



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

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

Monitoring report on the formation of territorial election commissions

Observation 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".¹

The observation campaign involves 29 long-term observers.

EXECUTIVE SUMMARY

- 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.
- As in the previous local elections, one of the major obstacles to nominate representatives to the territorial election commissions (TECs) from political parties and public organizations is a rule endorsed by the Central Election Commission which only allows the nomination of candidates by the organizations' local branches, provided they are registered at the regional, district and city levels.
- Nomination to the TECs took place in conditions of limited voter awareness. In particular, Annex number 3 to Regulation number 39 of the Central Commission "On informing the citizens about the work and the preparation and holding of elections to the Local Councils of the Republic of Belarus of the twenty-eighth convocation" of 15 November 2017 does not provide for the need to inform the voters about the time and place of meetings of bodies in charge of forming city (in the cities of regional subordination), settlement and village election commissions. Thus, the websites of local executive committees published no information about the time and place of formation of 90% of the TECs.
- The campaign's observers documented no significant impediments to the reception of nomination documents by representatives of the bodies that formed the TECs.
- Almost all representatives of the campaign had the opportunity to attend the meetings of the bodies that formed the TECs. This was a positive result of the settlement of a long-standing issue by the Central Election Commission's Regulation number 36 of 15 November 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 TECs.
- The meetings of the bodies that formed the TECs were generally held in a formal manner, although in most cases personal and business qualities of nominated candidates were discussed. Two representatives of the campaign reported voting for pre-arranged lists of TEC members.
- 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 TECs. Under such circumstances, it was difficult to fully assess the

¹ Belarusian Helsinki Committee, <http://belhelcom.org/docs>; HRC "Viasna", <http://spring96.org/>

correctness of information provided by the nominees who were eventually approved as members of the TECs.

- The number of candidates nominated to the TECs by all the registered political parties amounted to 161 persons (1.4% of the total number of nominees), which roughly coincides with the amount nominated by the parties during the local elections of 2014 (1.29%). This trend reflects the low role of political parties in the electoral processes of the country as a whole. In total, 125 representatives of political parties were included in the TECs (1.2% of all TEC members).
- As before, the main actors who nominated their representatives to election commissions were public associations (4,101 nominees or 36.7% of the total amount and 37.9% of the total number of TEC members) and individuals by collecting signatures (5,732 persons or 51.3% of the total amount and 50.3% of the total number of TEC members). The five biggest pro-government associations (Belaya Rus, Belarusian Republican Youth Union, Belarusian Women's Union, Belarusian Public Association of Veterans, and the Federation of Trade Unions of Belarus) nominated a total of 3,780 persons (33.8% of the total amount). The results of meetings of the bodies that formed the TECs demonstrate that the representatives of these associations accounted for 35% of the total number of TEC members.
- Traditionally, low is the number of members of opposition parties in the composition of the TECs. Four opposition parties (Just World, Belarusian Social Democratic Party (Hramada), UCP and BPF) nominated 34 persons (0.3% of the total number of nominees). Of them, only 7 were included in the TECs (0.067% of the total number of TEC members). Thus, only 20.6% of the nominees from the opposition parties were included in the TECs. For example, the number of TEC members nominated by the five pro-government organizations is 3,780 persons (97.3% of their nominees). 92.9% of the persons nominated by the five pro-government political parties (Belarusian Social and Sports Party, Communist Party of Belarus, Liberal-Democratic Party, Republican Party of Labor and Justice, and Social Democratic Party of National Accord) were eventually included in the TECs. The bodies in charge of forming the election commissions still applied discriminatory attitudes to the nominees from the opposition parties.
- The main criterion used in the formation of the TECs is previous experience in election commissions. It should be noted that the introduction of a rule by the Central Election Commission that called for the discussion of business and personal qualities of the candidates did not contribute to greater political pluralism in the TECs.
- The process of the formation of the TECs during these elections took place in an atmosphere of greater transparency as compared to the previous local elections of 2014, but generally applied practices and the results of the formation of the TECs did not differ from previous election campaigns.

LEGAL FRAMEWORK

In accordance with Art. 29 of the Electoral Code, the preparation and conduct of elections of deputies of Local Councils are carried out by the territorial election commissions: regional, Minsk city, district, city (in the cities of regional and district subordination), settlement, and village election commissions; district election commissions for elections to the Regional Councils and territorial election commissions exercising in the districts of Minsk the powers of district election commissions for elections to the Minsk City Council (one commission is formed in each district of the city of Minsk). The following entities are entitled to nominate their representatives to the TECs (one representative to each commission): the governing bodies of local branches of political parties and other public associations, provided they are registered at the same territorial level where the TEC is created; labor collectives of organizations or collectives of their structural units, which consist of at least 10 employees and are located in the territory of the respective TEC; individuals of at least 10 people eligible to vote and residing in the territory of the respective TEC. Thus, political parties and public associations cannot nominate their representatives to election commissions across the country, but only in those areas where they have registered organizational structures.

The regional TECs and the Minsk city TEC are formed by the presidiums of the Regional and the Minsk City Councils and the regional and Minsk city executive committees consisting of 9-13 persons. The district

and the city TECs (in the cities of regional subordination) — by the presidiums of the Regional, City and District Councils and the city executive committees consisting of 9-13 persons. The city (in the cities of regional subordination), settlement and rural TECs — by the city, settlement and village executive committees consisting of 7-11 persons.

In accordance with Art. 34 of the Electoral Code, at least one third of the commission members should be representatives of political parties and other public organizations. Civil servants may not constitute more than one third of the commission members. The commissions may not include judges, prosecutors, heads of local executive and administrative bodies.

The meetings of the bodies forming the commissions can be attended by the representatives of entities with the right to nominate their representatives to the commissions (political parties, public associations, labor collectives and individuals). According to the Central Election Commission's Regulation number 36 of 15 November 2017, the meetings of bodies in charge of forming the election commission can be attended by the representatives of political parties and other public associations, provided their observers have been accredited by the Central Election Commission.

The decision on the formation of the TECs shall be made public through nation-wide media within seven days from the date of its adoption. The decisions on the formation of village and rural TECs shall be made public in the same period with the use of "other means."

The decision of the authority that has formed the commission may be appealed within three days from the date of its adoption, respectively, to the Regional, Minsk City, District, Municipal Court by the entities who nominated their representatives to the commission. The court shall consider the appeal within three days. Its decision is final.

In accordance with para. 9 of the Central Election Commission's Regulation number 36, the meetings of the bodies in charge of forming the election commission should include the consideration of business and personal qualities of the persons nominated to the commissions, and if the number of candidates exceeds the allowed amount, information on each nominee should be arranged followed by an individual vote.

NOMINATION PROCEDURES

Nomination of representatives to the TECs was held in accordance with the Electoral Schedule² and was completed on 24 November 2017.

The process of formation of the TECs was held against the background of poor, although greater as compared to the previous local elections, media support for the procedures. The Central Election Commission's Regulation number 39 "On informing the citizens about the work on the preparation and conduct of elections to the Local Councils of the Republic of Belarus of the twenty-eighth convocation" of 15 November 2017 tasked the media resources of local executive committees to publish information on the elections to the local councils. A special section "Elections 2018" should be created on the websites of regional, Minsk city, district, city (cities of regional subordination) executive committees, district administrations in the city of Minsk. The content of the section is determined in accordance with Annex 3 to the said decision of the CEC. It also set the timing and manner of publications in local newspapers on the preparation and holding of the local elections.

The content of the thematic sections varied from website to website. In particular, the websites of the regional executive committees announced the time and place of meetings of bodies forming the commissions, the time and place of submitting the documents (except for the Minsk regional executive committee); the websites of district executive committees announced the venue of the meetings of the bodies forming the district TECs, reported on the time and place for the nomination to the commissions (except for the website of the Smaliavičy district executive committee); the websites of numerous executive

² <http://rec.gov.by/sites/default/files/pdf/Elections-MS28-post32.pdf>

committees published information about the place and time of receipt of documents for the nomination of candidates to the rural TECs (e.g. Baranavičy, Vietka, and Luniniec district executive committees).

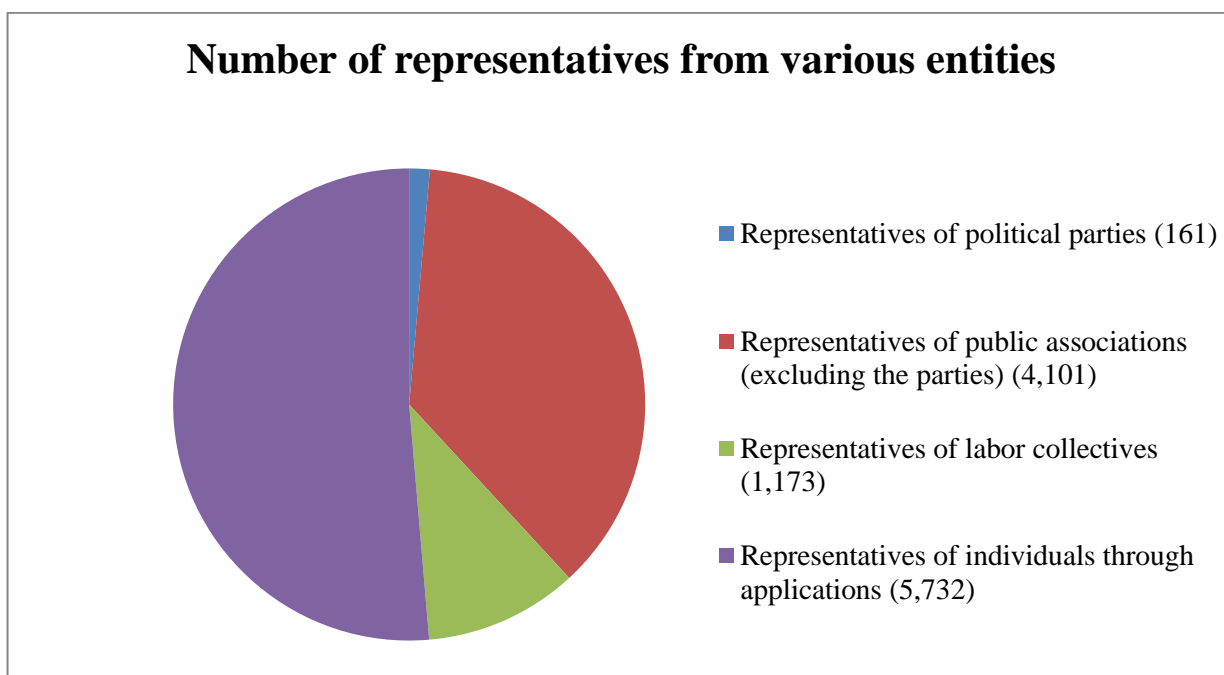
Information about the time and place of meetings of bodies forming the settlement and village TECs was practically inaccessible: the websites of some of the executive committees informed only about the place and time of reception of documents, while other websites provided no information at all. Thus, the place and time of formation of the TECs remained unknown in 90% of the cases.

The main problem traditionally faced by the opposition political parties when nominating their representatives to the TECs is the absence of local registered branches at the district and city levels. In previous years, many of the branches were dissolved following claims by local departments of justice alleging violations of registration rules (registration in residential premises, in particular). The fact significantly limited the activity of the political parties in nominating their members to the TECs.

The campaign's observers did not encounter any cases of unjustified refusal to accept the nomination documents from the applicants.

According to the CEC³, 11,167 representatives were nominated to the 1,309 TECs (6 regional, Minsk city, 118 district, 10 municipal in regional cities, 14 municipal in cities of district subordination, 8 settlement, and 1,152 rural TECs). Compared with the previous local elections, the number of settlement and village commissions decreased by 22 and the number of nominated representatives by 539 persons.

The CEC provides the following data on the nomination of representatives to the TECs:

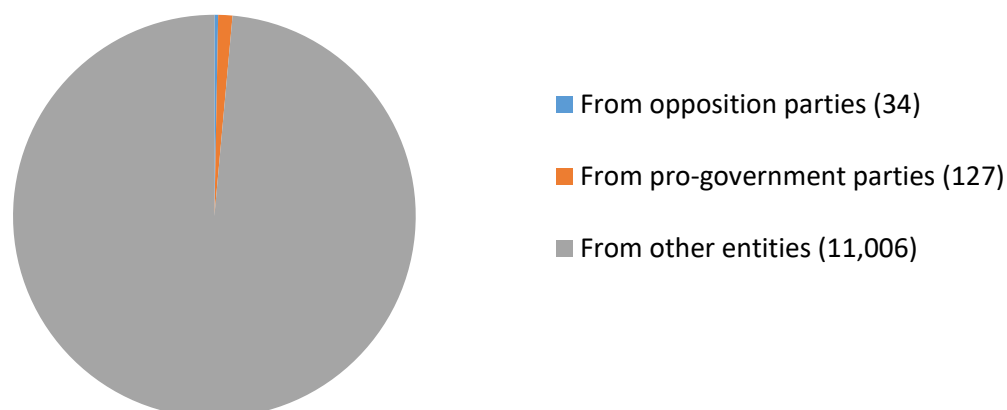


Of the 15 registered political parties, 9 parties nominated their representatives to the TECs, including 4 opposition parties: Belarusian Party of the Left “Just World” (18), United Civil Party (8), BPF (4), and Belarusian Social Democratic Party (Hramada) (4). According to the CEC, a total of 34 representatives were nominated by the four opposition parties, or 21.1% of the total amount nominated by the parties. All registered parties nominated to the commissions 1.4% of TEC members; opposition parties — 0.3% of the total number of candidates nominated to the TECs.

There were no major changes in the composition of the nominated representatives, as compared to previous local elections. The activity of parties in nominating their representatives to the commissions is still insignificant.

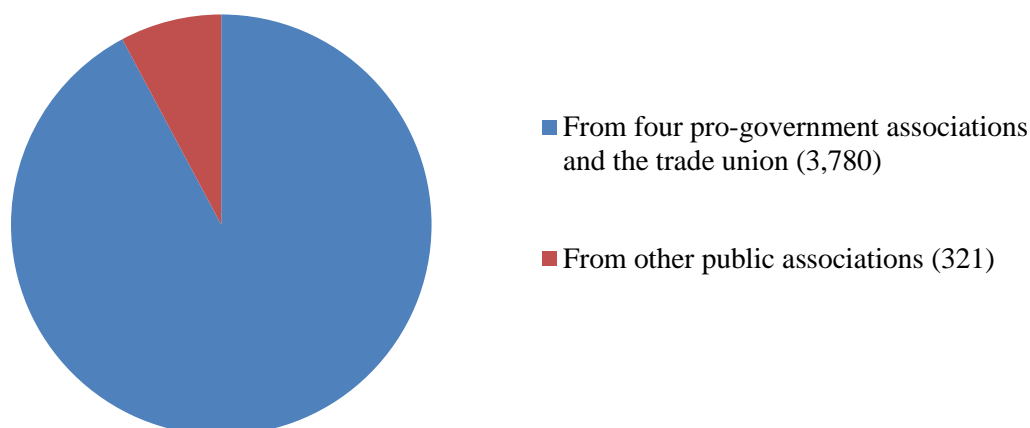
³ <http://rec.gov.by/sites/default/files/pdf/Elections-MS28-elect1.pdf>

Number of nominated representatives of parties, including opposition parties, among TEC members



Over a third of the candidates nominated to the TECs were representatives of public associations and trade unions. At the same time, only 5 organizations — Belaya Rus, Belarusian Republican Youth Union, Federation of Trade Unions of Belarus, Belarusian Women’s Union, and Belarusian Public Association of Veterans — nominated 92.2% of all candidates from public associations and trade unions.

Number of nominated representatives of public associations



MEETINGS OF BODIES CHARGED WITH THE FORMATION OF COMMISSIONS

Joint meetings of the presidiums of Regional and Minsk City, District, City (cities of regional subordination) and City District Councils and the corresponding executive committees were held in accordance with the Electoral Schedule, no later than 24 November 2017. They established 135 TECs. The meetings of city (with district subordination), settlement and village executive committees created 1,174 TECs. A total of 1,309 TECs were formed.

The necessary quorum was secured at the meetings was attended by observers of the campaign “Human Rights Defenders For Free Elections”.

Just as during previous election campaigns, 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 discussions of the candidates at 42.9 % of the meetings. During the formation of the Barysau district TEC and the Mahilioŭ

city TEC, personal qualities of applicants were discussed, but the voting was conducted for a pre-arranged decision.

When the discussion took place, 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.”

The process of formation of the TECs in the current election campaign is evidence of the formal nature of the electoral process.

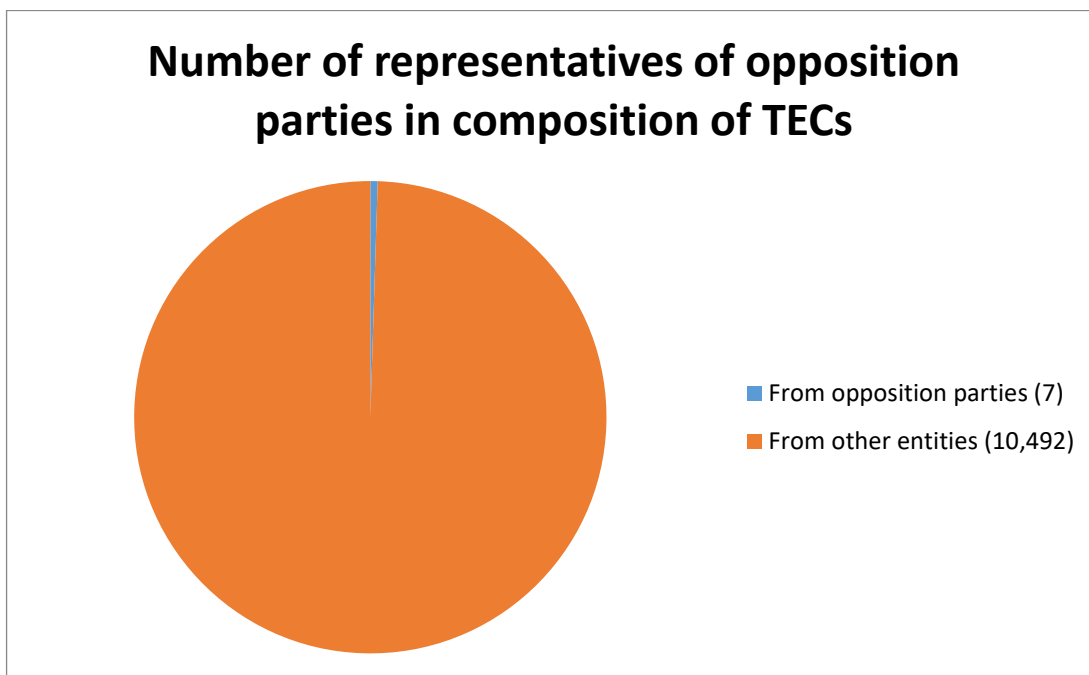
COMPOSITION OF FORMED COMMISSIONS

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

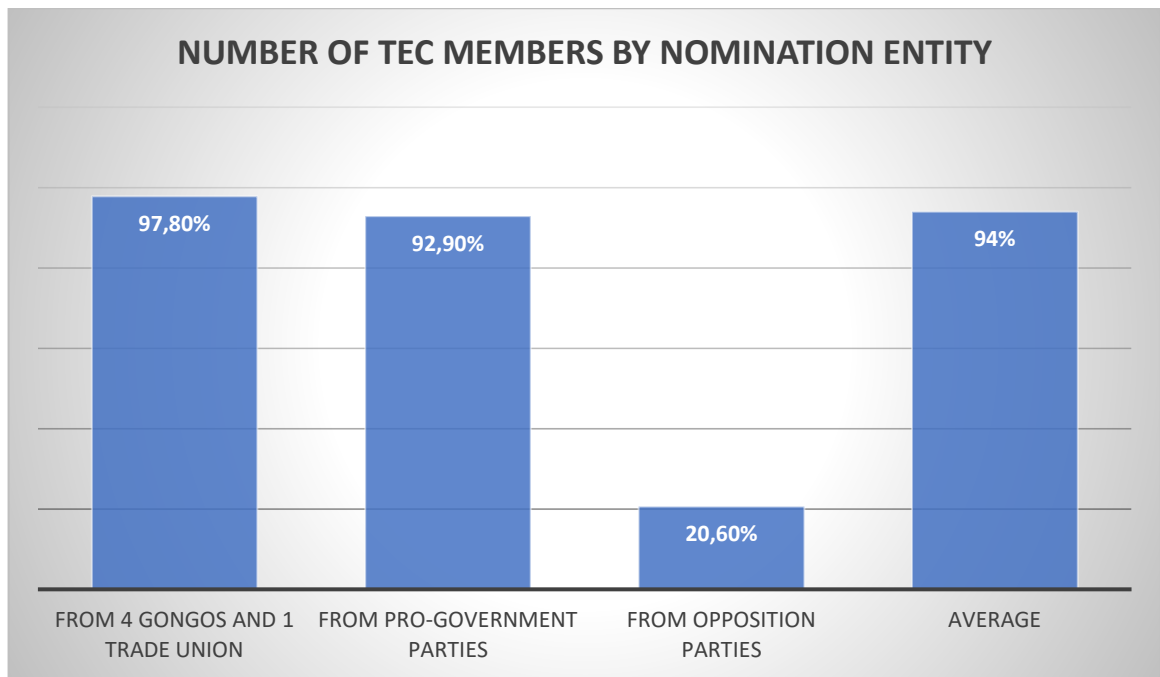
Activity of political parties was low. However, of the 161 nominated by the parties only 125 representatives were included in the TECs, most of whom were members of the parties loyal to the current government. Of the 127 candidates from these parties, 118 persons were included in the TECs (92.9% of the total number of nominees). Meanwhile, of the 34 representatives from the four opposition parties, only 7 candidates were included in the TECs (0.067% of the total number of TEC members, or 20.6% of the total number of candidates nominated by the opposition parties).

Noteworthy is the fact that the four pro-government public associations and one trade union are represented in the TECs by 3,678 members, which is 97.3% of their nominees.

Thus, representatives of the opposition parties are present in only 7 of the 1,309 TECs.



The campaign’s observers report an apparent bias on the part of the authorities against members of the opposition political parties: representatives of the opposition political parties managed to become TEC members in only every fifth case. At the same time, candidates from the pro-government parties and public associations joined the commissions in 9 cases out of 10.



11 members of settlement and rural TECs are citizens of the Russian Federation.

CONDITIONS OF OBSERVATION

The Electoral Code does not regulate the procedure for monitoring the formation of the TECs.

Almost all representatives of the campaign had the opportunity to attend the meetings of the bodies that formed the TECs. This was a positive result of the settlement of a long-standing issue by the Central Election Commission's Regulation number 36 of 15 November 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 TECs.

Observer Valiantsina Sviatskaya submitted in a timely manner the necessary documents for registration as an observer at a joint meeting of the Minsk City Council and the city executive committee. On November 24 at 8:45 am, she arrived at the venue, but an employee of the executive committee said her name was not on the registration list. Later, the observer was sent to the wrong room. As a result, Sviatskaya was not able to observe the formation of the commission.

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 TECs. 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 TECs.

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.