



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Republic of Belarus. 2020 Presidential Election

Accreditation of “Human Rights Defenders for Free Elections” observers and the start of early voting observation

Update as of 10 pm, August 4, 2020

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

- as of August 3, 2020, according to the CEC, 48,642 observers were accredited across the country, including 47,650 at polling stations;
- 68% of accredited observers were nominated by public associations, most of which (86.4%) represent the six major pro-government public associations — BRSM, Belaya Rus, Women’s Union, Union of Veterans, FTUB trade unions, and the Belarusian Peace Foundation. 62% of the observers accredited with the PECs are members of these organizations, which have traditionally occupied the bulk of PEC seats;
- as of August 4, “Human Rights Defenders for Free Elections” nominated 618 observers to polling stations, 93% of whom were accredited by the PECs;
- the overwhelming majority of observers (94.5%) did not fall into the quota of observers determined in accordance with paragraph 16 of CEC Resolution No. 15 (as amended by CEC Resolution No. 115 of July 22, 2020), as they were accredited later than the first three (or five on the polling day) observers and were not admitted for observation;
- only 34 “Human Rights Defenders for Free Elections” observers (5.5% of the total number of accredited monitors) were included in PEC observation schedules for a certain period, not covering the entire voting and counting process, and only 2 — during the entire election period and the counting of the ballots;
- most of the observers admitted to the polling stations represent pro-government NGOs and were registered immediately after the formation of the PECs on June 24-25;
- the quotas of observers at polling stations introduced by CEC Resolution No. 115 made the election process completely inaccessible for independent observation and non-transparent to the public. This is a violation of one of the basic principles of democratic elections — the principle of publicity. Apparently, the resolution, which limited the number of observers, was not aimed at preventing the spread of the pandemic, but was intended to undermine independent monitoring, as many PEC members and pro-government observers are not following the recommendations of the Ministry of Health.

OVERALL SITUATION

On August 4, early voting in the presidential election was launched to continue until August 8, inclusive.

Traditionally, early voting has been criticized by both the OSCE ODIHR international missions and domestic independent observers. In this regard, the early voting period is of interest for observation.

On the eve of the early voting phase, observers were actively nominated from various public initiatives formed during the election.

According to the CEC, as of August 3, election commissions of all tiers accredited 48,642 observers, including 47,650 at polling stations.¹

The majority of accredited observers (68%) were nominated by public associations — 33,013 persons. Most of them (86.4%) represent the six largest pro-government NGOs, which traditionally have the largest representation in election commissions. As a result, a total of 30,294 people were nominated from BRSM, Belaya Rus, the Women’s Union, the Union of Veterans, FTUB trade unions and the Belarusian Peace Foundation, which is 62.3% of all nominated observers, including 29,580 nominated to PECs, or 62% of the total number of observers registered with the PECs.

According to “Human Rights Defenders for Free Elections” observers, most pro-government observers were registered immediately after the formation of the PECs in June. As a result, only observers from pro-government organizations and political parties will observe the election administered by the election commissions mostly consisting of members representing the same organizations.

It should be noted that these organizations have always nominated multiple observers, but never published any reports on the results of observation, nor do they offer any recommendations for further improvement of existing electoral legislation. The methodology and principles of monitoring by these organizations are also unknown and not publicly presented.

LEGAL FRAMEWORK

Pursuant to Article 53 of the Electoral Code, “the elector or the participant in the referendum who has no opportunity to be present on the day of elections or referendum at the place of his living shall have the right, not earlier than five days before the elections or the referendum and in conditions excluding control over the expression of his will, fill the ballot paper in the room of the precinct commission and cast it to the sealed separate ballot box for voting of electors and participants in the referendum who will be absent on the day of the holding of elections or referendum at the place of their living. Official confirmation of causes disabling the elector or the participant in the referendum to come to the voting premises on the day of elections or referendum shall not be required.”

These rules have undergone a metamorphosis in the minds of government officials and commission members and are now interpreted as the right of any voter to vote early. Thus, the scope of this supplementary type of voting approached the voting on the main polling day: in the

¹ <http://www.rec.gov.by/sites/default/files/pdf/2020/stat6.pdf>

previous presidential election in 2015, 41.3% voted early, and on the main day at the polling stations — 51.6%.

Early voting is carried out from 10 am to 2 pm and from 4 pm to 7 pm in the presence of at least two members of the precinct commission.

On the first day of early voting, ballot boxes shall be sealed in the presence of commission members and observers.

During the early voting period, daily after the end of the voting time, the chairperson or deputy chairperson of the precinct election commission shall seal the slot for ballots in the ballot box with a sheet of paper. The chairperson or deputy chairperson and a member of the precinct commission shall sign this sheet. The opening of the slot in the ballot box shall be done daily before the beginning of the early voting by the chairperson or deputy chairperson of the precinct commission. Observers, foreign (international) observers and representatives of the media have the right to be present during the sealing and opening of the slots in the ballot boxes. The storage of the ballot box is secured by the chairperson of the precinct commission.

It is prescribed² that voting premises shall be equipped with burglar alarms monitored by the centralized surveillance panel of the Department of Security of the Ministry of Internal Affairs. The law does not provide for any other measures to ensure the safety and integrity of the ballot boxes. When receiving requests from observers asking to allow their round-the-clock presence to observe the ballot box at night or during the daybreak, commissions were instructed to explain to them “that the law provides for the possibility of observation at commission meetings, in the course of the voting and tabulation. The protection of ballot boxes is not included in the powers of observers”.³

During the early voting period, the chairperson or deputy chairperson of the precinct commission shall draw up a protocol indicating the number of ballots received by the precinct commission, the number of citizens who received ballots (on the last day of early voting — the total number of citizens who received ballots); the number of spoiled ballots and the number of unused ballots. The protocol shall be signed by the chairperson or deputy chairperson and members of the commission. A copy of the protocol shall be published for public inspection in the premises of the precinct commission on the information board and stored on it until the copy of the next protocol is posted. On Election Day, a copy of the protocol drawn up and posted on the last day of early voting is kept on the board.

Early voting shall not be held at polling stations established in sanatoriums, prevention centers, rest homes, hospitals and other health care organizations that provide medical care in inpatient conditions, as well as before the second round of voting in the presidential elections.

As earlier noted by analysts of “Human Rights Defenders for Free Elections”, on July 22, the Central Election Commission adopted amendments⁴ to the previously adopted Regulations on the procedure of election observation, according to which no more than 5 observers may be present at the polling station (3 — during early voting). The new rules stipulate that the right to be present at the polling station is determined by the order of accreditation. A CEC statement issued on July 27 set out a special procedure. According to it, PECs will now limit and allocate the time slots when

² Manual for precinct election commissions in the elections of the President of the Republic of Belarus, approved by the CEC Resolution No. 8 of April 20, 2020, http://rec.gov.by/sites/default/files/pdf/2020/uch_pos.pdf

³ http://rec.gov.by/sites/default/files/pdf/2020/uch_pos.pdf

⁴ <http://rec.gov.by/sites/default/files/pdf/2020/post115.pdf>

observation is allowed at polling stations. A separate observation schedule was ordered to be made for early voting (with a 2-hour break in the middle of the day) and a separate one for Election Day (from 8.00 to 15.00 and from 15.00 until the end of the vote count). Importantly, the priority of choosing the date and time of observation (observers consider evening time to be the most important) is given to the first three and five persons registered with PECs, respectively.

This procedure ruled out the possibility of independent observation of voting and the exercise of the rights of observers directly provided for by national law, Article 13 of the Electoral Code:

- to be present in the meetings of the respective commissions;
- to witness the sealing of ballot boxes;
- to be present at the voting facility from the moment of the sealing of ballot boxes and through the final tabulation of voting results;
- to be present during early voting and mobile voting, and the conduct of a repeat count of votes;
- to monitor issuance of ballots, the course of voting, and compliance with the Code-established voting procedure.

Thus, the CEC grossly violated the Electoral Code by arbitrarily restricting observers' rights.

The process of accreditation of observers from the campaign “Human Rights Defenders for Free Elections”

“Human Rights Defenders for Free Elections” actively nominated observers to monitor the early voting phase. Nomination was carried out by the public association of the Frantsysk Skaryna Belarusian Language Society, who recently joined the initiative, the Belarusian Helsinki Committee and by collecting signatures of voters. A total of 618 observers were nominated as of the beginning of the first day of early voting.

The majority of observers (93%) reported having no difficulties or problems in accrediting at polling stations.

Several observers representing the campaign were denied accreditation or were unable to obtain it due to the absence of PEC members. Appeals were lodged with superior TECs in this regard.

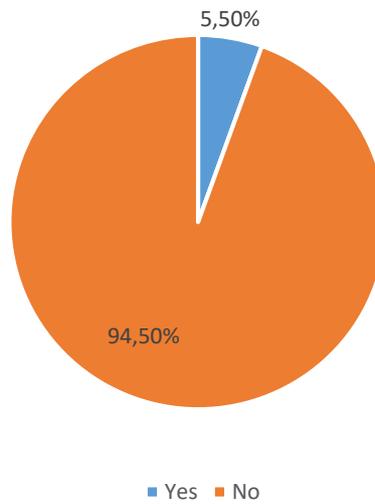
However, the majority of accredited observers (94.5%) failed to have access to the polling stations after they were accredited mainly under numbers 10, 15 and 20, and, accordingly, did not fall within the quotas set by CEC's Resolution No. 115.

Observers Aliaksei Horbach and Maryna Shastouskaya were accredited at the Minsk-based polling station No. 15, located in secondary school No. 108 in the city's Partyzanski district. On July 24, commission secretary Sviataslau Zubkevich registered Shastouskaya as number one and Horbach as number three in the accreditation book for observers. However, on August 3, before the early voting began, observers were informed by the PEC that an error had reportedly occurred and their turn to observe had shifted by 12 people.⁵

Only 34 “Human Rights Defenders for Free Elections” observers (5.5% of the total number of accredited monitors) were included in PEC observation schedules for a specific period that does not cover the entire voting and counting period, and 2 were allowed to observe the entire voting period and the vote count.

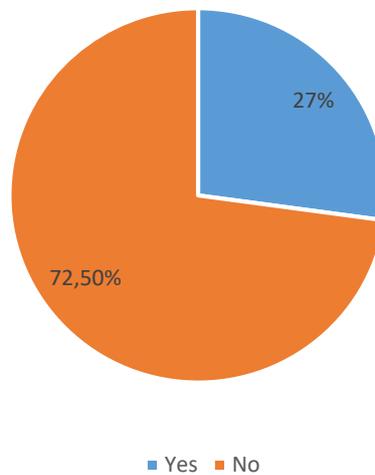
⁵ <https://elections2020.spring96.org/ru/news/98654>

Were you offered to observe according to the schedule drafted by the PEC?



In most cases, the observers were denied access to observer accreditation books for various reasons and thus were unable to provide information on all accredited observers: the date of their accreditation, the entities that nominated them and so on.

Were you allowed to access accreditation register for observers?



The first day of observation

Although only a small proportion of observers were able to observe, those observers who were admitted to partial observation and those who spent some time at the polling stations reported a number of violations affecting voter rights.

Among the violations were non-compliance with the CEC's requirements to observe the Ministry of Health's recommendations for the prevention of coronavirus infection, as stated by more than 70 observers: absence of face covering, disrespect for social distancing, lack of antiseptics and disposable gloves, and other circumstances.

In particular, an observer at polling station No. 64 in the Maskoŭski district of Minsk coughed heavily. Following a verbal request by the campaign's observer to remove the monitor, the precinct commission ruled to refuse, referring to the impossibility to demand a health certificate from each observer. Moreover, the members of the commission themselves did not follow the recommendations of the Ministry of Health.

Observers noted the absence of entrance blinds on the voting booths, which, in their opinion, violated the secrecy of voting, and the inconvenient position of seats for observing the ballot boxes.

Several observers (in Minsk and Homieĺ) who were not present at the polling station at the end of the voting were denied access to the early voting protocols. In particular, at polling station No. 52 in the Frunzienski district of Minsk, an observer who requested access from the commission at 6.57 pm, was advised to wait and the door was closed in front of him. At 19.03, a police officer ordered the observer to leave, saying that the commission had gone home.

It should be noted that the restriction of the right of observers to access the protocols is illegal and contradicts the CEC's decision on the delegation of observers (as amended), as it does not affect security measures in a pandemic.

Those observers who counted the turnout noted cases of serious discrepancies between the number of voters and the official figures announced by the commissions. In particular, at polling stations Nos. 4 and 5 in the Saviecki district of Minsk, which are located in the same building, the total difference was 120 voters, which, according to the observer, was the amount of overstated turnout on the first day of observation. A significant discrepancy in the number of voters was also reported from polling station No. 36 in the Pieršamajski district of Minsk.

An observer at polling station No. 108 in the Kastryčnicki district of Hrodna noted that, in addition to the members of the commission, six other observers accredited at the polling station were teachers of the same school. Similar situation was reported from polling station No. 40 in the Pieršamajski district of Viciebsk. In general, commission members often denied access of the campaign's observers to the accreditation registers, while observers from pro-government entities refused to disclose information about the organizations which nominated them to the polling stations. Apparently, some of them do not know this themselves: for example, when asked who nominated her, one of the observers at polling station No. 18 in the Lieninski district of Brest answered: "Trade unions." To the clarifying question "Which union?", she answered: "BRSM".