



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: October 20-25

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

- registered candidates have been engaged in election campaigning, but the process is not always visible for the public; pro-government candidates mainly speak to the voters at meetings organized on the premises of businesses and state-owned institutions; administrative resources have been used for this purpose;

- there were cases of bans on broadcasting addresses by opposition candidates, issuing official warnings and revocation of registration for the criticism of the authorities;

- as of October 25, according to the observers of the campaign “Human Rights Defenders for Free Elections”, as few as one complaint was satisfied out of 60 filed to the six territorial election commission to appeal refusals to register candidates. Similarly, only one candidate out of 14 was allowed to run following appeals against denied registration filed in courts.

COMPLAINTS AGAINST COMMISSIONS’ DECISIONS TO DENY REGISTRATION TO CANDIDATES

According to the Electoral Code, the decision of the district election commission to deny registration to a candidate for deputies of the House of Representatives may be appealed by the nominated person to the corresponding regional and Minsk city territorial election commission within three days from the date of the decision, and the decision of the regional, Minsk city territorial election commission — within the same period may be appealed to the regional and Minsk city court. The court shall consider the complaint within three days, its decision is final (Article 68 of the Code).

Despite the fact that the period of appeal against refusals to register candidates has ended, the CEC has not yet announced the results of the consideration of complaints by the territorial commissions. As at 6 p.m., October 25, the campaign “Human Rights Defenders for Free Elections” is aware of the review of 60 such complaints by the territorial commissions (one was met).

As of 6 p.m., October 25, the regional and Minsk city courts considered 14 appeals against decisions of the TECs (one was met).

An analysis of the grounds on which the candidates were denied registration leads to the conclusion that some of the decisions were groundless.

In particular, the decision of the Brest-based DEC No. 3 to deny registration to Alena Makarevich, who was nominated by collecting signatures, argued that a number of entries in signature sheets specified incorrect data on place of residence, while others bore mistakes in the names of voters, dates of birth, and passport details; in one of the entries, the name of the street was misspelled. These few technical errors do not interfere with the verification of the voters' will and identities, and were sometimes attributed to poor handwriting. However, the complaint was rejected by the court and the TEC.

Sometimes, election commissions and courts demonstrate contradicting approaches to the explanation of the electoral law during the consideration of issues of candidates' registration and resolution of disputes.

In particular, the decision of the Viciebsk Regional Court of October 23 rejected an appeal by A. Haurutsikau filed to challenge a decision of the Viciebsk regional election commission. The latter had confirmed a ban on the candidate's registration as a representative of the public association "Movement *For Freedom*" in electoral district No. 18. At the same time, Haurutsikau was registered as a candidate of the Belarusian Popular Front Party.

The following day, the same court ordered to dismiss a civil case on appeal by Uladzimir Simankovich against a refusal to grant his complaint by the Viciebsk TEC. The candidate was also registered as a candidate of the Belarusian Popular Front Party. Therefore, DEC No. 19 refused to consider his application for registration from the public association "Movement *For Freedom*". The court found the case to be beyond its jurisdiction since Simankovich was registered as a candidate for deputy, while the appeal allegedly dealt with a refusal to register.

It will be recalled that the Electoral Code does not provide for dismissing a case without hearing on the merits in case of a violation of the nomination procedures.

On October 25, the Minsk City Court satisfied an appeal by Yauhen Sheuka, who was nominated by collecting signatures. The court ruled to oblige the Minsk city election commission to register him as a candidate. The ruling is the only judgment in the applicant's favor during this year's elections.

ELECTION CAMPAIGNING

The phase of election campaigning started last week and will run until November 16 inclusive.

Citizens of the Republic of Belarus, political parties and other public associations, labor collectives, proxies of candidates, and nomination groups engaged in election campaigning for the election of candidates are entitled to free and full discussion of election programs of candidates, their political, professional and personal qualities, campaigning for or against a candidate at rallies, in the media, as well as during meetings with voters (article 45 of the Code).

Various regions of the country demonstrate varying campaigning activity. In the districts with registered independent candidates, street pickets have been held. In areas with only pro-government candidates running, external manifestations of campaigning are scarce. Campaigning in favor of the pro-government nominees is often held at meetings with labor collectives, often — during working hours.

For example, in Orša, incumbent MP and parliamentary candidate Vital Chudovich announced plans to meet with voters in their workplace. On October 28, a speech is scheduled during working hours, at 4 p.m., at the enterprise "Dstantsiya grazhdanskikh sooruzheniy", and on the 29th — in the same working time — in the locomotive depot.

In Barysau, candidate A. Shypula met with voters on the premises of secondary school No. 12. The meeting was held from 3 to 3.30 p.m. and was attended by 20 people (school staff).

Andrei Savinykh, a Foreign Ministry employee, has held several meetings with the employees of Minsk enterprises, including railway workers, also during working hours (3:30 p.m.).

In Maladziečna, pro-governmental candidate Liudmila Kananovich has also announced a series of meetings with labor collectives during working hours.

Information about the pro-government candidates for deputies has been actively published by state-owned media outlets, completely ignoring the independent candidates.

There have been cases when observers were not allowed to attend events organized by the pro-government candidates.

Andrei Kotsia, an observer of the campaign “Human Rights Defenders for Free Elections”, reported that on October 23, he was not allowed to attend a meeting organized by candidate Tamara Dauhashei, who is running in the Hrodna-based district No. 52. The meeting with voters was held at the Medical College, and the event was said to have been part of the educational process, so it could be attended by the college students only.

On October 24, Aliaksei Loika, an observer of the campaign “Human Rights Defenders for Free Elections”, wanted to attend the meeting of a pro-government candidate, Maryna Liancheuskaya, with the employees of secondary school No. 157 in Minsk. Despite the fact that the meeting was announced as a closed one, the candidate personally allowed the observer to be present. However, when the observer appeared at the school building, principal Sviatlana Skrotskaya decided that he should not attend the meeting and began to push the observer from the lobby. She was then assisted by history teacher Siarhei Yudzinets, who is a member of precinct election commission No. 387: he physically forced the observer out of the school.

As of 3 p.m. October 25, as few as 170 (less than a third) candidates submitted their electoral programs for publication in the newspapers.

As of October 24, the candidates and their proxies filed 12,606 notifications of mass events; most of them (7,322) — in Minsk. They have also submitted 261 applications for 1,603 facilities for meetings of candidates, their proxies with the voters; the majority of them — 108 applications for 839 meetings in the Minsk region.

The candidates started presenting their speeches on TV and radio.

In general, the observers report a passive and low profile election campaign.

CENSORSHIP OF CANDIDATES' SPEECHES ON TV AND RADIO

The Electoral Code prohibits campaigning involving propaganda of war, appeals for forcible change of the constitutional system, violation of the territorial integrity of the Republic of Belarus, insults or slander in relation to official persons of the Republic of Belarus and other candidates for the position of the President of the Republic of Belarus and candidates for deputies, calls for disruption or cancellation of elections, as well as propaganda of social, racial, national, religious or linguistic supremacy as well as issuance and spreading of information and materials arousing social, racial, national or religious enmity (Article 48).

From the first days of the campaign, opposition candidates reported censorship of their speeches and the content of the printed products, as well as bans on broadcasts, which are not stipulated by the electoral legislation.

On October 23, candidates in the Hrodna-based electoral district No. 51 filed a claim over the content of a poster printed by order of the DEC: the commission had redacted the candidates' personal information.

Alena Shalamitskaya, a candidate running in the district, asked the commission to mention her occupation as a writer, to which she can produce documents, and sent a complaint to the regional commission. On October 25, the Hrodna regional election commission held a hearing of the appeal. However, the candidate was not invited to the meeting, which eventually ruled to satisfy her complaint and oblige PEC No. 51 to supplement her biography with requested information.

Candidate Uladzimir Artsyman complained that his poster mentioned a conviction he had 20 years ago. Artsyman claims that the conviction has been expunged, and therefore these data are false and violate the privacy of personal data, including enshrined in the Constitution.

Vadzim Saranchukou, head of the BPF's Hrodna office, complained about censorship of his biographical information. Comments from his proxy were not accepted by the DEC members.

In Baranavičy, candidate Cheslau Huzouski ("Just World") disagreed with the biographical data (incomplete information) printed on the posters, which he appealed in an acknowledgement form. Similarly, Tatsiana Malashchanka (activist of the United Civil Party and the Belarusian Language Society) disagreed with the content and form of information in the posters. She also insisted that biographical data were published in the Belarusian language, but the commission failed to hear the candidate's arguments.

Warnings from the commissions were received by several candidates representing the initiative "European Belarus": Volha Nikalaichyk, Artsiom Charniak, and Pavel Yukhnevich. The DEC's criticized the content of their campaign posters and the candidates' using of a tent at an election picket, which was not allegedly purchased with the money from the election fund.

An address by Uladzimir Niapomniashchykh, a candidate in the Homiel'-based electoral district No. 33, was scheduled for TV broadcast on October 22. However, the speech was never aired. According to the candidate, the main reason for the decision were his calls for impeaching the incumbent president. The candidate filed a complaint with the CEC to report a "violation of the right to freedom of expression, freedom to elect and be elected at periodic elections, which guarantee the free expression of the voters' will, and discrimination on political grounds." He asks the CEC chairperson to convene a meeting of the Supervisory Board to adopt a decision against the regional TV and radio company "Homiel'" and to oblige it to broadcast the address.

A TV address by Iryna Davidovich, a UCP activist running in electoral district No. 54 in Lūje, was not broadcast after the applicant criticized the president.

On October 25, Aksana Yushkevich, a candidate in electoral district No. 96, filed a complaint with the CEC's Supervisory Board. The claim stemmed from a ban on airing her speech by the Radio Minsk station in the morning of October 22. The station's editor-in-chief Malinouski noted that the address included calls to disrupt the elections. An analysis of the speech did not confirm the allegations.

On October 24, district election commission No. 1 in Brest considered the case of Palina Sharenda-Panasiuk, an activist of the European Belarus initiative, whose registration had been revoked. According to the police department, on October 21 and 22, the candidate staged pickets for purposes other than election campaigning. During the pickets, the candidate chanted slogans "Lukashenka Must Go", "Basta", "Lukashenka Stole the Elections", "There's no Parliament in Belarus". Sharenda-Panasiuk also handed out leaflets. The DEC argued neither during a speech on television, which aired on October 21, nor during street pickets, the candidate chose to announce

her election program; meanwhile, members of the commission viewed the candidate's calls to change the government as inconsistent with her election platform. The speeches were also labeled as insulting public officials, and featuring calls to take to the streets to change the constitutional system, and calls for inciting social enmity.

At the same time, the government bodies have been involved in the promotion of the pro-government candidates. The campaign's observer in DEC No. 41 in Kalinkavičy reported several meetings arranged by district executive committee's department of education, sports and tourism to promote candidate Yauhen Adamenka. Two meetings were held in the auditorium of school No. 7 in Kalinkavičy, both attended by teachers. The observer was personally present at the meeting of October 23, it was held from 1.30 to 2.00 p.m. The last lesson of the first shift ends at 1:30, but at the time the teachers were already sitting in the hall. Moreover, teachers of school No. 1, who were also "invited" to the meeting, had to walk for about 30 minutes to attend the event. Respectively, the meeting clearly interfered with the teachers' work. The attendance was organized by head of the department Ina Hubar, who was present at the meeting.

On the same day, a similar meeting was held with the employees of the Kalinkavičy State Agrarian Technical Vocational Lyceum. The staff was "invited" by deputy principal Natallia Pivavarava.

ELECTION COMMISSION

Last week, the district election commissions approved the registration of the candidates' proxies and representatives for financial issues.

Most observers report normal working relations with the election commissions at this stage. However, Uladzimir Vialichkin, an observer of the campaign "Human Rights Defenders for Free Elections", faced obstacles in DEC No. 1 in Brest. The commission repeatedly failed to inform the observer about the meetings and blames him for creating "obstacles in the activities of the commission."

In Maladziečna, members of DEC No. 72 did not allow the campaign's observer to view incoming documents, forwarding him to the executive committee's website, Elections section.

The websites of the local executive committees have published information about the candidates' accounts, incoming and spent funds. Also, the list of these accounts is available on the site of JSC "Belarusbank"¹. As of October 25, 330 candidates opened their accounts. However, these data are uninformative, as they do not specify the date of credit and spending of funds, nor do they mention the sources of these funds.

On October 21, the Brest regional election commission annulled the registration of candidate Uladzislau Sys, who was nominated by the Belarusian Social Democratic Hramada. The reason was "absence of a permanent residence in Belarus." The commission referred to the fact that the candidate was receiving a master's degree at the Warsaw University, where he enrolled last year. However, in his interview with "Euroradio", he said: "In the summer, I am constantly in Belarus and the rest of the time — in Poland." According to the commission, this violates Paragraph 2 of Article 57 of the Electoral Code, which stipulates that a candidate for deputy must be resident in the territory of Belarus.

However, according to analysts of the campaign "Human Rights Defenders for Free Elections", the law does not define "permanent residence" on the territory of Belarus. In their view, the citizen is considered a resident until his final departure for permanent residence in another state. Therefore, the TEC's decision is clearly illegal.

¹ <https://belarusbank.by/ru/33139/35441>