



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 REPORT

November 18, 2019

Contents

Findings

Introduction

Conditions of observation

Legal framework

Election commissions

Nomination and registration of candidates

Election campaigning

Early voting

Voting on Election Day and vote count

Complaints and appeals

Recommendations

FINDINGS

The elections to the House of Representatives of the National Assembly of the seventh convocation were announced by Presidential Decree No. 294 of August 5, 2019 and took place on November 17, 2019.

In accordance with the current legislation, the parliamentary elections and the presidential elections were to be held in 2020, with the former no later than September 2020, and the latter no later than August 2020.

As early as two years before the announcement of the elections, CEC Chairperson Lidziya Yarmoshyna said to reporters that she did not rule out rescheduling one of the two elections to an earlier date. According to Yarmoshyna, the decision was expected to be taken by the country's highest-level leaders.

In April 2019, Aliaksandr Lukashenka said in his annual address to the Belarusian people and the National Assembly that the elections to the House of Representatives and the Council of the Republic would take place in 2019. Thus, the parliamentary elections were scheduled almost a year before the expiration of powers of the House of Representatives of the previous convocation.

As there were no valid grounds for the early termination of the powers of Parliament under Art. 94 of the Constitution, and the four-year term of its office has not expired, the Decree violated the constitutional provision on the term of office of Parliament, and constituted an interference in the activities of the legislature. A significant reduction in the tenure of the House of Representatives reduced the number of legislative sessions to seven (the Parliament of the fourth convocation held 11 sessions, and the fifth convocation — 10 sessions).

The elections were held against the backdrop of complex political circumstances in the world and Europe, which had changed substantially, including in connection with the Russian-Ukrainian conflict. A thaw trend in relations between Belarus and the West, which had been observed since before the previous elections to the House of Representatives, led to some positive changes in domestic policies. The authorities expanded their cooperation with the UN and other international organizations in the field of human rights.

However, the situation with observance of human rights in Belarus remains stably poor and no systemic positive changes have occurred in this area. The few progressive changes in the legislation governing the exercise of the rights and fundamental freedoms, most notably the decriminalization of participation in the activities of unregistered organizations and the introduction of elements of the notification-based principle of organizing assemblies, have been accompanied by the introduction of administrative responsibility for the same actions and the establishment of heavy charges for policing peaceful gatherings.

There was a significant reduction in the number of politically motivated administrative convictions and criminal cases. However, the government failed to completely abandon the practice of repression against citizens exercising their constitutional rights to freedom of opinion and expression, freedom of peaceful assembly and religion, including by prosecuting independent journalists. Nor did it take any measures aimed at the full restoration of political and electoral rights of former political prisoners.

The OSCE/ODIHR recommendations made following the observation of the previous parliamentary elections in 2016 have not been implemented in national electoral legislation. The work of the interdepartmental working group created in 2016 to prepare proposals for changes to the electoral law ended in deadlock.

Thus, the parliamentary elections were held according to the electoral rules and legal practices repeatedly criticized by both national and international observers. The key aspects of the electoral process, including the formation of election commission, early voting, and vote count, remained intact. This fact greatly influenced the character of the parliamentary elections.

In general, the elections of the members of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation failed to meet a number of key international standards for democratic and free elections, and the electoral legislation of the Republic of Belarus. These findings are primarily due to the lack of equal access to state media for all candidates, lack of impartiality of election commissions, facts of using administrative resources in favor of pro-government candidates, numerous instances of

voter coercion to participate in early voting, absence of transparency of some election procedures for the observers.

Traditionally, it is the opaque vote-counting procedures that are subjected to greatest criticism, giving rise to serious doubts about the conformity of the results of this procedure to the actual will of the voters.

Election commissions

Most of the observers were able to freely attend meetings of bodies that formed the TECs, DEC, and PECs.

The meetings of the bodies that formed the TECs and DEC, in most cases, discussed the professional and personal qualities of persons nominated to election commissions and each nominee was put to a separate vote. However, during the formation of the PECs, in most cases (77.5%), nominated applicants were not considered and those present voted for a pre-arranged list (52.5% of cases). This applies mainly to the PECs where seats were not contested and all the nominated persons, as a result, were elected to the commissions. At the same time, in some cases, observers reported that the applicants were preselected by specially established “working groups”.

In most cases, the observers reported the employment-based principle of the formation of election commissions, when members of the commission are co-workers and their direct superior is the chairperson of the election commission. The composition of the PECs, according to the campaign’s observers, did not reveal any significant changes since the previous elections.

Absence of legal guarantees for the representation of all political actors on the election commissions, as in the past, resulted in arbitrary and discriminatory treatment in respect of the opposition parties and movements.

Representatives of the five largest pro-government associations (Belaya Rus, Belarusian Republican Youth Union, Belarusian Union of Women, Belarusian Public Association of Veterans) and unions affiliated to the FPB, recently joined by the Belarusian Peace Foundation, are still the main organizers of the elections; the success rate of their representatives is 92.8% for the TECs, 93.6% for the DEC and 95.9% for the PECs.

The selection ratios of representatives of the three opposition associations (BPF “Adradzhenne”, Movement “Za Svabodu” and “Tell the Truth”) are 0% for the TECs and 2.8% for the DEC.

The formation of election commissions preserved the discriminative approaches against the opposition parties: the success rate of the representatives of opposition parties is traditionally low: only 18.75% of their nominees were elected to the TECs, 21.2% to the DEC, and 4.2% to the PEC; the overall percentage of their representation in the composition of the TECs, DEC and PECs is insignificant (2.5% in the TECs and DEC, and 0.033% in the PECs).

Nomination and registration of candidates

The nomination and registration of candidates were not marked by any significant differences as compared to the previous parliamentary elections; almost all the nomination groups were registered.

The list of places prohibited for signature collecting did not change compared to the previous elections, while in some districts the lists were reduced. The collection of signatures was held in a calm atmosphere, and the activities of the nomination groups were not subject to major interference from the authorities.

As during the previous elections, there were cases of using administrative resources in favor of pro-government candidates in their signature-collecting events. This was facilitated by the absence of a ban on collecting signatures on the territories of enterprises and institutions (in particular, education and healthcare facilities).

703 applicants for the deputy mandate had been nominated, which exceeds the amount of nominations during the last elections (365 — in 2008, 464 — in 2012, and 630 — in 2016). The number of refusals to register candidates increased compared to the elections in 2016 (18.9% — in 2019, and 15.1% — in 2016).

Against the background of the current opaque signature verification procedure, of particular concern is the large number of refusals to register opposition candidates nominated through collecting signatures. An analysis of some refusals indicates a possible abuse on the part of the election commissions during the document verification procedures, which could be aimed at preventing the well-known opposition leaders from continuing to run in the elections.

Election campaigning

In most regions, local authorities created favorable conditions for election campaigning. The number of places for holding public events increased in comparison with the elections of 2016.

Administrative resources were widely used to promote the pro-government candidates, while a number of non-affiliated and opposition candidates reported obstacles in their campaigning efforts.

There were documented cases of bans on broadcasting the campaign speeches of opposition candidates; the DEC and the managers of government-controlled media made an extensive use of restrictions provided by Article 47 of the Electoral Code, which, in most cases, constituted unacceptable censorship and restrictions on freedom of expression; in some cases, the DEC ordered to cancel the registration of candidates, citing violations of Article 47 of the Code.

Despite the large number of registered candidates, their activity in election campaigning was low key: only 47.7% of the total number of registered candidates participated in televised debates, 58.9% — had their electoral platforms published; 73.9% — appeared on television, and 68.4% — on the radio; compared to the previous elections, the candidates announced fewer public events.

Early voting

The official turnout for early voting is reported at 35.77%, which is the record high for the parliamentary elections since 2008.

As before, participation in early voting was encouraged and controlled by the authorities. Administrations of government-owned enterprises and institutions, as well as universities strongly recommended voters to participate in early voting, maintained records of early voters and reported on the progress of early voting to local executive authorities.

In some cases, the organization of participation of voters in early voting was characterized by coercion, under threats of reprisals for failing to vote early. 30% of the observers reported facts of coercion in forcing the voters to come to the polls (as compared to 18% in 2016).

The 32 PECs covered by the continuous monitoring of the campaign “Human Rights Defenders for Free Elections” revealed excessive official turnouts as compared to the observers’ calculations. For some PECs, the early voting turnout figures were two, three, five, and even eleven times greater than those reported by the observers.

The practice of early voting remains one of the systemic problems of the electoral process and creates opportunities for the use of administrative resources and other manipulations. In this connection, the OSCE/ODIHR recommendations regarding changes to early voting procedures remain relevant.

Mobile voting

Existing procedures for mobile voting (home voting) create opportunities for manipulation. The observers cannot check whether the voters actually requested mobile voting. In practice, this allows organizing such a vote without requests. 60% of the observers reported cases of voters being entered in the lists for mobile voting although they had not requested this type of voting.

Some polling stations were marked by an abnormally high number of voters who cast their ballots in the mobile boxes.

Voting at the polling stations and vote count

The Electoral Code does not describe the ballot-counting process. The OSCE/ODIHR recommendations and proposals of the campaign “Human Rights Defenders for Free Elections” on regulating the procedure through a CEC decision in the preparation for this year’s elections were not taken into account.

As during previous elections, the PECs carried out a joint and simultaneous counting of the ballots, without announcing or displaying the ballot to all present. Such a procedure of counting the ballots is not transparent and does not allow to correlate the results of observation with the data reflected in the protocol on the voting results. 98.7% of the observers noted that the counting procedures were not transparent. During the observation of the parliamentary elections in 2016, this figure was 95.31%.

During the observation of the counting procedures, the campaign observers reported other violations of vote count: 35% of the PECs covered by the observation failed to announce separate voting results; in 47% of the PECs, the ballots were not counted separately for each candidate; in 63.7% of the PECs, the observers could not observe the vote count due to the inconvenient conditions of observation.

INTRODUCTION

The campaign “Human Rights Defenders for Free Elections” is a non-partisan and politically unbiased joint initiative of the Human Rights Center “Viasna” and the Belarusian Helsinki Committee.

The campaign aims to observe the elections at all levels in the Republic of Belarus, to assess the electoral process from the viewpoint of Belarusian electoral legislation and international standards of free and democratic elections, and to inform the Belarusian public and international community about the results of observation.

The observation campaign involved 42 long-term observers covering over 50% of the voters. The results of processing the observers’ weekly reports were distributed in the form of weekly reports and milestone reports on the individual phases of the elections.

During early voting, observation was carried out at 94 polling stations, and on Election Day — at 198 polling stations throughout the country. The reports were processed on a daily basis, which helped identify general trends in the organization of the electoral process and assess the scope of violations.

CONDITIONS OF OBSERVATION

International observation in Belarus has traditionally been represented by the monitoring missions of the CIS Interparliamentary Assembly, the international mission of the OSCE/ODIHR, the mission of the Council of Europe’s Parliamentary Assembly (PACE), the mission of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE PA), representatives of foreign embassies in the Republic of Belarus, the electoral bodies of foreign states, and the Shanghai Cooperation Organization. In total, according to the CEC, as of November 17, 1,030 foreign (international) observers were accredited in the country.

Besides the campaign “Human Rights Defenders for Free Elections”, domestic observation was conducted by the campaign “Right of Choice”, which brings together eight political parties and movements.

Some pro-government public associations and political parties (Belaya Rus, Belarusian Republican Youth Union, Belarusian Union of Women, Federation of Trade Unions of Belarus, and others) traditionally deployed a large number of observers. In total, 38,878 domestic observers were accredited with the election commissions of all tiers.

All the campaign’s observers were allowed to observe early voting, but some of them encountered obstacles in the implementation of observation, most notably prohibition to take photographs or record videos, including bans on documenting the official PEC protocols on the daily results of early voting, the imposition of unjustified warnings by the PECs, etc. Some observers, including representatives of the opposition political parties and five observers of the campaign “Human Rights Defenders for Free Elections,” were deprived of accreditation and expelled from the polling stations.

Tatsiana Kavalenka, chairperson of PEC No. 2 in electoral district No. 2 in Brest, banned photographing copies of the protocol with information on daily turnout. Chairperson of PEC No. 51 in electoral district No. 3 in Hrodna prohibited the observers to approach the commission to directly observe the counting of votes. At 7 p.m., November 16, the last day of early voting, Halina

Vasiokha, chairperson of PEC No. 28 in electoral district No. 2 in Vierchniadzvinsk, asked everyone to leave the room and the observer was not able to view the final protocol of early voting.

Observer Aliaksei Loika in Minsk (PEC No. 390) received warnings from the PEC and DEC No. 102 for photographing the protocol of early voting and the hallway outside the polling station.

Observer Yury Vashchenchuk in Brest was stripped of accreditation by the PEC for recording a video of an apparent attempt of ballot stuffing at polling station No. 37. The observer was unexpectedly criticized by chairperson of the Central Election Commission Lidziya Yarmoshyna, who demanded to cancel his accreditation. The situation received considerable media and public attention, and on November 17 the case was publicly commented on by Aliaksandr Lukashenka, who noted that he had instructed the law enforcement to “get tough” with such incidents. “Tough means that if some asshole or a jerk attacks a voter, they should talk some sense into him so that he doesn’t want to do it anymore,” he said¹. The president’s statement causes concern and is perceived as a threat to the observers exercising their legitimate activities of election observation.

PECs in Mahilioŭ ordered to expel the campaign’s observers Barys Bukhel and Aliaksei Kolchyn after they attempted to take photos and record video during voting and counting of votes. In a similar incident in Homieĺ, observer Andrei Stryzhak was expelled from the polling station.

LEGAL FRAMEWORK

The electoral system of the Republic of Belarus is regulated by the Constitution of the Republic of Belarus, the Electoral Code and other legislative acts, as well as resolutions of the Central Election Commission. Some questions are also addressed by local authorities.

According to the Constitution of the Republic of Belarus (Art. 91) and the Electoral Code (Art. 56), the elections to the House of Representatives of the seventh convocation shall be announced by the President of the Republic of Belarus no later than 4 months and held no later than 30 days prior to the termination of powers of the House of Representatives of the current convocation.

The Constitution (Art. 93) provides for a four-year term of office for Parliament members. The powers of the members of the House of Representatives of the sixth convocation elected in 2016 expire in October 2020. However, in late April 2019, Aliaksandr Lukashenka said in his address to the Belarusian people and the National Assembly that the elections to the House of Representatives would be held in November 2019. With this in mind, on May 29, the Central Election Commission approved the average number of voters per electoral district, the decision that should have been taken, according to the Electoral Code, no later than 5 months before the end of the term of office of the House of Representatives of the current convocation.

The elections were announced on August 5 after the President signed Decree No. 294. The vote was scheduled for November 17, 2019.

As there were no valid grounds for the early termination of the powers of Parliament under Art. 94 of the Constitution, and the four-year term of his office has not expired, the decree violated the constitutional provision on the term of office of Parliament, and constituted an interference in the activities of the legislature. A significant reduction in the tenure of the House of Representatives reduced the number of legislative sessions to seven (the Parliament of the fourth convocation held 11 sessions, and the fifth convocation — 10 sessions).

¹ <https://news.tut.by/society/661585.html>

On August 6, the Central Election Commission examined the issues of the preparation of elections.

The elections to the House of Representatives of the National Assembly of the seventh convocation mainly followed the rules applied during the previous election of 2016. The latest changes to the Electoral Code were made by Law No. 268-3 of June 4, 2015. They specified and broadened the scope of restrictions on foreign funding of the electoral process. Earlier, the Electoral Code was amended by Law No. 72-Z of November 25, 2013, which affected the procedure for the state funding of election campaigning, introduced the accreditation of observers, provided for the establishment of regional, Minsk city and territorial election commissions, which, inter alia, were tasked with supervising the activities of the district and precinct election commissions, dealing with complaints and establishing the results of elections in the territory of the region and the city of Minsk. The amendments also provided for the right of political parties which have nominated their candidates for the House of Representatives to delegate a representative to the district election commission in an advisory capacity. The Law also prohibited campaigning for a boycott of the elections under the threat of bringing to administrative responsibility; fixed the grounds for denying registration to a candidate; provided for only one round of voting: the winner is the candidate who has won the majority of votes of citizens who took part in the vote.

On January 4, 2014, Belarus acceded to the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States, signed on October 7, 2002 in Chişinău, Moldova. By ratifying the Convention, the Republic of Belarus undertook to take “legislative and other steps in order to consolidate the guarantees of voting rights and freedoms with the purpose to prepare and conduct democratic elections, to execute the provisions of the Convention.”

Belarus chose not to commit to amending national constitutional and legislative restrictions running counter to the Convention. In particular, this resulted in the absence of commitment to review the provision of the Constitution, which violates the principle of universal suffrage (in accordance with Art. 64, persons taken into custody on charges of committing a crime are deprived of the active election rights).

Moreover, to date, Belarus has failed to implement into its electoral laws many other provisions of the Convention, which do not contradict the Constitution of Belarus. In particular, the rule on the prohibition of campaigning for a boycott of the elections is clearly contrary to the Convention, which stipulates that a boycott or calls to boycott elections constitute means of the free exercise of citizens’ electoral rights and freedoms, and any obstacles in the exercise of these rights should be prosecuted.

The country’s government has not implemented the Convention’s standard of the possibility to allow the candidate or political party which nominated a list of candidates to nominate one member of the PEC with a deliberative vote, representing the candidate or political party.

The legal validity of the CEC decisions still remains uncertain, whereas under the Convention, decisions of electoral bodies adopted within their competence shall be “binding for executive authorities, state institutions, local self-governments, political parties and other public formations, their representatives, organizations, officials, voters, lower electoral bodies, other persons and organizations mentioned by laws.”

The electoral legislation has failed to fully implement the principle of transparency in the financing of election campaigns. Neither the law nor the practice compels the candidates to report on the receipt of all donations to their election funds, including the names of the donors.

An undoubted violation of the Convention is a failure of the state to take measures to ensure the opportunity for the observers to “observe vote count in the conditions that provide for the visibility of the ballot counting procedure,” as well as the opportunity to “receive the attested copies of the protocols in accordance with the procedure stipulated by the national legislation from a relevant electoral body.”

As in the previous parliamentary and presidential elections, the Central Election Commission continued to selectively publish its decisions, which is questionable from the point of view of the principle of transparency in the election process. In particular, as of Election Day, the CEC published only 27 of the 61 decisions adopted before and during the elections.

The CEC introduced a number of new rules aimed to improve some aspects of the electoral process and provide for additional measures to improve the accessibility of the elections for people with disabilities. It also lifted an earlier ban on the right of observers to take photos at the polling station. However, this cannot be assessed as an improvement of the rights of observers and strengthening the guarantees of transparency in elections, since the CEC’s Toolkit for the PECs provided an opportunity to “allow observers to take some pictures at their request,” which significantly restricts the rights of observers in the use of photo and video for documenting violations at the polling stations.

However, the most sensitive moment of the elections, which has always aroused particular criticism of observers, namely, the procedure of vote count, as before, was not detailed in any of the CEC documentation. The immutability of this aspect testifies to the CEC’s reluctance to organize a transparent vote count.

It is worth recalling that following the presidential election in 2015, the OSCE/ODIHR developed proposals for improving the electoral process. On February 12, 2016, President Lukashenko ordered to establish an interdepartmental expert group to study the ODIHR recommendations and consider their possible implementation in the electoral process. The CEC later took into account two (out of 30) proposals developed by the group. On January 31, 2017, the working group reviewed the recommendations of the OSCE/ODIHR on improving the electoral process in the Republic of Belarus based on the results of observation in the 2016 parliamentary elections. The campaign “Human Rights Defenders for Free Elections”, in turn, presented to the group its priority recommendations for changes in the electoral legislation of Belarus². However, in January 2018, Kent Harstedt, OSCE Parliamentary Assembly’s Special Representative on Eastern Europe and Special Coordinator of the OSCE’s short-term observers for the 2015 Belarusian presidential election, said that the process of reviewing the recommendations had been completed, and the authorities did not plan to implement them.³

ELECTION COMMISSIONS

The amended Electoral Code of 2013 introduced an additional tier of election commissions during the parliamentary elections — territorial election commissions (TECs, six regional commissions and one Minsk city commission). In addition to the Code, the process of establishing the commissions is regulated by the CEC Resolution No. 23 of August 6, 2019 “On explanation of the procedure of the formation of the election commissions for the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh

² <http://elections2016.spring96.org/en/news/85794>

³ <https://naviny.by/article/20180124/1516802727-kent-harsted-belarus-hochet-chtoby-v-obse-udelyali-bolshe-vnimaniya>

convocation.” As in the previous parliamentary elections, the CEC provided rules on the procedure of forming the commissions: before adopting a decision on the formation of an election commission, the bodies in charge of their formation are expected to consider the professional and personal qualities of nominated persons. In cases where the amount of nominees exceeds the maximum number of members, information on each candidate should be announced and a candidate-by-candidate vote should be conducted.

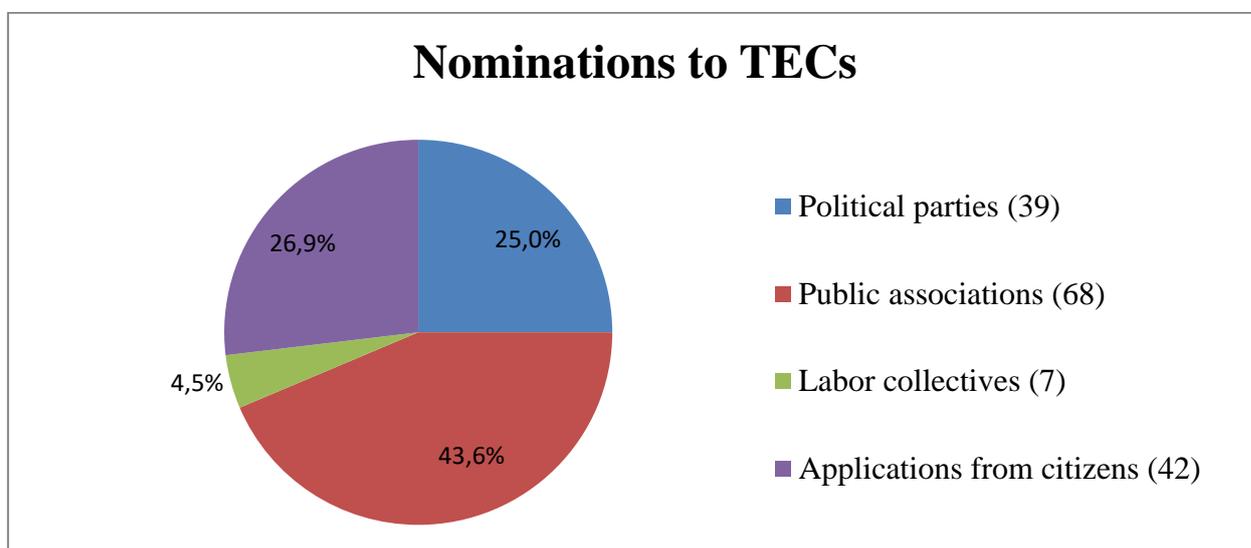
According to Art. 34 of the Electoral Code, the regional, Minsk city territorial and district election commissions are formed by the presidiums of the Regional and Minsk City Councils of Deputies and the regional and Minsk city executive committees. The commissions are composed of the representatives of political parties and other public associations, labor collectives, as well as representatives of citizens nominated to the commissions by submitting an application, comprising 9-13 members. The PECs are formed by the district and city executive committees, and in the cities divided into districts — by the district administrations, and should include 5-19 members.

Political parties and other nation-wide public associations, labor collectives, staff of a structural unit, and a group of voters have the right to nominate only one representative to the regional, Minsk city, district and precinct election commissions. According to a general rule, at least one third of the commission members are representatives of political parties and other public associations. The commission may not include judges, prosecutors, heads of local executive and administrative bodies. Representation of civil servants cannot exceed one third of the commission members.

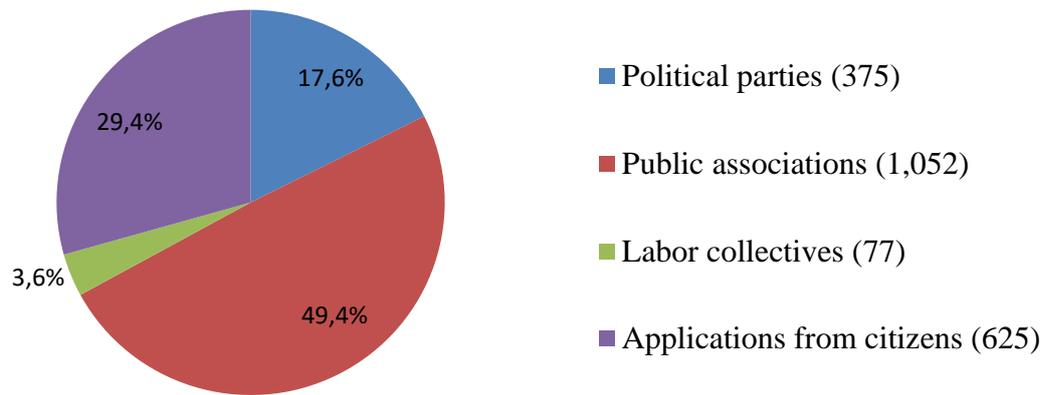
The possibilities of nomination representatives to the PECs from political parties and other public associations, as before, are limited by a legal requirement to possess local institutional structures. Thus, national public associations, which do not have organizational structures in the regions, are effectively deprived of the opportunity to nominate their representatives to the precinct election commissions.

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

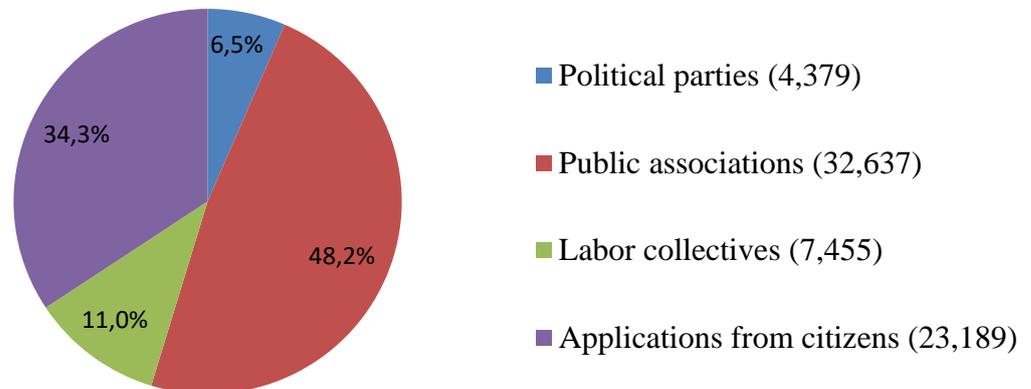
According to the CEC, 143 representatives were nominated to the 7 TECs. 1,959 people were nominated to the 110 DEC, and 67,660 candidates were nominated to the 5,785 PECs.



Nominations to DECs



Nominations to PECs



170 people were nominated to the PECs using two types of nomination. Of these, in the Brest region — 1; Homiel region — 1; and in Hrodna region — 168. According to a campaign’s observer, almost every one of the pro-government candidates was nominated by two entities at a time. 13 people were nominated by two entities to the TEC of Hrodna region.

Of the 15 registered political parties, 12 nominated their representatives to the DECs, including 5 opposition parties: Belarusian Party of the Green (1), Belarusian Party of the Left “Spravedlivyi Mir” (“Just World”) (74), United Civil Party (18), BPF (17), and Belarusian Social Democratic Party “Hramada” (35). According to the CEC, a total of 146 representatives were nominated by the five opposition parties, which is 38.9% of the total number of nominees from the parties and 7.45% of the total number of representatives nominated to the DECs. 16 representatives were nominated by the five opposition parties to the TECs, which is 41% of the total number of nominees from the parties and 11.2% of the total number of candidates nominated to the TECs. 495 representatives nominated to the PECs (11.3% of nominated by parties or 0.7% of the total number of nominated) were members of the opposition parties.

As in the previous elections, the country’s major pro-government public associations and the trade unions continued to play an important role in the formation of commissions.

In these elections, the five biggest pro-governmental associations — “Belaya Rus”, Belarusian Republican Youth Union, Federation of Trade Unions, Belarusian Women’s Union, Belarusian

Public Association of War Veterans, and Belarusian Peace Fund — nominated a total of 29.4% of the entire number of applicants to the TECs (70.6% of those nominated by public associations and trade unions), 40.1% of all applicants to the DECes (74.6% of those nominated by public associations and trade unions), and 42.8% of all applicants to the PECs (88.8% of those nominated by public associations and trade unions).

The Conservative Christian Party BPF, the Belarusian Social Democratic Hramada and the Republican Party did not nominate their representatives to the DECes and TECs.

The Conservative Christian Party BPF and the Greens did not claim any seats on the PECs. The Movement “Za Svabodu” (“For Freedom”) (117), “Tell the Truth” (36) and the NGO BPF “Adradzhenne” (4) nominated their members to the TECs and DECes.

During the formation of the TECs and DECes, the observers reported that voting was mostly a formality, although in most cases accompanied by a discussion of the nominated candidates. The representatives of the pro-government political parties and public associations were voted for almost unanimously, while the representatives of the opposition parties were almost unanimously rejected. Sometimes the reasons for denying membership to representatives of the opposition parties were absurd. For example, at a meeting on the formation of the PECs in the Maskoŭski district of Brest, none of the representatives of the opposition was elected, and the reasons for the decision were as follows: Kuzmich from BPF — “failure to find information about his professional qualities”; Liauko from BPF — “in order not to distract him from his work, as he is a valuable employee”; Dzenisenka from “Just World” — “to be elected next time”; Miashkevich from the Belarusian Social Democratic Party “Hramada” — “could not be contacted for clarification of data”; Chapurnykh from “Just World” — “the working group learned that he has just undergone surgery”; Vakulanka from the Belarusian Social Democratic Party “Hramada” — “unemployed”.

In most cases (77.5%), there was no discussion of applicants nominated to the PECs. In half of the cases (50%), the nominees were presented, and their personal and professional qualities were described. In 52.5% of the cases, pre-drafted lists of nominees were put to a vote without a discussion of the candidates. This applies mainly to the PECs, in which there was no competition and all the nominated persons were included in the commissions.

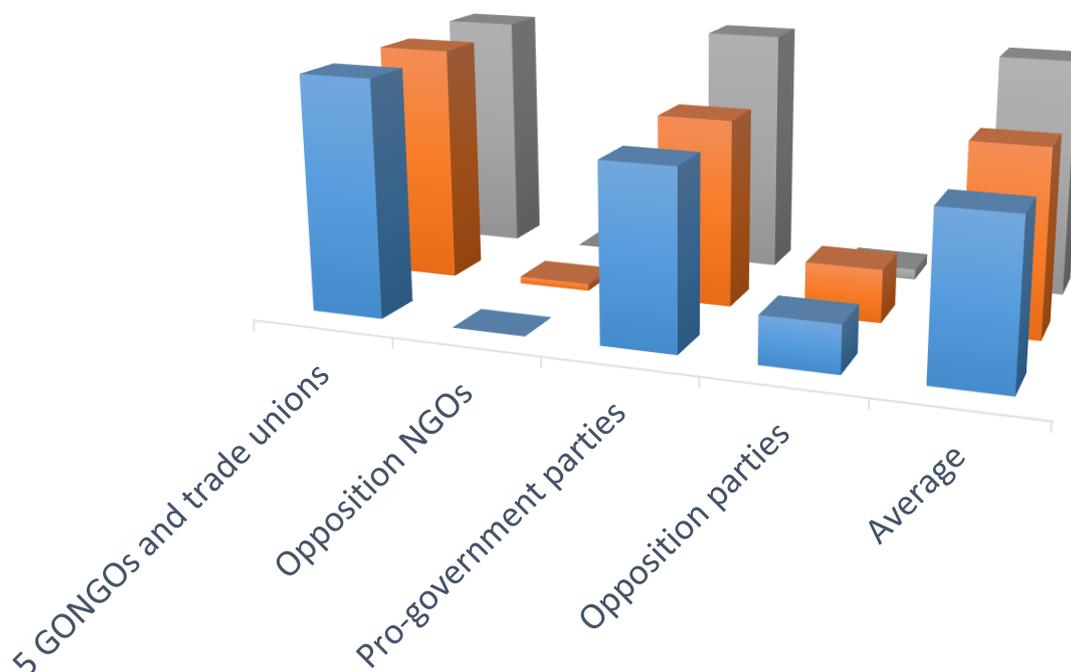
Thus, the process of forming the commissions was predetermined. In most cases, the campaign’s observers reported inability to access the nomination documents by all stakeholders, including the observers.

91 people were elected to the seven TECs, or 63.6% of all nominees. 1,430 people were elected to the 110 DECes, or 73% of all nominees. 63,646 people were elected to the 5,785 PECs, or 94% of all nominees.

In most cases, the observers reported the employment-based principle of the formation of election commissions, when members of the commission are co-workers and their direct superior is the chairperson of the election commission.

The five largest pro-government public associations and the trade unions were represented in the TECs by 39 persons, which is 42.9% of the total number of members. In the DECes — 735 representatives, or 51.4% of the total amount; and in the PECs — 27,790 persons, or 43.7% of the total number of PEC members.

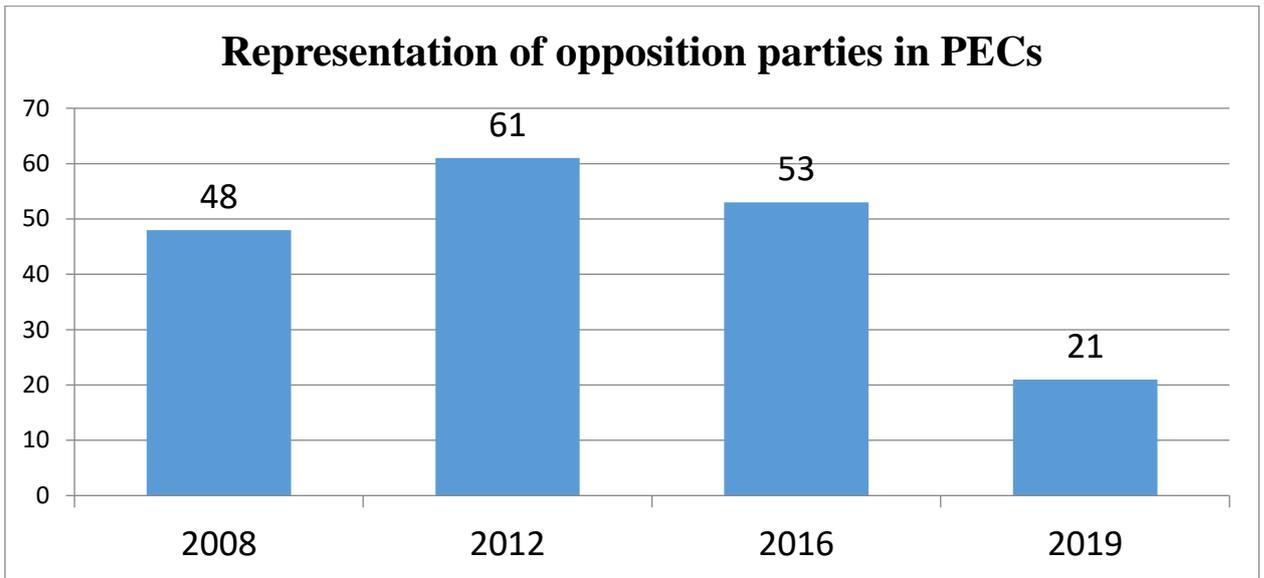
Election commissions representation/nomination ratio for various entities (selection rate)



	5 GONGOs and trade unions	Opposition NGOs	Pro-government parties	Opposition parties	Average
■ TECs	92,9%	0,0%	69,6%	18,8%	63,6%
■ DEC	93,6%	2,8%	73,8%	21,2%	73,0%
■ PECs	95,9%	0,0%	96,9%	4,2%	94,0%

The percentage of nominations by political parties to election commissions remains low: 12 political parties, including five opposition, supplied 25.0% of the TECs nominees, 17.6% in the DEC and 6.5% in the PECs. As few as 34 representatives of the opposition parties were included in the commissions of all tiers. The representation of the opposition parties in the PECs is the record low for the past four parliamentary elections, with only 21 out of 495 nominees included in the commissions (0.03% of the composition of the PECs). All the 54 nominees of the BSDP “Hramada” were denied membership.

As a result, representatives of the opposition parties were elected to as few as 21 out of 5,785 PECs, which left no chance for the opposition to influence the freedom and transparency of the basic electoral procedures, including the counting of votes.



NOMINATION AND REGISTRATION OF CANDIDATES

According to the CEC⁴, 503 applications for the registration of nomination groups were submitted. 2 applications were withdrawn prior to registration. 14 applications were rejected, which is 2.7% of the total number of applications. This is more than two times less than in the 2016 elections.

Year	Applications	Registered	Denied	Percentage of denials
2008	455	423	23	5%
2012	440	354	85	19.3%
2016	497	446	30	6.2%
2019	503	487	14	2.7%

⁴ <http://rec.gov.by/sites/default/files/pdf/2019/stat10.pdf>



Of the total number of persons whose nomination groups were registered, party members amounted to 115 people (23.6%), which is less compared to the elections in 2016 (160 people, or 33%). The bulk of registered groups were representatives of the Communist Party of Belarus — 28 (5.7% of the total number of party members nominated through collecting signatures), the United Civic Party — 27 (5.5%), BPF — 16 (3.3%), and the Belarusian Left Party “Just World” — 17 (3.5%).

Collecting signatures

In preparation for the collection of signatures, local authorities took decisions that determined the places prohibited for pickets to collect signatures. According to most observers, the number of prohibited places remained the same as during the previous elections, or even decreased slightly. The observers recorded no significant interference in the work of the members of nomination groups.

During the current elections, as in the past, there were facts of abusing administrative resources by the pro-government nominees. In particular, students of the Baranavičy State University collected signatures during class time, as well as in the dormitory, for the nomination of the vice-rector for education Pavel Papko, who was running in electoral district No. 6.

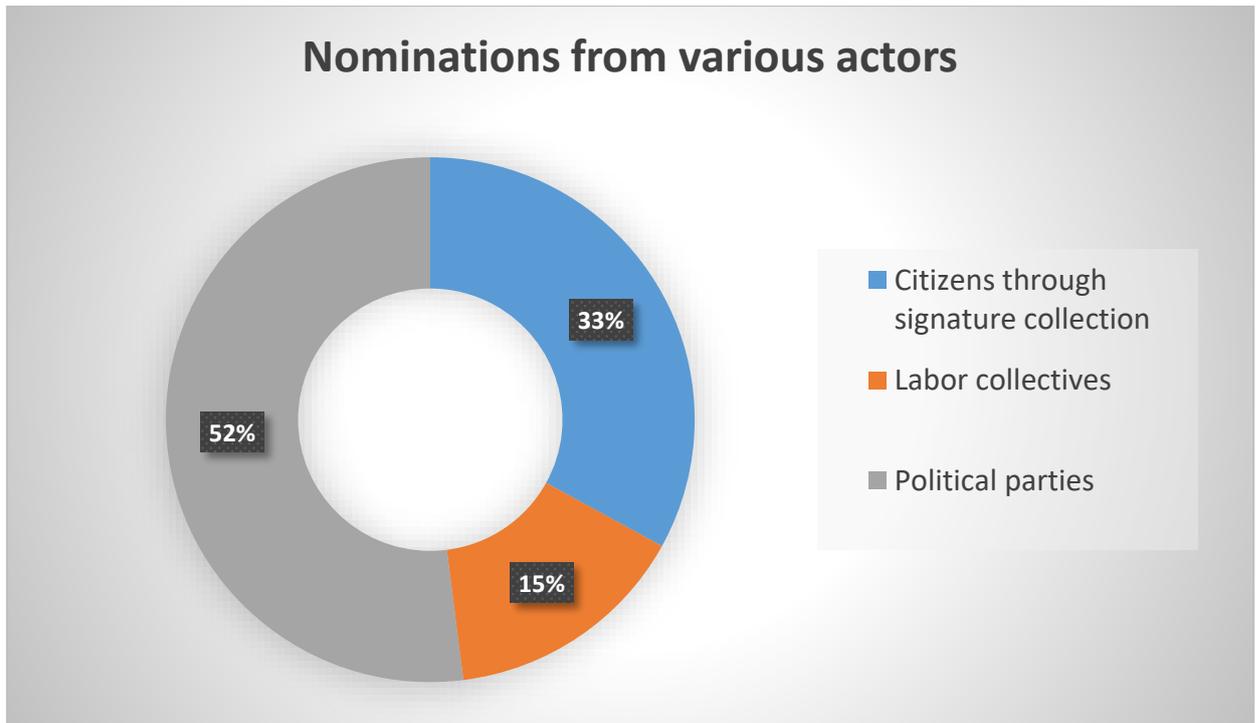
Signatures were collected for the nomination of Valiantsina Nazaranka, chair of the Mazyr District Council of Deputies, running in electoral district No. 42, during lunchtime at the entrance of a local enterprise. This fact was confirmed by the nominee herself in her conversation with an observer in response to the question how one managed to collect the signatures of 16 voters residing in different districts of the city.

The collection of signatures for Andrei Struneuski, chairperson of a local branch of the trade union of JSC “Belaruskali”, running in electoral district No. 68 in Salihorsk, was also marred by abusing administrative resources. The company’s employees working on fixed-term contracts were invited to the personnel departments of structural divisions to sign in pre-filled signature sheets.

There is evidence of other instances of the use of administrative resources: employees were asked to come to work with their passports to sign for pro-government candidates, school teachers were often involved in the work of the nomination groups, etc.

Nomination of candidates

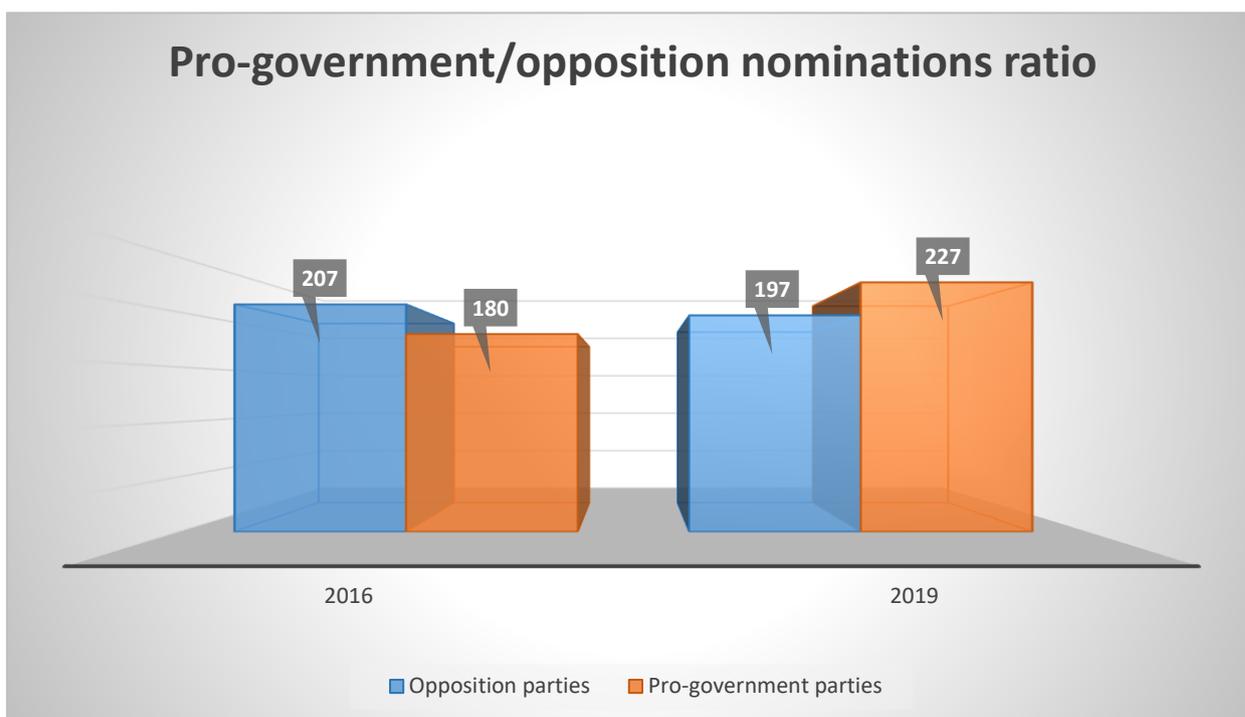
According to the CEC⁵, 703 applicants for candidates were nominated, which exceeds the number of the last elections (630). Among the candidates, most nominees represent the political parties (424). 272 contenders were nominated by citizens through signature collection. Labor collectives nominated as few as 128 candidates.⁶



Representation of political parties among the nominees amounted to 424 persons, which is significantly higher than the corresponding figure in elections of 2016 (387 persons). A comparison of current data with the statistics of 2016 shows a change in the ratio of the candidates from the pro-government and the opposition parties. Despite the overall larger number of nominated candidates, opposition representation has declined.

⁵ <http://www.rec.gov.by/sites/default/files/pdf/2019/stat11.pdf>

⁶ Part of the candidates were nominated by two or three entities at a time



There was a tendency of increased representation of current MPs and local authorities. In 2016, 28 members of the House of Representatives and 51 deputies of local councils of deputies stood for re-election. In 2019, 34 current members of the House of Representatives and 58 deputies of local councils of deputies were running for re-election.

The number of women nominated as candidates increased from 23% in 2016 to 25% in 2019.

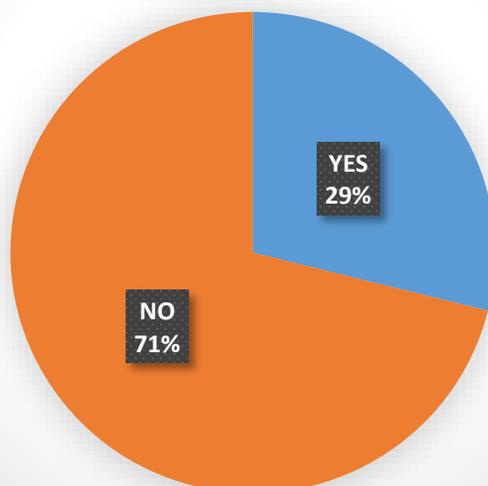
Registration of candidates

The verification of signatures is an important procedure aiming to authenticate the signatures of voters collected in support of the nomination of candidates for deputies. The Electoral Code does not provide for a direct right of observers to be present during the verification of signatures, but it follows from the principle of transparency and openness of the preparation and conduct of elections, enshrined in Art. 13 of the Code.

Most observers (71%) were denied the opportunity on the following formal grounds: “signature verification is a routine procedure within the DEC”; “observers are only entitled to attend the meetings of the commission, while signature verification is not carried out at the meeting,” “presence of observers at the signature verification is not provided by law.”

Absence of common approaches by the DEC is confirmed by the fact that some commissions (29% of those covered by observation) nevertheless allowed the observers to monitor the procedure. This happened, for example, in DEC No. 6 in Baranavičy, DEC No. 59 in Smarhoń, DEC No. 26 in Orša, DEC No. 46 in Svietlahorsk, DEC No. 68 in Salihorsk, DEC No. 35 in Homieĺ, DEC No. 80 in Babrujsk, and some others.

Could the observers see the verification of signatures in the DEC's?



However, the formal admission of observers failed to contribute to greater transparency in the signature verification procedure, as the observers were not able to see all aspects of the procedure.

According to the observers, the verification of the majority of data contained in the application forms and declarations of income and property lacked transparency and publicity. The procedure of sampling signatures for verification and the validation of the signatures together with the documents submitted for the registration of candidates remains highly opaque and encourages manipulations in one direction or another.

According to the CEC⁷, out of 703 persons nominated as candidates for deputies of the House of Representatives, 560 were registered. 12 applications for registration were revoked. 131 persons were denied registration, which is about 19% of the total number of considered nominations. These include 55 representatives of the NGO “Movement *For Freedom*”, who, in violation of the Electoral Code, were nominated by the association’s conference. The decisions to deny registration to For Freedom representatives referred to the fact that, in accordance with para. 3 of Art. 60 of the Code, candidates can only be nominated by the political parties, labor collectives and citizens through collecting signatures.

Year	Nominations	Withdrawn	Denied	Registered	Percentage of denials ⁸
2008	365	5	84	276	23.3%
2012	494	9	122	363	25.1%
2016	630	16	93	521	15.1%
2019	703	12	131	560	18.9% ⁹

The electoral authorities registered 357 persons nominated by the political parties, which is 84% of the total number of nominations (424), or 64% of the total number of registered candidates.

⁷ <http://rec.gov.by/sites/default/files/pdf/2019/stat13.pdf>

⁸ Of the total number of nominations excluding those who withdrew applications for registration

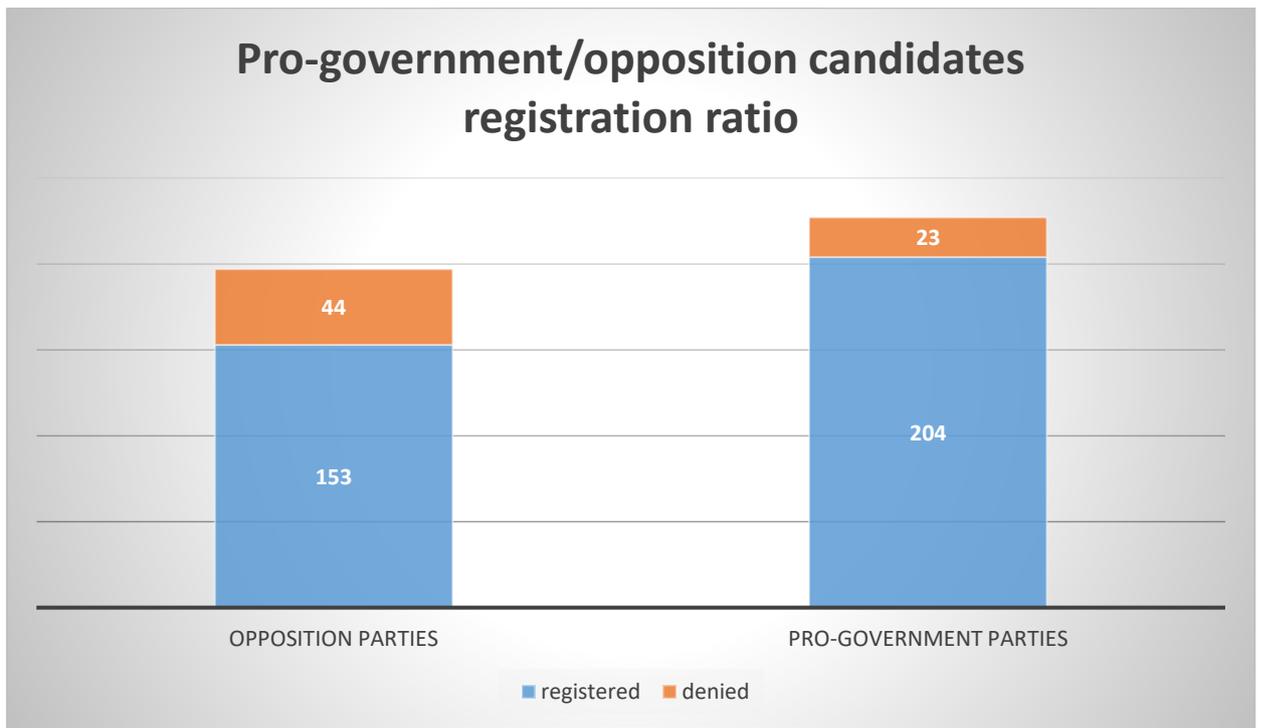
⁹ Including refusals to register candidates nominated by the Movement “For Freedom”, which, according to Art. 60 of the Electoral Code, was not entitled to nominate candidates for deputies

The results of the registration of nominees from the political parties are as follows:

Name	Nominations	Registered	Percentage of denials
Belarusian Party “The Green”	7	4	43%
Belarusian Left Party “Just World”	33	27	18%
Belarusian Patriotic Party	16	10	37%
Belarusian Social Democratic Party (Hramada)	41	30	22%
Belarusian Social and Sports Party	1	1	0
Communist Party of Belarus	54	50	7%
Liberal Democratic Party	107	98	8%
United Civil Party	56	47	16%
Belarusian Social Democratic Hramada	22	14	36%
BPF Party	38	31	18%
Republican Party	6	5	16%
Republican Party of Labor and Justice	43	40	7%

Thus, the percentage of refusals to register representatives nominated by the opposition parties is higher than that of the pro-government party nominees. In particular, of the 197 opposition party nominees, 153 were registered as candidates, which is 77.7% of the total number of members nominated by the opposition parties (in the elections of 2016 — 85% were registered). At the same time, the commissions registered 204 out of 227 nominees from the pro-government parties, or 90% of the total number of persons nominated by the pro-government parties (in the elections of 2016 — 86%).

Against the background of the opaque signature-verification procedure, of great concern is the large number of refusals to register candidates from the opposition who were nominated through collecting signatures.



An analysis of some refusals indicates a possible abuse on the part of the election commissions during the document-verification procedures, which could be aimed at preventing the well-known opposition leaders from continuing to run in the elections.

A total of 367 members of the political parties were registered as candidates, which is 65.5% of the total number of all registered candidates, as some of them were nominated only by collecting signatures, rather than through party congresses. Most registered candidates represented the Liberal Democratic Party of Belarus — 98 people, or 17.5% of total number of registered candidates, the Communist Party of Belarus — 57 (10.2%), and the United Civic Party — 47 (8.4%).

34 incumbent members of the House of Representatives, as well as 69 deputies of local councils, were running for re-election. Almost all of them were registered as candidates: 32 of the 34 members of the House of Representatives, or 94% of the total number of nominated candidates; 66 out of 69 deputies of local councils (95%). Hanna Kanapatskaya and Alena Anisim, who are described as independent MPs, were the only two current members of the House of Representatives who were denied registration as candidates.

The proportion of women among the registered candidates was 27%, which is 2% higher than during the elections in 2016.

ELECTION CAMPAIGNING

Campaigning conditions

Local executive committees created favorable conditions for election campaigning: the number of places for holding public events increased in comparison with the elections of 2016. The sites for campaign advertising were convenient.

Use of administrative resources

The observers documented numerous instances of the use of administrative resources for the purposes of facilitating the campaigning activities of pro-government candidates, while non-affiliated and opposition candidates faced obstacles in their campaigning efforts.

In particular, the school administrations organized the meetings with voters of a candidate in electoral district No. 49, Iryna Lukanskaya, head physician of the children's clinic of Hrodna, member of the Regional Council of Deputies and head of the city branch of the Belarusian Union of Women. On October 31, the administration of the Hrodna Chemical Engineering College (chairperson and members of PEC No. 24) assembled more than 160 students for a meeting with the candidate. On November 1, a similar meeting with Iryna Lukanskaya was held at the Hrodna Construction College, and on November 6 — in high school No. 1. The latter meeting was attended by about 100 teachers, including members of PECs Nos. 31, 32, and 33.

Viktar Svila, a pro-government candidate in the Smarhoń-based electoral district No. 59 and deputy chairman of the Astraviec district executive committee, met with voters in schools Nos. 1 and 7. Both meetings were held during class time. On November 6, the candidate was involved in another campaign event in the town of Zaliessie, which was organized by the local authorities.

Andrei Struneuski, a candidate in electoral district No. 68 in Salihorsk and chairman of Belaruskali's official trade union, held campaign events at the enterprise facilities, including in restricted areas: in the administrative offices, halls for meetings in the mines, ore-processing facilities, and auxiliary shops. Meanwhile, the candidate's campaigning schedule only mentioned meetings with voters in the premises located in the city. Other candidates could not meet with voters in the territory of the enterprise.

Obstacles in campaigning and censorship

19.4% of the observers reported obstacles in the campaign activities of independent and opposition candidates created by government officials and unidentified persons. These included concealing or providing false information about electoral events, failing to publish election platforms or authorize the broadcast of the candidates' TV and radio appearances, interference in the public events of candidates and their agents, and others. Compared to the previous elections, the number of such incidents has increased. The refusals to publish electoral platforms or broadcast televised and radio addresses, as a rule, referred to Art. 47 of the Electoral Code.

The Belarusian Christian Democracy press service reported facts of intervention by a host of the television and radio company "Belarus-3" in the official record of TV debates by candidates in electoral district No. 96 in Minsk. On October 30, the TV channel "Belarus-3" failed to air a speech by Mikalai Maslouski, who was running for Parliament in district No. 104 in Minsk. The TV and Radio Company "Hrodna" failed to broadcast a video address of a UCP candidate in electoral district No. 54 in Iŭje, Iryna Davidovich. The TV channel "Belarus-3" took off the air a campaign speech by an activist of the European Belarus opposition group, a candidate of the BPF in electoral district No. 46 in Svietlahorsk, Dzmitry Savich. On November 5, the Polack TV company failed

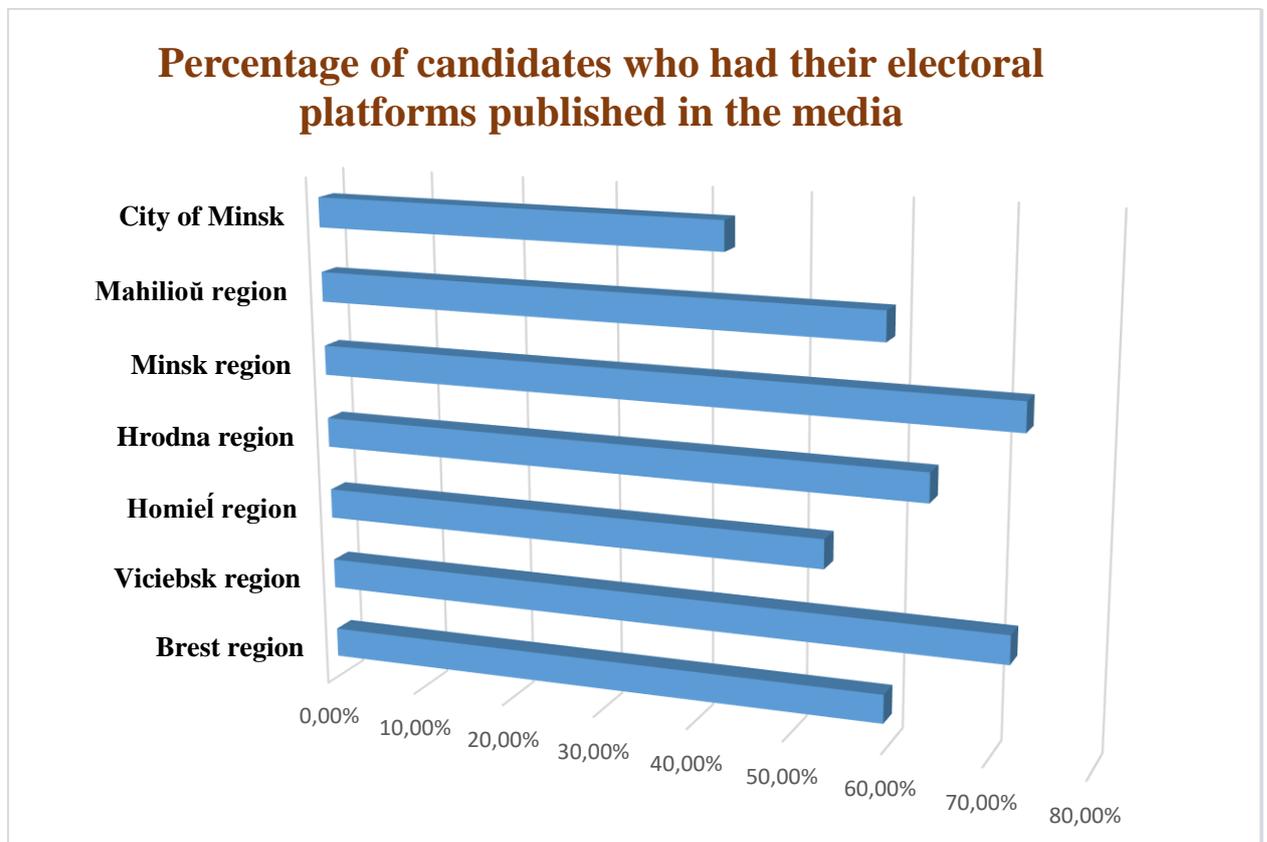
to air the appearance of Andrei Mamiakou, a candidate of the Republican Party of Labor and Justice in electoral district No. 27. The local television showed it only in certain neighborhoods, instead.

The speeches or election platforms of the following candidates never reached the voters: Uladzimir Niapomniashchykh, a UCP candidate in electoral district No. 33 (TV appearance on Belarus-3); Aksana Yushkevich, a European Belarus candidate in electoral district No. 96 in Minsk (appearances on Radio Minsk and TV channel Belarus-3); Mikhail Bandarenka, a BPF candidate in electoral district No. 42 in Mazyr (Belarus-3 TV channel); Dzyyana Charnushyna, a UCP candidate for deputy in electoral district No. 101 in Minsk (newspaper Zviazda); Mikalai Kazlou, UCP leader running in electoral district No. 105 in Minsk (TV channel Belarus-3).

The election platform of Aliaksandr Komar, a UCP candidate in electoral district No. 78 in Babrujsk, was not initially published by the government-owned newspaper Babrujskaje Žyccio because of the phrase “with Lukashenka, the country has no future.” After an appeal, the CEC ordered to allow the redacted version of the publication, which lacked the disputed phrase.

Bans on publishing the candidates’ election programs have become a common practice. An analysis of submitted and published texts revealed that the electoral platforms of 23 candidates were denied publication, which is 1.5% of the total number of printed campaigning addresses.

According to the CEC¹⁰, as of November 11, only 58.9% of the total number of candidates had their electoral programs published in the media. The record low was demonstrated by the candidates running in Minsk. Out of 123 candidates registered in the Minsk-based electoral districts, as few as 53 persons published their programs, which is 43.1% of the total number. In the Minsk region, 72.6% of candidates published their programs; in the Viciebsk region — 71.8%.



¹⁰ <http://rec.gov.by/sites/default/files/pdf/2019/stat24.pdf>

The data are extremely significant against the background of disproportion between the amount of announced campaigning events in Minsk and that in the regions. According to the CEC¹¹, in Minsk, there were an average of 130 events per candidate, while in Hrodna region — 36 events, in Minsk region — 33, in Homiel region — 29, in Mahilioŭ region — 14, in Viciebsk region — 12, and in Brest region — 7.

Holding meetings of candidates and their proxies with the voters and organizing the meetings of voters were viewed by the candidates as a much less efficient campaigning tool. 61% of the campaign's observers answered in the affirmative to the question of whether all the candidates enjoyed equal opportunities to hold meetings with voters in the allocated premises, while 29%, respectively, reported that the conditions for the candidates were not equal. In particular, Uladzimir Andreichanka, current Speaker of the House of Representatives running in electoral district No. 22 in Dokšytsy, besides meetings with voters in designated premises, also conducted personal reception of citizens using the premises of district executive committees. This opportunity could not be enjoyed by his opponents.

The CEC reports¹² that the candidates filed 980 requests for 6,314 meetings with voters in the premises selected by the local executive committees. This is an average of 11 meetings per candidate.¹³ During the elections in 2016, there were 8 meetings per candidate. In Minsk, there were an average of 3 meetings per candidate; in Hrodna region — 10 meetings; in Minsk region — 30; in Homiel region — 5; in Mahilioŭ region — 8; in Viciebsk region — 11; in Brest region — 7. However, it should be noted that the figures do not reflect the actual number of events, since some candidates chose not to hold scheduled events.

19% of the campaign's observers reported interference in the candidates' indoor public events and meetings with voters.

On November 10, the campaigning team of Siarhei Mazan, a candidate from the Belarusian Social Democratic Party (Hramada) in electoral district No. 16 in Stolín, were harassed by Vadzim Makeyev and an unknown man in a doctor's gown. They intervened, provoked the candidate and his trustees, and videotaped the event. The police officers were called but failed to take measures to protect the candidate. According to Siarhei Mazan, he received threats from unknown people in social media.

On November 10, Yauhen Sheuka, an independent candidate in electoral district No. 95 in Minsk, said on Facebook that unknown persons had damaged his campaign posters displayed on the information boards outside major shopping centers and enterprises. Other candidates running in the district reported similar problems. The exception are the posters of the current member of the House of Representatives Tatsiana Saihanava.

Campaigning in the media

At the end of the phase of election campaigning, 30% of the campaign observers responded in the affirmative to the question of whether the local government-controlled media promoted certain candidates. As few as 10% of the observers reported similar publications in the private media.

Before the official launch of campaigning, the local government-owned newspaper Kalinkavickija Naviny repeatedly published positive materials about Yauhen Adamenka, a current member of the

¹¹ <http://www.rec.gov.by/sites/default/files/pdf/2019/stat25.pdf>

¹² <http://www.rec.gov.by/sites/default/files/pdf/2019/stat26.pdf>

¹³ Of the original number of registered candidates

House of Representatives running in electoral district No. 41. The practice continued later. Meanwhile, the newspaper never covered the campaign activities of the other three candidates in the district.

On October 10, the newspaper *Majak* owned by the Biaroza district executive committee published an article about a meeting of a pro-regime candidate in electoral district No. 9 in Pružany, Aliaksandr Liauchuk, with the students and teachers of school No. 1 in Biaroza. The newspaper did not cover the activities of the other six candidates in the district.

On November 2, the regional newspaper *Homieŭskaja Praŭda* published an article criticizing the election program of a candidate running in electoral district No. 34. The publication did not specify the name of the candidate, but it clearly targeted an activist of the movement “Mothers of 328”, Tatsiana Kaneuskaya, over her position on the issue of drug abuse and criminal prosecution for drug-related offenses.

Supervisory Board on the Media

As during the previous elections, a supervisory board was created to exercise control over the rules of election campaigning in the media. Resolution No. 42 of the Central Election Commission of August 28, 2019 approved the Board members and rules¹⁴. The Board is expected to supervise the implementation of media legislation in light of issues of preparation and holding of elections and, if necessary, make proposals for the consideration by the Central Election Commission; provide equal opportunities for campaign-related appearances of candidates on television, radio, and in print, as well as during televised debates; establish uniform rates and terms of payment for airtime and online publications, which are purchased by candidates at the expense of their own election funds. The Supervisory Board also considers disputes connected with the use of the media, appeals of candidates and their proxies, as well as the complaints of citizens and organizations against violations of procedures and rules for election campaigning.

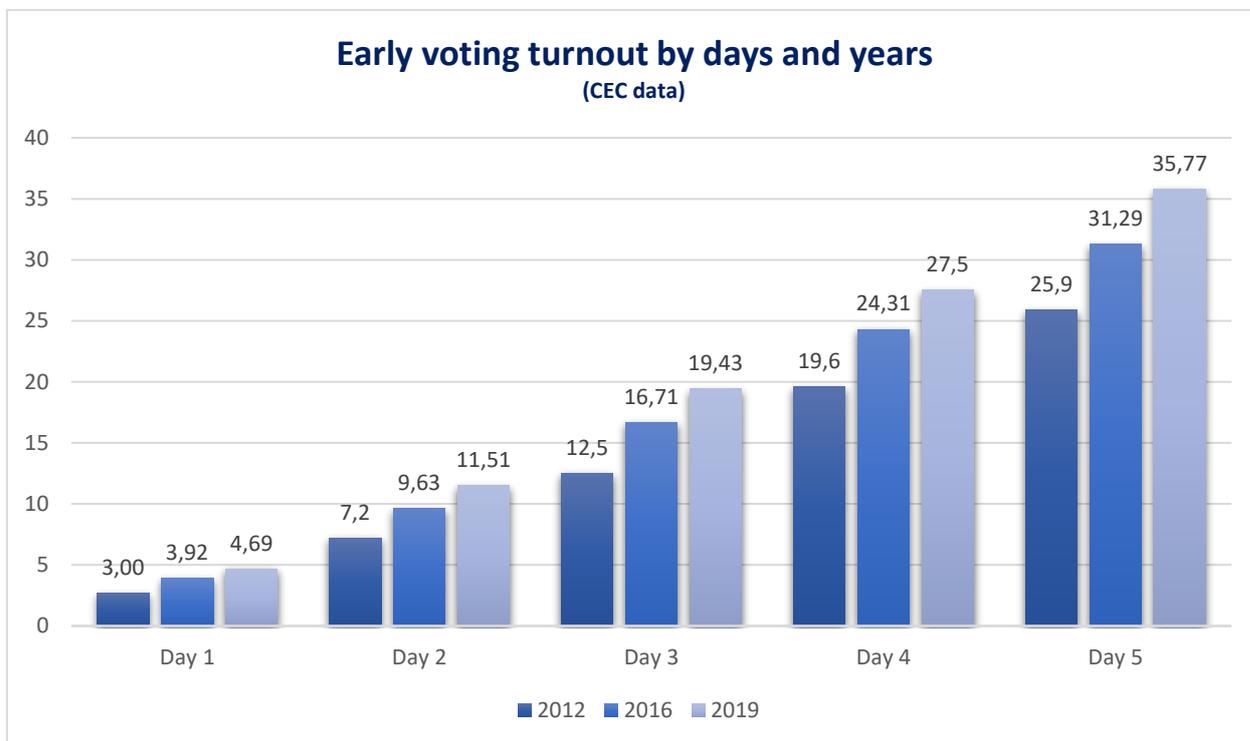
The regulation provides the opportunity of other persons, in addition to members of the CEC and its support staff, to attend meetings of the Supervisory Board. In this regard, it should be recalled that during the last elections, the Central Election Commission rejected a request by a representative of the Belarusian Helsinki Committee. The ban argued that the involvement of other persons was not provided by electoral law. As in the previous elections, Andrei Bastunets, chairman of the Belarusian Association of Journalists, was selected member of the Supervisory Board.

During this year’s elections, there were two meetings of the Supervisory Board. They addressed the complaints of candidates. None of the 6 complaints was granted. The rationale for the decisions has not been made public, which is not conducive to openness and transparency in the work of this important institution.

¹⁴ <http://rec.gov.by/sites/default/files/pdf/2019/post42.pdf>

EARLY VOTING

The official turnout for early voting is reported at 35.77%, which is the record high for the parliamentary elections since 2008.



Observation of early voting was conducted by 160 observers of the campaign “Human Rights Defenders for Free Elections” at more than 94 polling stations throughout the country. The 32 PECs covered by continuous monitoring revealed excessive official turnouts as compared to the observers’ calculations. For some PECs, the early voting turnout figures were two, three, five, and even eleven times greater than those reported by the observers.

In particular, 11 voters voted at polling station No. 570 in electoral district No. 107 in Minsk on November 16, while the official turnout was reported at 121.

At polling station No. 390 in electoral district No. 102 in Minsk, according to the observer’s calculations, there were 116 voters on November 11, while the PEC protocol said there were 238 votes.

November 11. Polling station No. 295 in electoral district No. 99 in Minsk. Observer’s report — 49 voters. PEC protocol — 199.

November 11. Polling station No. 570 in electoral district No. 107 in Minsk. Observer’s report — 98 voters. PEC protocol — 613.

November 14. Polling station No. 295 in electoral district No. 99 in Minsk. Observer’s report — 50 voters. PEC protocol — 200.

November 14. Polling station No. 390 in electoral district No. 102 in Minsk. Observer’s report — 74. PEC protocol — 201.

Polling stations outside Minsk also demonstrated differences (although of a lesser extent) between the observers’ calculations and the PEC data.

November 15. Polling station No. 10 in electoral district No. 46 in Svietlahorsk. Observer's report — 58 voters. PEC protocol — 105.

November 16. Polling station No. 46 in electoral district No. 6 in Baranavičy. Observer's report — 133 voters. PEC protocol — 335.

November 15. Polling station No. 12 in electoral district No. 84 in Mahilioŭ. Observer's report — 70 voters. PEC protocol — 271.

Coercion to participate in early voting

As during previous elections, participation in early voting was encouraged and controlled by the authorities.

Administrations of government-owned enterprises and institutions, as well as universities strongly recommended voters to participate in the early voting, maintained records of early voters and reported on the progress of early voting to local executive authorities.

Participation in early voting was described as mandatory, or a "civic duty." It was also announced that turnout was monitored either directly by the administrations of companies and universities or by representatives of other government agencies.

In some cases, observers of the campaign "Human Rights Defenders for Free Elections" received access to documents confirming that voters' participation in early voting was organized and controlled by the administrations of state enterprises and local executive authorities.

In particular, the Polack district executive committee ordered the heads of local enterprises to report on a daily basis on the cumulative total number of employees of businesses that took part in early voting. The enterprises' top managers were personally responsible for the timely submission of the information. The document signed by deputy chairman of the executive committee A. Kaladynski had an annexed a list of enterprises with the number of employees and schedules for reporting.

In a video posted on the website of Radio Free Europe/Radio Liberty's Belarus service, professor Aksana Aniskevich of the Belarusian State Economic University was seen on November 13 talking to the students about the mandatory nature of participation in early voting. The teacher insisted that the students voted early, otherwise, according to her, head of the department, the dean's office and she personally would face consequences. Also, the educator supported her words by saying that "everything is tracked, which room voted from which dormitory." Following the incident, a complaint was filed in the Prosecutor's Office of the Zavodski district of Minsk.

In some cases, the campaign's observers said that voters were asked to report to their immediate superiors after they have cast their ballots early. In particular, announcements seen in the dormitory of the Maladziečna Plant of Light-Gouge Construction advertised "active participation in the elections." In addition, the voters were asked to check in with the concierge after casting their ballots.

In separate instances, observers witnessed voters themselves requesting a document certifying their participation in early voting. The documents were reportedly requested by their employers. An observer in Svietlahorsk, Alena Masliukova, reports that a woman came to vote at polling station No. 19. She said that she was sent by her boss, but forgot her ID and the commission refused to issue a ballot. Then the woman said that her boss would have a heart attack and asked to give her a certificate that she actually came to the polls.

On November 16, at polling station No. 59 in electoral district No. 87 in Mahilioŭ, a voter who was allowed to leave work early begged the commission secretary to give him a certificate to confirm the fact that he voted early, according to observer Barys Bukhel.

At polling station No. 21 in electoral district No. 78 in Babrujsk, a Belposhta employee requested a certificate to prove that she had voted, and then photographed the ballot box as evidence.

30% of the campaign's observers who monitored early voting at 76 polling stations throughout the country reported facts of voter coercion to participate in early voting (as compared to 18% in 2016).

In some cases, voters were forced to vote under threat of negative consequences, e.g. eviction from dormitories, etc.

It should be noted that CEC chairperson Lidziya Yarmoshyna continued to ignore the forced participation of voters in early voting and the blatant abuse of administrative resources by the authorities. According to Yarmoshyna, control over students' participation in early voting is nothing but "emphatic invitation and education of the infantile younger generation."¹⁵

VOTING ON ELECTION DAY AND VOTE COUNT

According to Art. 50 of the Electoral Code, voting is conducted from 8 a.m. to 8 p.m. On Election Day, before the start of voting, ballot boxes shall be checked and sealed. The voting ballot is issued to a citizen by a PEC member on the basis of the voter list upon presentation of a passport or other document specified by the CEC.

The PEC is obliged to provide the opportunity to participate in the voting to voters who for health or for other valid reasons cannot appear at the polling station on Election Day. On the basis of oral and written requests of such citizens, the PEC organizes mobile (home) voting on Election Day. No official confirmation is required for the reasons for the inability to come to the polling station.

The basic principle of the counting of ballots is their separate count: first, the ballots from early voting ballot boxes are counted, then — from the mobile ballot boxes, and last — from the boxes for early voting. The results of the counting are only announced and then by adding the results of the separate count of all types of voting the final results are established at a commission meeting and recorded in the protocol on voting results. The votes should be counted separately for each candidate.

A copy of the protocol on voting results shall be publicly displayed in the premises of the polling station. The observer has the right to receive a copy of the protocol on voting results. This copy is not signed by the commission members and is not certified by the commission's stamp.

It is important to note that the method of vote counting by the PECs is not described in the law, which is still one of the key flaws of the Belarusian electoral legislation.

After being signed by the chairperson or deputy or secretary of the PEC, one copy of the protocol is immediately submitted to the corresponding DEC, the second — to the body that formed the PEC. The third copy of the protocol is stored in the commission files. The protocol forwarded to the DEC should be annexed with, if any, dissenting opinions of the commission members, statements by the candidates' proxies and other individuals about violations during the voting or counting of the votes and the decisions taken in these cases.

¹⁵ <https://news.tut.by/economics/661243.html>

Neither the law nor the CEC regulations describe the procedure for the receipt of the protocols and ballots by the DEC. The election results in the electoral district are approved at a meeting of the DEC no later than four days after the end of voting.

Thus, even with the settlement by a CEC decision of the right of observers to be present during the transfer of the protocols of voting results and ballots from the PECs to the DECs, the observers are efficiently deprived of the opportunity to observe this crucial election phase.

VOTING AT THE POLLING STATIONS

Voting at the polling stations is carried out under the supervision of the PEC according to the rules and procedures provided for by the Electoral Code. Good practice is a recent attempt to increase the opportunities for participation in the vote for people with disabilities.

The impossibility to observe the tables for issuing ballots, voting booths, and ballot boxes was reported by the observers from 16.1% of the polling stations covered by observation: polling station No. 506 in electoral district No. 105 in Minsk, polling station No. 19 in electoral district No. 38 in Viciebsk, polling station No. 17 in electoral district No. 42 in Mazyr, polling station No. 80 in electoral district No. 93 in Minsk, polling station No. 168 in electoral district No. 95 in Minsk and others.

The main reason for the above obstacles is that the observers were placed at inconvenient locations, or at a great distance from the tables where the ballots were issued.

Only 47.4% of the polling stations were accessible to people with reduced mobility. 16.7% of the polling stations visited by citizens with visual impairment failed to create the opportunity to vote by means of a magnifying glass or a template.

Question	Yes, %	No, %
Were the observers provided with information about the number of voters in the polling station?	92	8
Were the observers provided with information about the number of ballots received by voters?	88.3	11.7
Were the observers provided with information about the number of voters who requested mobile voting?	82.5	17.5
Were the observers able to see the tables for issuing ballots, voting booths and ballot boxes?	83.9	16.1
Were there any cases of issuing several ballots to one person?	99.3	0.7
Were there any cases of campaigning at the polling station?	97.1	2.9
Were there any complaints about the work of the commission?	17.5	82.5

Were the voters with visual impairment provided with the opportunity to vote by means of a magnifying glass or a template?	83.3	16.7
Was the polling station accessible for people with reduced mobility?	47.4	52.6

MOBILE (HOME) VOTING

As in previous elections, there were cases of organizing mobile (home) voting without requests from the voters. In particular, the observer in PEC No. 63, DEC No. 25, followed the PEC members to the village of Prydniaprouje, Orša district, to discover that none of the 44 voters on the mobile voting list actually requested voting at home. Some voters complained that they had not received any notification about the upcoming elections, and in one case, a dead person was included in the voter list.

At polling station No. 570 in electoral district No. 107 in Minsk, the majority of voters who were included in the mobile voting list said they had not requested this type of voting. Some of them refused to vote, while other said they had already voted by the time of the visit, and some were not in. An observer reported only 12 people voting out of 40 voters on the list. At polling station No. 34 in electoral district No. 53 in Hrodna district, the observer said there were only 8 requests for mobile voting, while the commission members received 208 ballots.

In 68% of the cases, the observers were allowed to follow the commission members to observe mobile voting. Cases of voters being included in the mobile voter lists despite failing to request voting at home were documented at 60% of the polling stations covered by observation. It were the elderly and people with reduced mobility who were most often included in the mobile voter lists without their consent.

At 5.7% of the polling stations covered by observation, the observers were not provided with information about the number of those who wished to vote at home.

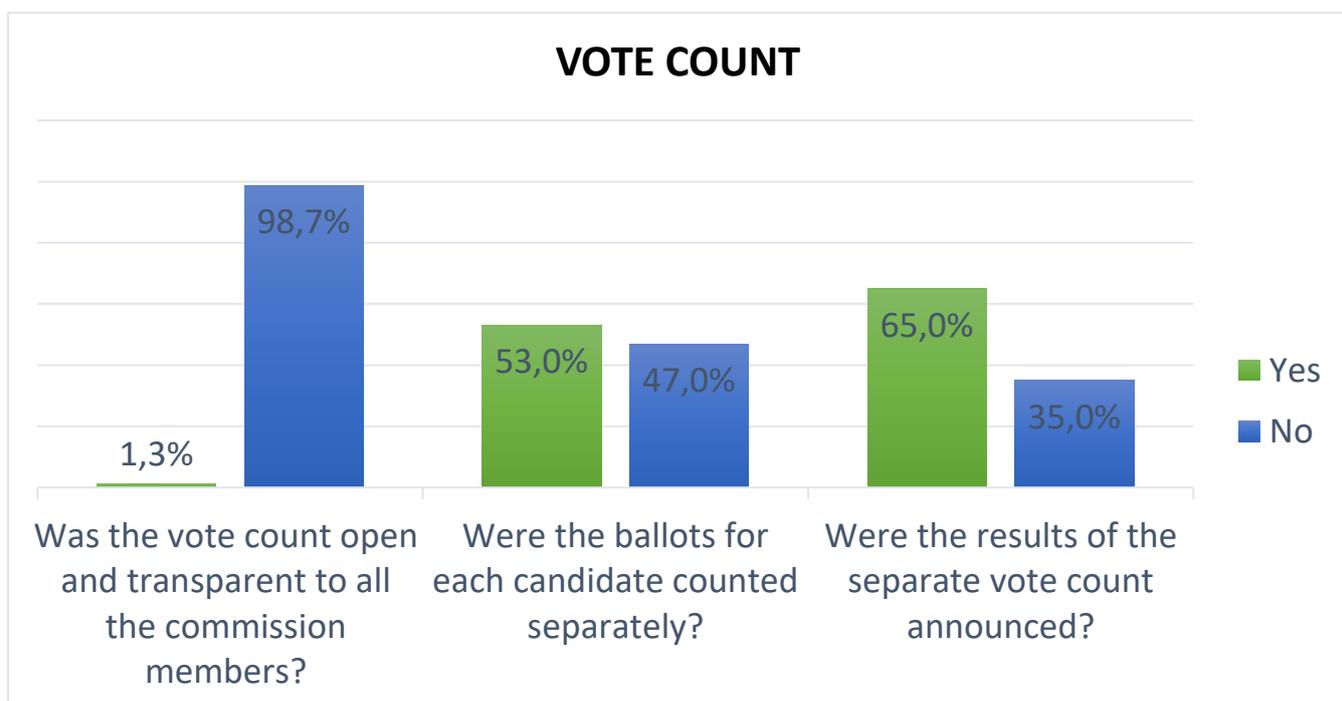
At 25.7% of the polling stations, the number of mobile voters did not coincide with the number of ballots used by the PEC members.

Question	Yes, %	No, %
Was there a separate list of voters who had requested mobile voting?	100	0
Were there persons who were added to the list without a request?	60	40
Did the PEC chairperson provide the observers with information on the number of those who wished to vote at home?	82.5	17.5
Did the number of ballots for mobile voting received by the PEC members correspond to the number of voters on the list?	74.3	25.7
Were the observers allowed to follow the PEC members to observe mobile voting?	82.9	17.1

Were there any voters who said that they had not requested mobile voting after the arrival of the PEC members?	36.4	63.6
Were there any cases of direct or disguised campaigning by the PEC members during the organization of mobile voting?	2.9	97.1
Were the names of voters added to the mobile voting lists after 6 p.m.?	0	100
Were the ballot boxes for mobile voting stored in a place visible for the observers?	91.4	8.6
Did the number of mobile voters coincide with the number of ballots used by the PEC members?	74.3	25.7

VOTE COUNT

98.7% of the observers reported lack of transparent vote counting procedures. In the parliamentary elections of 2012, the figure was 92.3%, and in 2016 — 95.31%.



Thus, the vote count in the majority of polling stations was not transparent, as all the members of the commission counted the ballots simultaneously, without announcing the vote reflected on each ballot. The observers (62.9%) reported that they observed the counting from such a distance from the table that it prevented them from seeing the contents of the ballots.

The joint and simultaneous counting of ballots by all the PEC members made it impossible to observe the vote count procedure. 89.4% of the observers noted that they could not see the contents of the ballots.

In 47% of the cases, ballots for each candidate were not counted separately. In 35% of the cases, results of the separate vote count were not announced.

The opacity of the vote-counting procedure does not allow to draw conclusions about the actual will of the voters, and repeats the negative practices of previous elections.

According to para. 15 of the Regulations on the procedure for sending and activities of observers in the preparation and conduct of elections of deputies of the House of Representatives of the National Assembly, approved by the CEC decree No. 25 of August 6, 2019, the observers accredited by the DEC are entitled to be present during the transfer of the voting results protocols and ballots from the PECs to the DEC. Considering this, seven observers of the campaign were deployed to the DEC where they had been registered to monitor the electoral phase.

One of them could not enter the building, which housed DEC No. 98 in Minsk, to monitor the transfer of protocols from the PECs, as the police told him that the commission had finished its work.

In most cases, the observers were not allowed to monitor the procedure of verification of the PEC protocols. The protocols were not announced and were not displayed to the observers, and information on the results of voting at the polling stations was not entered in the protocol on the voting results in the electoral district in the presence of the observers.

COMPLAINTS AND APPEALS

As in previous elections, the courts continued the practice of publishing judicial decisions adopted by the Supreme, Minsk city and regional courts when considering complaints during elections.¹⁶

According to the Supreme Court statistics, a total of 21 rulings were taken in cases against decisions of the Regional and Minsk City Councils of Deputies and the executive committees on the formation of territorial and district election commissions. According to the CEC¹⁷, these decisions were taken in respect of 171 claimants. All of them were dismissed. According to the same reports, decisions on the formation of the PECs were appealed by 315 persons, three of which were granted.

As before, the absence of legal guarantees for the presentation of all the political actors that participate in the elections in the electoral commissions made it virtually impossible to successfully appeal against the decisions.

The remaining 38 judgments were handed down in connection with the refusals to register candidates, issuing warnings and withdrawals of candidates from the elections. The results of the appeal hearings indicate that the courts generally continued to apply the biased and superficial approach to the consideration of electoral disputes, without regard to the presumption in favor of the electoral actors' rights and fundamental freedoms.

On November 5, the Supreme Court considered the appeal of Uladzislau Sysa against the CEC's decision to dismiss the complaint against the Brest regional election commission, which earlier cancelled the candidate's registration over his alleged permanent residence outside Belarus. The Court confirmed that Sysa could not be registered as a candidate. The Supreme Court decision is clearly contrary to the decision of the Constitutional Court of 2001 "On the legal position of the Constitutional Court on the notion of "the citizen of the Republic of Belarus permanently residing in the Republic of Belarus" used in Article 80 of the Constitution".

¹⁶ <http://court.gov.by/ru/vibori/suprim>

¹⁷ <http://rec.gov.by/sites/default/files/pdf/2019/stat6.pdf>

The said decision ruled that the determination of the place of residence should not only include the place of actual location of a person in a given period of time (in the Republic of Belarus or abroad), but also his or her intention to have this place as their place of permanent residence. The content of this concept is predetermined by the objectives of the person's exit from the Republic of Belarus: whether it is a temporary departure or permanent residence in another state. By adopting the decision, the Supreme Court, the highest court of the judicial system of Belarus, demonstrated the absence in its legal culture of practices to justify restrictions on rights and fundamental freedoms by relevant interests, as well as neglect of both international legal standards and national legislation. Permissible, from the point of view of the interests of national security, restriction on participation in the elections of foreign entities, as well as restrictions on the right to be elected to state bodies of Belarusian citizens who completely stopped the property and other relations with the state of their nationality, cannot be arbitrarily applied against citizens who were temporarily absent in Belarus due to the nature of their activities or other circumstances.

According to official information of the CEC, as of November 16, local authorities and election commissions of different levels received 938 statements related to the preparation and conduct of the elections, including 90 statements raising issues not related to the preparation and conduct of elections, 64 — “issues related to the interpretation of the electoral law”, and 192 — “other issues related to the preparation and conduct of elections.”

The official statistics reveal the total number of complaints directly related to cases covered by the Electoral Code: appeals against decisions of local executive committees on the formation of election commissions, decisions of election commissions to deny registration to the nomination groups of candidates, issuing warnings to nomination groups and candidates and so on. However, there are no statistics summarizing the results of their consideration. The texts of some decisions were published on the websites of local authorities under the heading “Elections 2019”.

As of November 17, the observers of the campaign “Human Rights Defenders for Free Elections” have filed 141 complaints, half of them concerned the voting and counting procedures.

RECOMMENDATIONS

The changes made to the Electoral Code in recent years failed to take into account the majority of OSCE and Venice Commission recommendations made as a result of observation of previous elections, as well as the proposals of the campaign “Human Rights Defenders for Free Elections”. Most of these recommendations are still highly relevant. The elections showed that with no detailed regulation of the procedure for the formation of election commissions, voting and vote counting, it is impossible to ensure the holding of elections that would meet international standards of free and fair elections, in particular, the 1990 OSCE Copenhagen document.

The election campaign of 2019 also witnessed the need to ensure real equality of candidates in their access to the media and the empowerment of observers. The changes to the electoral law proposed below would bring elections close to international standards and increase confidence in the results of the elections on the part of the citizens of Belarus and the international community.

Election commissions

The Electoral Code should provide for the guarantees of representation in election commissions of members of political parties and ensure a pluralistic composition of the commissions. It is necessary to ensure that the political parties participating in the elections, including parliamentary elections, enjoyed the right to delegate one representative to each territorial, district and precinct election commission. Only in case a political party has not used this right, the local administrative and executive bodies will have the right to fill the vacant seats in the election commissions. Similarly, the priority right to nominate their representatives to the election commissions should be given to the candidates. In addition, it is necessary to define in law the criteria for persons nominated to the election commissions (nomination by a political party, education, other professional knowledge), that would reduce the possibility of their arbitrary appointment and could be assessed by the court in the consideration of complaints.

Registration of candidates

It is necessary to exclude the possibility of using administrative resources in collecting signatures, in particular, by prohibiting the collection of signatures on the territories of enterprises and institutions (including education and health care facilities) in order to prevent the possibility of their use as an administrative resource in the interests of the pro-government candidates. In addition, it is necessary to provide for the right of observers to be present during the verification of signatures submitted for the nomination of candidates.

Voter lists

For the sake of greater transparency and accountability of the voter registration process, it is necessary to create a nation-wide voter list. Citizens and observers (including proxies, media representatives and international observers) should be given full access to the lists. Every citizen should have the right to access the voter lists before the start of voting. In addition, observers should be able to inspect these lists during the voting. The number of voters registered at the polling station should be announced by the election commissions both before voting and after its completion. All this is necessary to create a single register of all voters of the Republic of Belarus.

Election financing

The Electoral Code allows the CEC to independently administer the state budget funds for the production of information leaflets with the general information about the candidates, instead of financing their expenses of printed campaign materials. This has led to the low activity of most

candidates in the production of campaign materials. Therefore, it is necessary to formalize in legislation the public funding of candidates' costs related to the manufacture of printed campaign advertising. It is necessary to provide for the possibility of opening special funds from the date of registration of nominations groups to cover the costs of collecting signatures in support of nomination, by analogy to the presidential election.

Election campaigning

The legislation provides for the duration of the election campaign period of no more than 1 month. Such a short period limits both candidates in their opportunities to campaign and citizens in obtaining full information about the candidates and their electoral platforms. It is proposed to extend the campaign period by at least one month. In addition, it is necessary to exempt the entities contracted to place political advertising from any liability for the content of advertisements provided by candidates or political parties.

Judicial review of decisions related to elections

The Electoral Code provides for a limited list of grounds for appeal to the courts. It is necessary to allow the judicial review of any decisions taken by election commissions and other state bodies in matters relating to the elections. First of all, it is necessary to allow the judicial review of the DEC resolutions which approve election results.

Early voting

Early voting in its current form allows the authorities to engage in various manipulations during the vote count. In this connection, it is proposed to consider the complete abolition of early voting.

If early voting is not canceled, it is proposed to introduce criteria that give voters the right to vote early. Such criteria should be grounds which clearly certify the impossibility for the voter to vote on Election Day, for example, departure abroad or other documented evidence.

It is also necessary to detail in legislation the procedures for the storage of ballot boxes, ballots and voter lists during early voting, as well as sealing of premises where the ballot boxes are stored. It is necessary to prohibit the stay of unauthorized persons, including police officers, in the voting premises and rooms in which the ballot boxes, ballot papers and other election materials are stored. It is also necessary to provide for the right of observers to stay on the voting premises outside the working hours of election commissions (lunch break, period after the end of voting) in cases when members of the election commissions choose to stay in those premises.

It is necessary to provide all the PECs with translucent and one-piece ballot boxes sealed with plastic strips (with the individual polling station number) and to organize an online video surveillance throughout the period of early voting. All the PECs should be equipped with individual numbered stamps, and the integrity of ballot papers should be secured by corresponding marks.

Mobile voting

It is necessary to establish that the right to mobile (home) voting can only be claimed by voters with significant health conditions (documented by medical institutions), which prevent them from arriving at the polling station. The Electoral Code should be amended with a provision that the right to this type of voting only arises after the submission to the PEC before Election Day of a written statement about the impossibility of voting at the polling station.

Vote count

The existing procedure for the counting of votes is extremely opaque. One of the main reasons for this is lack of detailed procedures for the counting of votes in the Electoral Code. In this connection, it is necessary to legislate the following principles of vote count: counting of the votes is carried out publicly in the presence of observers who can monitor the correctness of the will of the voters in each ballot (i.e., see the contents of each ballot); vote count is conducted by one of the commission members, who should announce and display each ballot to all the commission members and the observers; vote count is conducted separately for each ballot box, and the results of such a separate vote count are reflected in the final protocol separately for each ballot box. A copy of the final protocol, certified by the chairperson and secretary of the commission and by the commission's stamp, should be issued at the request of the observer.

It is also proposed to legislate the right of observers and candidates' proxies registered with the TECs to directly attend and observe the procedures for the transfer of ballot papers and protocols with voting results from polling stations to the TECs. Possibility should be provided to publish information on the CEC website on the results of voting in all electoral districts with separate results for each polling station.

Election observation

To enhance the credibility of the elections in Belarus, the rights of observers should be expanded in legislation. Observers should be able to freely access materials of the commissions related to their composition, nomination of their members, voter lists, storage of ballots and ballot boxes during early voting, as well as the use of video and photo recording devices.