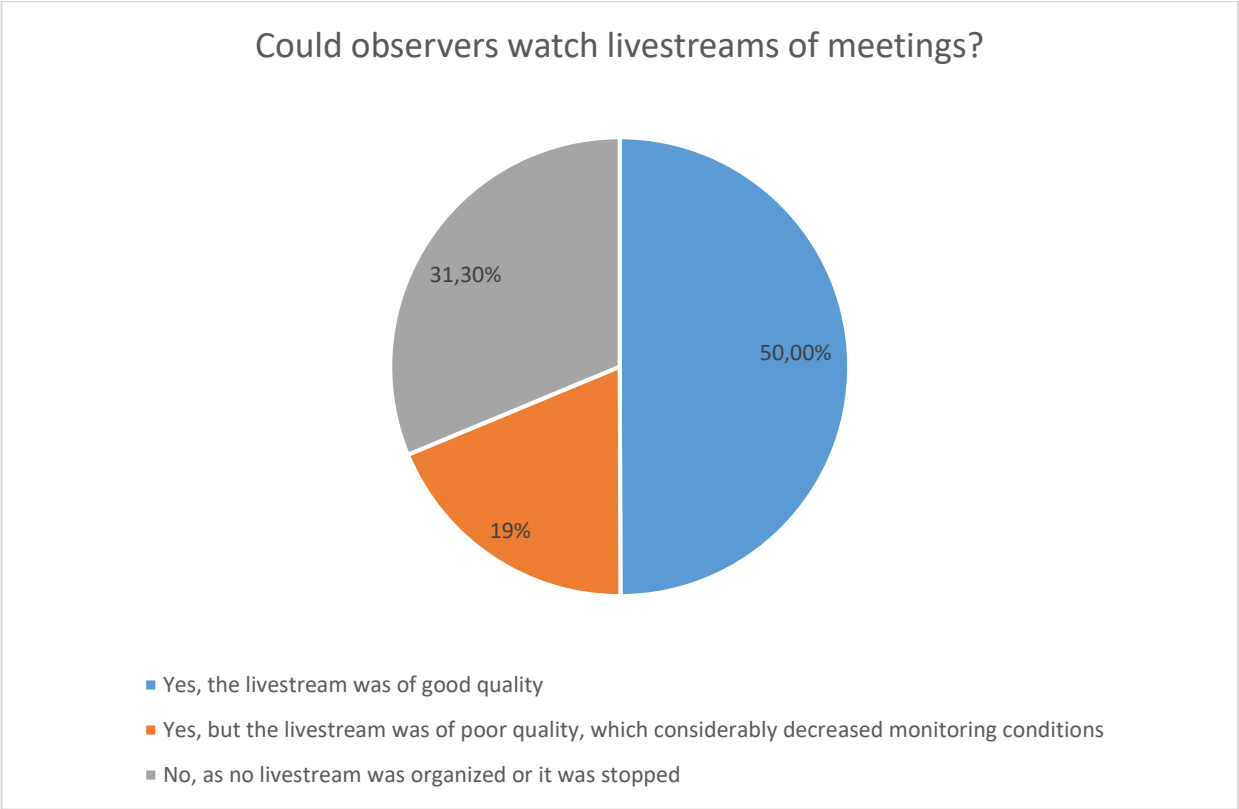
The CEC's Resolution No. 13 did not specify the possibility of the presence of representatives of other public associations and the procedure for sending them to the meetings, which took place offline, rather than online. It should be noted that during the previous elections, including the 2019 elections to the House of Representatives, the CEC's Resolutions provided for the right to attend the meetings of election commissions by representatives of public associations whose observers were accredited with the CEC. To do this, a letter was sent to the bodies that formed the commissions confirming the delegation of the representative signed by the organization's head.



In practice, however, most of the campaign's representatives were able to attend the meetings of the bodies that formed the PECs if representatives of nominees were invited to the meetings.

In five cases, observers were not allowed to attend the meetings. In particular, Aleh Matskevich, a representative of the campaign "Human Rights Defenders for Free Elections" in Barysaŭ, was not allowed to observe the session of the Barysau district executive committee on the formation of local PECs, after a representative of the executive committee said that the possibility of his presence at the meeting was not provided by the Electoral Code. Iryna Tratsiakova, a representative of the campaign in Viciebsk, was not allowed to attend a meeting of the Pieršamajski district administration of Viciebsk. Tatsiana Lazurkina, head of the organizational and personnel department, said that the right to attend was not provided for in Art. 35 of the Electoral Code.

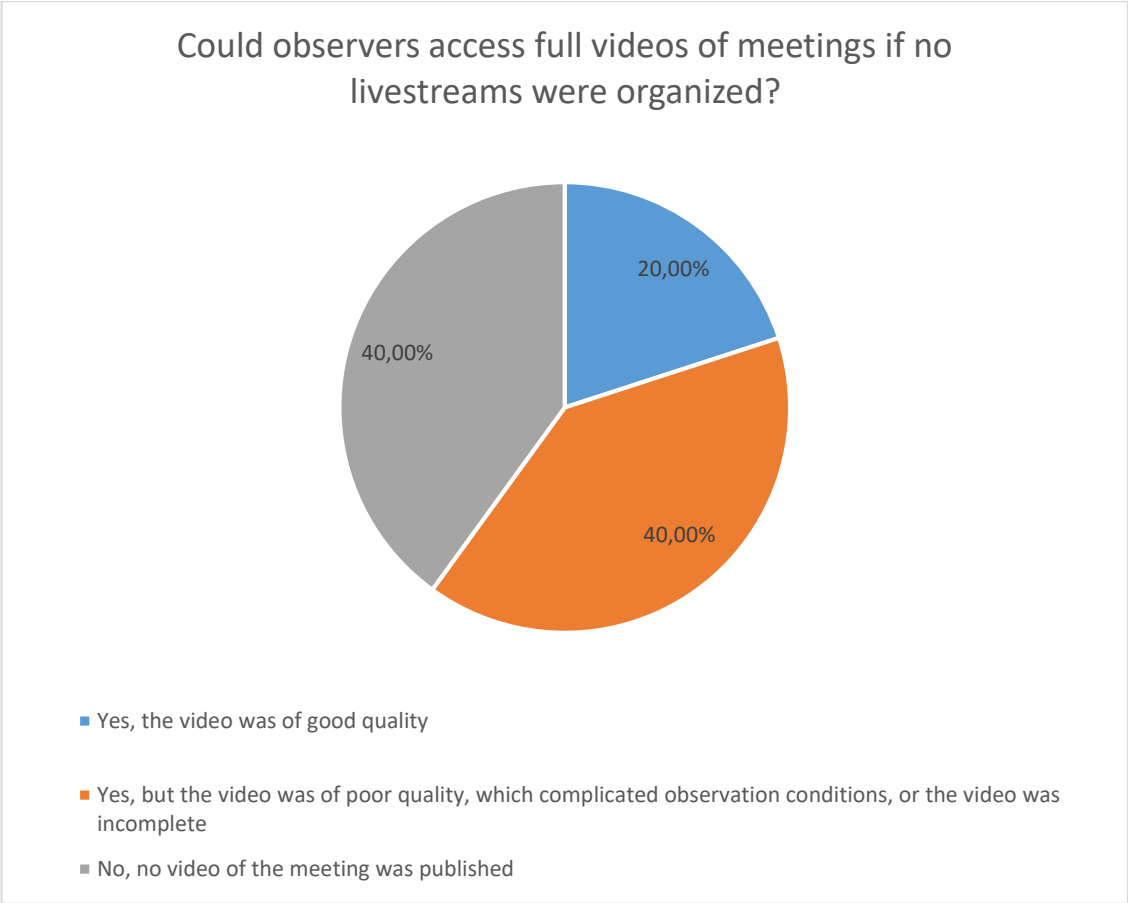
In Salihorsk, a special banner on the website of the district executive committee announced that anyone who wanted to attend a meeting on the formation of PECs on June 24 should call the specified phone numbers on June 23 before 1 pm. As a result, many people wishing to attend the meeting and those who did not notify the district executive committee in advance were not allowed to attend the meeting.



When monitoring livestreamed meetings, most of the campaign's observers noted that they had the opportunity to observe and that the quality of the livestream was good (50%), but in 19% of cases the livestream was of poor quality, making monitoring much more difficult (poor sound, misalignment of sound and picture, pauses, etc.). In 31.3% of the cases, observers could not observe the formation of PECs due to the absence of livestreams or after they were interrupted and it was impossible to resume the livestream.

In particular, during the session on the formation of PECs by the Hrodna district executive committee, the livestream was periodically suspended and it was not possible to conduct full-fledged monitoring.

Thus, in half of the observed cases, the livestreams of the PEC formation sessions did not provide the campaign's observers with satisfactory conditions for monitoring this phase of the election or resulted in the absence of any observation.



As reported by the campaign's observer in Biaroza, the livestream froze, and at some points was unavailable. Observer Siarhei Rusetski phoned deputy chairman of the district executive committee A. Krahel (head of the department of ideology and youth affairs), who promised to publish a video the following day. The recording was posted, but there were noticeable breaks and reductions. The video does not start from the beginning, but from the formation of PEC No. 7, and ends with a break in the record when the composition of the last PEC No. 40 was being announced. Thus, the observer failed to fully monitor the formation of PECs by the Biaroza district executive committee.

In some district executive committees in the Hrodna region, PEC formation sessions were held behind closed doors. According to the campaign's observer Raman Yurhel, 12 district executive committees of the region (Vaŭkavysk, Voranava, Zeĺva, Iŭje, Svislač, Bierastavica, Kareličy, Masty, Navahrudak, Ašmiany, Ščučyn, and Slonim) posted information about the PEC formation meetings without specifying the format of their conduct. Meanwhile, in accordance with paragraph 10 of Annex 2 to the CEC's Resolution No. 16 of May 8, 2020, a notice of the place and time of the meeting (including the format of its conduct) shall be placed no later than two days before the scheduled date. No videos of the PEC formation meetings were posted on the official websites of these executive committees.