



# HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

## **Analytical report on the formation of precinct election commissions**

*The expert mission of observation of the 2022 referendum is carried out by the Belarusian Helsinki Committee and the Human Rights Center "Viasna" within the campaign ["Human Rights Defenders for Free Elections"](#).*

### **SUMMARY**

- precinct election commissions (hereinafter — PECs) are one of the key mechanisms for holding a referendum in accordance with international principles of free and democratic elections and national electoral law;
- according to the current election legislation, the formation of PECs falls within the competence of local authorities;
- representatives of opposition parties and other public associations did not actively participate in the nomination of their representatives to the PECs, which is due to the atmosphere of general fear and repression created by the authorities, and none of the nominated representatives (42 persons) secured a seat on the commissions.
- the establishment of the PECs from among loyal representatives of pro-government parties, trade unions and public organizations completed preparations for the vote fully controlled by the executive;
- the authorities refused to set up PECs outside Belarus; given the many restrictions and bans on crossing the border of Belarus and other countries formally attributed to anti-epidemic measures, a large number of compatriots will be deprived of the opportunity to participate in the referendum;
- the bulk of nominees to the PECs were representatives of the five largest pro-government organizations – Belaya Rus, Youth Union, Women’s Union, Association of Veterans, Peace Foundation and local branches of the Federation of Trade Unions. All of them nominated 28,811 representatives, which made up 95.7% of the representatives of public associations and 48.7% of all candidates for the seats on the commissions. The role of nominees from political parties remains extremely low – 2,601 people or 4.4% of all nominees;
- the majority of PEC members are representatives of public associations – 29,894 persons, or 51.2%. The PECs provided seats to 98.9% of the representatives of the five pro-government public associations and trade unions out of the total number nominated by these entities;
- of the 42 candidates from the opposition parties, none was selected as a PEC member. Meanwhile, 98.1% of the total number of nominees from the pro-government political parties were selected. This demonstrates the persistence of discriminatory treatment of opposition political parties and independent NGOs in the formation of election commissions; for the first time in the history of independent Belarus, the opposition is not represented in the election commissions at all.

## **I. LEGAL FRAMEWORK**

Together with territorial election commissions, PECs are in charge of preparing and conducting the referendum (Article 31 of the Electoral Code).

Like the TECs, the PECs must include at least a third of representatives of political parties and other public associations. Judges, prosecutors, heads of local executive and administrative bodies may not be members of these commissions.

Civil servants may not constitute more than one-third of the members. However, this provision does not apply to the formation of precinct commissions in hospitals and other health care organizations that provide inpatient care.

The procedure for forming the PECs is regulated by the Electoral Code and decision No. 2 “On clarification of the referendum procedures” adopted by the Central Election Commission on January 21, 2022.

The PECs are formed by district and city executive committees, and in cities with district subdivision – by local administrations. Each PEC consists of 5-19 members.

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

The decision to establish the PECs shall be published in print within seven days after its adoption. The decision must indicate the last name, first name and patronymic of each member of the commission, the method of nomination, location and telephone numbers of the commission.

The PECs formed for the referendum ensure compliance with the requirements of the Electoral Code and other legislation on the referendum on the territory of the polling station; verify voter lists; inform the participants of the referendum with the list of citizens entitled to participate in the referendum; consider allegations of errors in the lists and decide on introduction of corresponding changes; notify the referendum participants about the location, working hours and telephone numbers of the precinct commission, as well as about the referendum day, time and place of voting; provide preparation of the polling station, ballot boxes and other equipment; monitor compliance with the rules of placement of campaign materials on the territory of the polling station; ensure targeted spending of funds allocated for the referendum; organize voting on the day of the referendum; count the ballots and tabulate the results of voting at the polling station; consider statements and complaints dealing with the preparation of the referendum, organization of voting, counting of the ballots and decide on them; listen to the reports of officials of local executive and administrative bodies, organizations on issues related to the preparation and conduct of the referendum; exercise other powers in accordance with the electoral law.

The powers of the PECS will be terminated a month after the results of the referendum come into legal force.

## II. NOMINATION OF REPRESENTATIVES TO THE PECs

In accordance with the Referendum Schedule<sup>1</sup>, the nomination of representatives to the PECs was to be completed no later than February 3, 2022.

The Central Election Commission did not determine a procedure for notifying about the time and place of receiving nomination documents. This information was posted on some local government websites, but not all.

According to the CEC, 59,176 people were nominated to 5,510 precinct election commissions.

Compared to the presidential election of 2020, when 5,723 PECs were established and 70,200 representatives were nominated, the number of polling stations decreased by 213 and the number of nominations – by 11,024 people.

The significant decrease in the number of commissions in the regions is due to depopulation in rural areas.

The authorities also refused to set up precinct commissions outside Belarus (there were 44 in the last election). Given the many restrictions and bans on crossing the border of Belarus and other countries officially related to anti-epidemic measures, a huge number of compatriots will be deprived of the opportunity to participate in the referendum.

Out of 15 registered political parties, 11 nominated their members to the PECs, including 5 opposition ones: the Belarusian Green Party (2 representatives), the Belarusian Left Party “Just World” (30 representatives), the Belarusian Social Democratic Party (Hramada) (7 representatives), the Belarusian Social Democratic Hramada (1 representative) and the United Civil Party (2 representatives). The opposition BPF Party did not send its representatives to precinct commissions. As before, the process of nominating representatives of opposition parties and other public organizations is complicated by a rule giving the right to nominate to only the governing bodies of regional, Minsk city, district, city (regional cities) branches of political parties and other public associations. Since 2003, many local offices of political parties have been closed after the government prohibited their registration in residential buildings.

It should be reminded that on October 8, 2021 the Supreme Court of Belarus ruled to revoke the registration of public association “Havary Praudu” (“Tell the Truth”) at the suggestion of the Ministry of Justice. On November 10, the Supreme Court closed the BPF “Adradzhennie”, and on November 19, the Movement “For Freedom” was dissolved after a similar decision. The organizations were earlier active in election campaigns. In particular, in the last election, the BPF “Adradzhennie” nominated 85 members to the precinct commissions.

A total of 2,601 representatives were nominated to the PECs from political parties, which is only 4.4% of the total number of nominees. This situation testifies to the preservation of the minimal role of parties in the political life of the state. Among the 2,601 party representatives, only 42 are members of opposition parties – 1.6% of the total number of nominated party members. It should be noted that the number of nominated members of opposition parties is steadily declining: in the 2010 presidential election, 1,073 representatives were nominated to the PECs, and in 2020 – 545 representatives (37.2% and 12.4% of the party representatives, respectively).

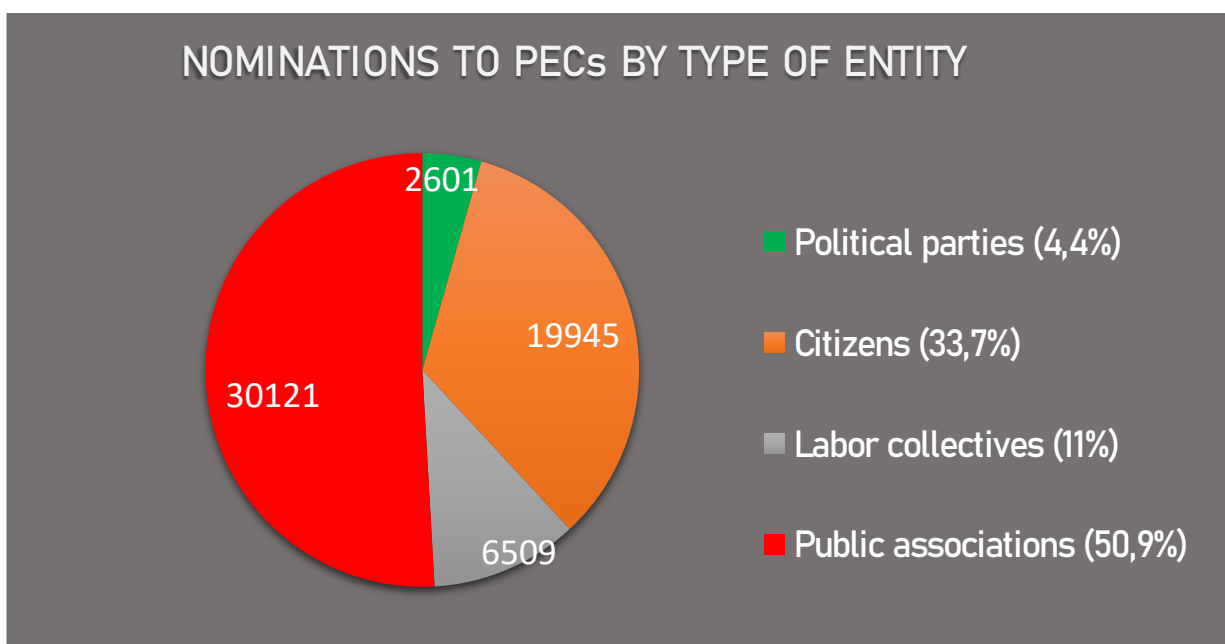
In general, experts of “Human Rights Defenders for Free Elections” note that opposition parties are not active across the country, while many party members and activists were forced to leave

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<sup>1</sup> <https://rec.gov.by/uploads/folderForLinks/kalend.pdf>

Belarus. The activity of the opposition was also greatly affected by the numerous police raids and arrests that targeted activists during and after the 2020 election campaign, including election observers. At the same time, there is information about the nomination of independent representatives nominated by groups of individuals: 3 representatives of the democratic forces applied for seats on 3 different PECs of the Slonim district, but none of them was eventually selected. An independent nominee also collected signatures and submitted them to the administration of the Maskoŭski district of Brest, but was not allowed to join the local commission.

The share of nominees from labor collectives is 11% (6,509 representatives), citizens – 33.7% (19,945 representatives), and other public associations – 50.9% (30,121 representatives).



The majority of candidates for the PECs were nominated by pro-government public associations and local branches of the Federation of Trade Unions. The number of representatives of public associations and trade unions nominated to the commissions amounted to more than half of all nominees, but this does not indicate a great public influence on the election process: the core nominees were representatives of the five largest pro-government organizations: Belaya Rus, Youth Union, Women’s Union, Association of Veterans and Peace Foundation, together with the government-controlled trade unions. Together, they nominated 28,811 persons, which is 95.6% of all representatives of public associations and 48.7% of all nominees.

### III. MEETINGS OF BODIES IN CHARGE OF ESTABLISHING PECs

Meetings of district and city (cities of regional subordination) executive committees, and local administrations in city districts took place on February 4-6.

CEC Decision No. 2 regulates the procedure for holding meetings during the formation of the PECs. According to paragraph 9 of the resolution, information on the persons nominated to the commission should be announced at the meetings of the bodies forming the commissions. Each nominee should be put on a separate vote in cases where the number of candidates for the commission exceeds the estimated number of seats.

Back in 2020, a CEC decision also addressed the issue of the characteristics of persons nominated to precinct election commissions. According to the rules, before deciding on the composition of

commissions, the meetings were expected to consider the professional or personal qualities of persons nominated to the commission.

As noted in the report on the formation of territorial commissions, the presence of observers at the meetings is not provided by the Electoral Code, and the CEC failed to regulate this issue.

As during the formation of territorial commissions, the process of forming precinct commissions was characterized by low media coverage. The absence of independent observers at executive committee and administration meetings definitely affected the amount of information available on how precinct commissions were formed, including voting procedures and discussing their personal and professional qualities.

Experts of “Human Rights Defenders for Free Elections” note that the lists of PEC members were not posted on the websites of local executive committees immediately after the formation of the commissions (according to the Electoral Code, the information should be made public within seven days), and all conclusions were based on information available through other sources.

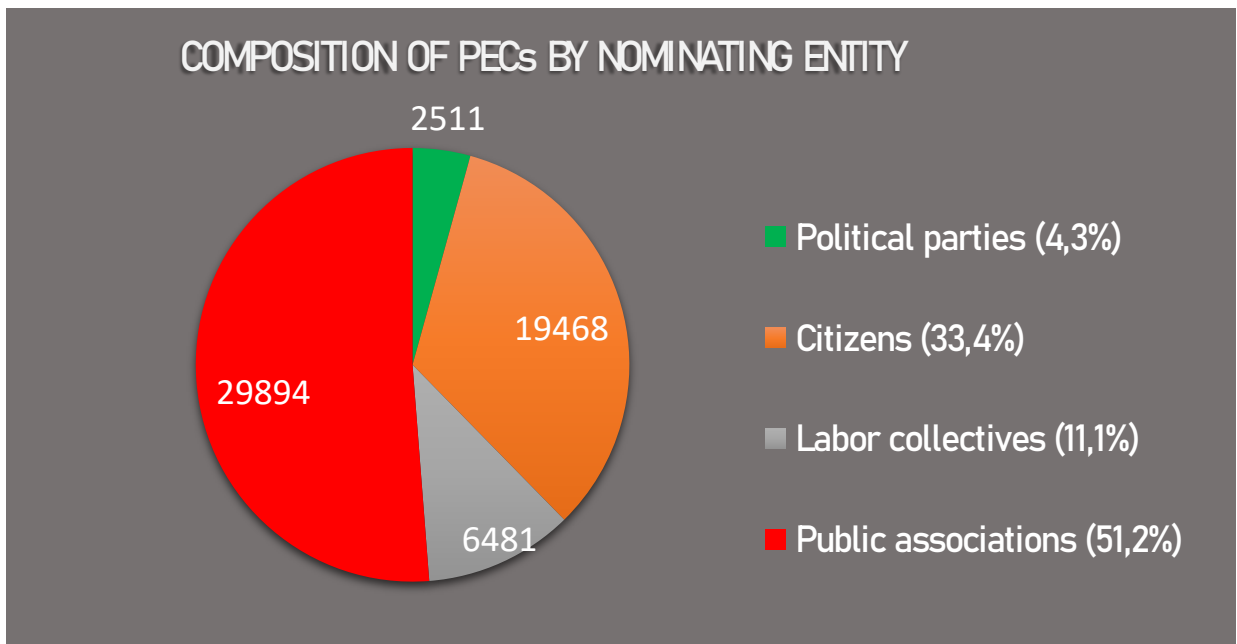
In particular, in Mahilioŭ, meetings of the administrations of the Kastychnicki and Lieninski districts were held on February 4. According to the information received by the campaign’s experts, the commissions were actually set up in November 2021. The formation of the commissions took place according to the old lists of members of the 2020 commissions. Those members who refused to join the new commissions were eventually forced to agree under threat of dismissal. The commissions were formed under the so called “corporate principle”: most members represent the same working force headed by their direct superiors. Representatives of independent public associations or parties were not included in the commissions.

#### **IV. COMPOSITION OF PECs**

A total of 5,510 precinct election commissions were formed<sup>2</sup>, which included 58,354 members. Among them are 2,511 representatives of political parties (4.3% of the total). Of the 42 candidates from the opposition parties, none was selected. The PECs include 28,584 representatives of the five pro-government public associations and trade unions, which is 49% of the total number of commission members. 19,468 people represent groups of citizens (33.4% of the total), and 6,481 – labor collectives (11.1% of the total).

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<sup>2</sup> <https://rec.gov.by/uploads/folderForLinks/elect13.pdf>



An objective indicator of the actual representation of various political forces in the commissions is the proportion of elected members against the number of nominated representatives.

For the opposition political parties, the figure is zero, while for the five pro-government public associations and trade unions – 98.9%; pro-government political parties – 98.1%, groups of citizens – 97.6%, and labor collectives – 99.6%.

Thus, the government’s discriminating approach resulted in the opposition not being represented in any of the election commissions.

## **V. APPEALS AGAINST DECISIONS ON ESTABLISHMENT OF PECs**

Entities that nominated their representative to the PECs have the right to appeal the decision of the corresponding body within three days from the date of its adoption to the regional, Minsk city, district, and city courts. The court shall consider the appeal within three days, and its decision is final.

However, the practice of observation of the previous elections shows that the absence of legally established criteria for selecting commission members makes this rule ineffective. When considering complaints, the courts cannot assess whether a candidate nominated to the commission actually met certain requirements and assess the reasons why preference was given to one or another candidate for a seat on the election commission.

## **VI. OBSERVATION**

The Regulations on the Procedure for the Delegation and Activities of Observers in the Preparation and Conduct of the National Referendum of 2022 were approved by Decision No. 5 of the CEC of January 21, 2022.

As of February 4, the CEC accredited<sup>3</sup> 29 observers representing a mission of the Commonwealth of Independent States (CIS) and 2 observers of foreign election bodies.

<sup>3</sup> <https://rec.gov.by/uploads/folderForLinks/sved2.pdf>

Also, as of February 4, 94 observers were accredited to represent citizens, 33 observers from labor collectives, 49 from pro-government political parties, and 701 from other public associations. As of February 7, a total of 17,642 observers were accredited.

Plans to gather information on violations during the preparation and holding of the referendum were announced by the civil initiative ZUBR, created in 2020 to monitor the voting process through online techniques.

The BPF party and other democratic parties will not hold a joint observation campaign during the constitutional referendum, said a statement<sup>4</sup> signed by the United Civil Party, the Belarusian Green Party, the Belarusian Social Democratic Party (Hramada) and the BPF.

Experts of “Human Rights Defenders for Free Elections” expect practices observed during the 2020 election, when the presence of independent observers at polling stations was blocked. According to the above Regulations, no more than five observers may be present at polling station meetings. No more than three observers may be admitted to a polling station during the early voting period. If the number of members of the precinct commission does not exceed seven, the PEC meetings and the polling station cannot be attended by more than half of the number. The priority of observers to be present is determined by the order of their accreditation with the corresponding commission.

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<sup>4</sup> <http://narodny.org/?p=30889>