



CIVIL CAMPAIGN HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Elections to the House of Representatives of the National Assembly of Belarus of the sixth convocation

Report on the Formation of Territorial and District Election Commissions

Observation is carried out by activists of the Belarusian Helsinki Committee and the Human Rights Center "Viasna" in the framework of the campaign *Human Rights Defenders For Free Elections*

CONCLUSIONS

- amendments introduced to the Electoral Code in 2013 added a new level of election commissions during the parliamentary elections, which are known as territorial election commissions (TECs, regional and Minsk city territorial election commissions);
- TECs and DEC (district elections commissions) are an important mechanism of the electoral process, which significantly affects the holding of free and democratic elections;
- formation of TECs and DEC took place against the backdrop of widely announced new approaches to selection procedures: the possibility of observers (including international ones) to attend the meetings of bodies in charge of forming election commissions, discussing business and political qualities of the nominated candidates. In cases where the amount of nominees exceeds the stipulated quota, information on each nominee should be considered and a separate vote should be carried out;
- all the actors who nominated their representatives to TECs and DEC were able to submit the necessary documents to the authorities responsible for the formation of the commissions;
- the meetings of bodies in charge of forming election commissions applies new practices, in particular, references of nominated candidates were read out and the voting for each candidate was carried out separately, the candidates were sometimes invited for a preliminary interview;
- lack of clear selection criteria results in the selective approach in the formation of election commissions; the CEC's Decree No. 18 has failed to contribute to greater political pluralism: just like during earlier elections, preference is given to representatives of pro-government political parties and public associations;
- the proportion of representatives of political parties on TECs and DEC remains low (24.2% and 13.6%, respectively) as compared to the representation of public associations (51% and 54.3%, respectively);
- the main administrators of the elections are representatives of the five largest pro-government associations — *Belaya Rus*, Belarusian Republican Youth Union, the Belarusian Women's Union, the Belarusian Public Association of Veterans, and the Belarusian Federation of Trade Unions. The total percentage of their representatives in the composition of TECs and DEC is 40% and 42.3%, respectively;
- the representation of opposition parties is still extremely low: 31.2% of the nominated amount in TECs and 19.4% — in DEC. The total percentage of their representation on TECs and DEC is insignificant (5.4% and 1.8%, respectively). During the parliamentary elections of 2012, the proportion of representatives of opposition parties in the composition of DEC was 3%, in the elections of 2008 — 2.2%;

I. LEGAL FRAMEWORK

The process of formation of election commissions during this year's parliamentary elections is regulated by the Electoral Code, as amended by Act № 268-W of 4 June 2015, and Resolution No. 18 of the Central Election Commission of 8 June 2016 "On clarifying the application of the provisions of the Electoral Code of Belarus regulating the procedure of formation of election commissions during the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation".

According to Art. 28 of the Code, preparation and conduct of parliamentary elections are administered by regional, Minsk city territorial election commissions, district and precinct election commissions.

According to Art. 34 of the Code, regional, Minsk city territorial and district commissions are formed by the presidiums of Regional and Minsk City Councils of Deputies and regional, 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 commission by submitting an application, comprising 9-13 members no later than 75 days before the election.

Political parties and other republican public association, labor collectives, staff of a structural unit, a group of voters have the right to nominate only one representative to regional, Minsk city, district and precinct election commission.

According to a general rule, at least one third of the commission 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.

The meetings of bodies in charge of forming the commissions can be attended by representatives of political parties and other public associations, labor collectives and citizens who nominated their representatives to the commission.

The decision on the formation of the commission should be published in the press within seven days from the date of its adoption. The decision may be appealed within three days from the date of its adoption, respectively, to the regional, Minsk city, district or city court by the entities that nominated their representatives to the commission. The court shall consider the complaint within three days, its decision is final.

LEGISLATIVE CHANGES

The main change of this year's election campaign was the introduction by the Central Election Commission's Resolution No. 18 of 8 June 2016 a provision obliges executive bodies to consider the business and political qualities of the persons nominated to the commission before making a decision on its formation, and if the number of candidates for the election commission exceeds the prescribed number, information on each nominee should be announced and a separate vote on each candidate should be held.

This is certainly a positive step towards the development of criteria for the selection of candidates for election commissions, but it remains unclear what the Central Election Commission means by "business and political qualities". Earlier, analysts of *Human Rights Defenders For Free Elections* wrote to the Central Election Commission with a request to explain the term, but the CEC did not respond to the letter. The use of such vague wordings gives ample room for interpretation and, therefore, for the selective, arbitrary refusal to include certain candidates in the commissions. It should be noted that the absence of legislatively fixed criteria for selecting commission members and the lack of guarantees of

representation of all the political actors involved in the electoral process remains an issue of great concern.

It is also worth noting that this year's parliamentary elections is the first campaign taking place after the changes introduced to the electoral law in 2013.

For the first time the parliamentary elections will be administered by regional and Minsk city territorial election commission. Powers of the commissions are laid down in Art. 39.1 of the Electoral Code. These commissions supervise the activities of district and precinct election commissions. Their powers are to a great extent correlated to the authority of lower commissions. An important function of the territorial commissions is their ability to consider applications and complaints against decisions and actions of district and precinct election commissions. This provision relieved the CEC from the necessity to consider such petitions and complaints, which allows the CEC to spend more on other functions.

An important step to improve the transparency of the electoral process was the CEC's Resolution No. 22 of 8 June 2016 "On informing citizens about the work for the preparation and holding of the elections to the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation". According to the decision, during the preparation and conduct of the parliamentary elections the progress of the election campaign should be covered in newspapers run by regional, Minsk city, district, city in the cities of regional subordination executive committees and posted on the official websites of these executive committees and the websites of district administrations in the cities in the specially created category "Elections-2016". The Resolution regulates in detail the content of these posts and the terms of their publication by the executive bodies.

For example, the Regulation obliges to give information about the time and place of receiving the documents for the nomination of representatives to the regional, Minsk city and district election commissions, as well as precinct election commissions. Earlier, this information was insufficient and difficult to obtain. The executive bodies are obliged to report on all meetings of election commissions and decisions adopted by them.

The advantage of this Regulation is the mandatory nature of information that the executive authorities should provide to citizens within the prescribed period. On the other hand, the executive bodies are not required to publish the full texts of the documents that approved a decision, but can only publish excerpts or even just announce a decision. Such an approach may complicate the process of appealing these decisions. In addition, this approach allows for the possibility of partial publication of documents.

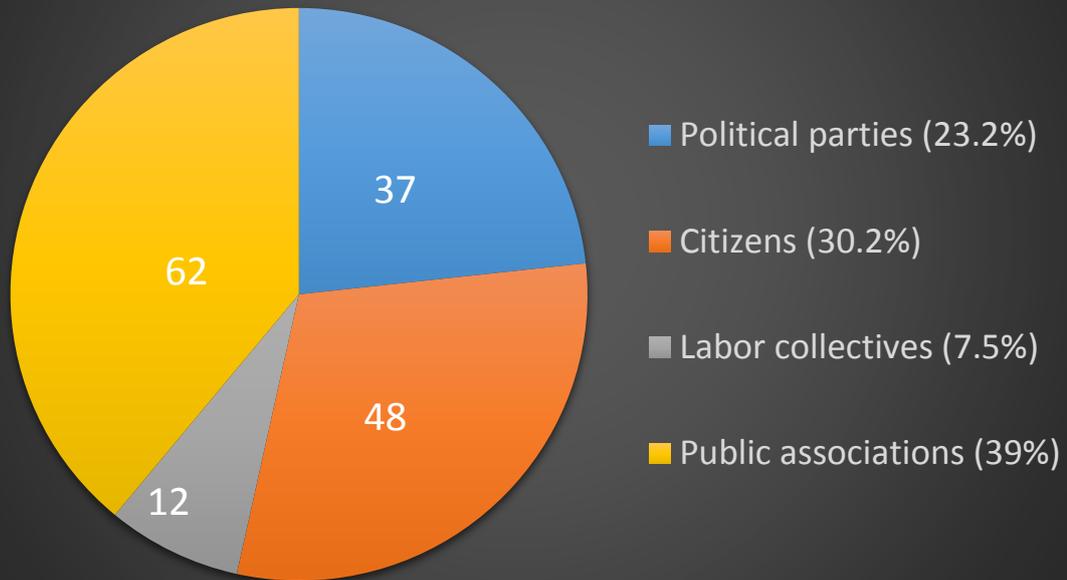
II. PROCEDURE OF NOMINATION TO ELECTION COMMISSIONS

In accordance with the Election Schedule approved by the Central Election Commission's Resolution No. 14 of 8 June 2016, nomination of representatives to district election commissions and the submission of their applications should be completed no later than 24 June 2016.

144 people were nominated to the seven territorial (six regions and the city of Minsk) election commissions (TECs), 14 of which were delegated by two entities. One of the fourteen was nominated by citizens through submission of applications and by two public associations. This method of nomination was extremely popular in the Hrodna region, where 12 of the 16 candidates to the TEC were nominated by two entities, one of which was a pro-government union (trade union, Peace Foundation, organization of Soviet-Afghan War veterans, the Belarusian Union of Women). This method of nomination is not contrary to the law, but has a significant effect on the statistics.

A total of 37 representatives were nominated to TECs by political parties (26% of the total amount), including 16 persons from the opposition parties (43% of the total amount nominated by the parties).

NUMBER OF NOMINATIONS TO TECs BY VARIOUS ENTITIES



Public associations nominated 62 people (43% of 144). As in the previous elections, pro-government public associations nominated numerous representatives: the Federation of Trade Unions of Belarus – 16 persons (11.1%), Belarusian Public Association of Veterans – 5 (3.5%), Youth Union – 7 people (4.9%), *Belaya Rus* – 7 (4.9%), Belarusian Union of Women – 7 (4.9%). These five associations provided 31% of the total amount nominated to the TECs and 68% of the amount delegated by public and other associations, respectively.

Representatives to the TECs were also sent by the *Movement For Freedom* (4 persons) and the BPF *Adradzhennie* – 1 person.

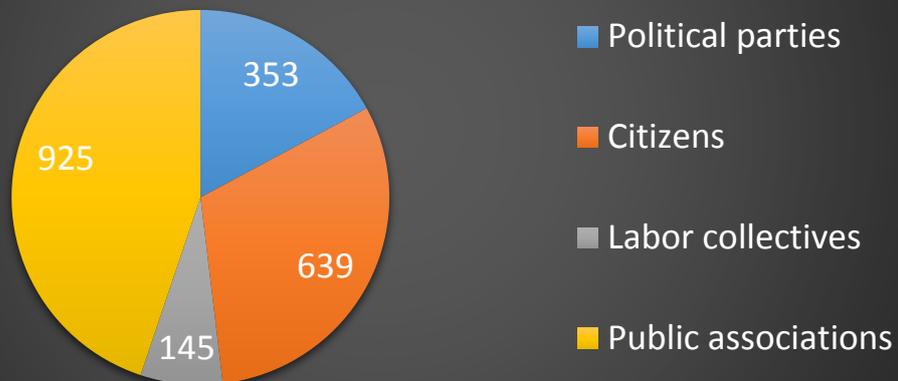
2,014 persons were nominated to the district election commissions, including 353 nominees from political parties (18% of the total amount). 134 people were delegated by the opposition parties (38% of all the total number nominated by political parties).

Regular citizens nominated 639 people (35%), labor groups – 145 people (6.6%), public organizations and associations – 925 people (46% of the total amount).

Active participants in the electoral process were the local branches of the Federation of Trade Unions, which nominated 249 people to the DECs (12.3%). Apart from that, the Belarusian Public Association of Veterans nominated 94 people (4.7%), the Youth Union and *Belaya Rus* – 110 people each (5.5%), the Belarusian Union of Women – 100 persons (5%). These five associations nominated 663 people, i.e. 33% of the total amount nominated to the TECs and 72% of the total number delegated by the public and other associations, respectively.

Representatives of pro-democratic groups were also nominated to the DECs: *Movement For Freedom* (44 people) and the BPF *Adradzhennie* – 13 people.

NUMBER OF NOMINATIONS TO DEC_s BY VARIOUS ENTITIES



Most candidates to the district commissions of the Hrodna region, as well as the territorial ones, were nominated by two entities: 158 of 195 — by pro-government public associations and groups of citizens. It is not typical of the other regions: in three regions such an alternative method of nomination was never used, while in Minsk two subjects nominated 12 people; in the Viciebsk region — 4 persons.

Opposition parties were quite active in nominating their representatives to the commissions: the Belarusian Left Party *Fair World* — 72 people, the Belarusian Popular Front — 28 people, the Belarusian Social Democratic Party *Hramada* — 17 people. Thus, all opposition political parties nominated 150 people to the commissions.

The figures in the general context: during this year's election, the opposition parties nominated 134 representative to the DEC_s, i.e. 43% of the representatives of all parties; during the elections of 2008, the opposition parties nominated 118 people, accounting for 31.9% of all the candidates from political parties. In 2012, the opposition parties nominated 199 persons, or 49.75% of the total number of candidates from the political parties. Thus, despite the absence of favorable conditions, opposition political parties preserve certain activity during the campaign.

Almost every entity had an opportunity to submit its application to the respective authority. However, there were exceptions: in the Brest region the Movement *For Freedom* submitted its applications by post within the stipulated period, but the body failed to consider three nominations. As a result, the Movement filed a complaint with the court.

The average competition (with the maximum number of 13 members) in the territorial commissions was 1.6 persons per seat. In Hrodna, one seat was contested by an average of 1.2 persons, therefore some commissions were formed without any competition. In the Mahilioŭ region, 26 people applied for membership in the commission (2 persons per seat). A total of 7 commissions were formed, as a result.

The average competition (with the maximum number of 13 members) in the district commissions was 1.4 persons per seat. In the Hrodna region, the competition was 1.15, and in the Mahilioŭ region — 1.6 persons per seat. A total of 110 district commissions were formed, including 20 in Minsk, 17 in Minsk and Homieĺ regions each, 16 in the Brest region, 14 in the Viciebsk region, and 13 in the Hrodna region.

III. MEETINGS OF BODIES IN CHARGE OF FORMING THE ELECTION COMMISSIONS

According to the Election Schedule, joint meetings of the presidiums of the Regional and Minsk City Councils of Deputies and the regional and Minsk city executive committees were held no later than June 27, 2016.

Part 6 of the CEC's Resolution No. 18 of 8 June 2016 provided for the opportunity to allow observers (including international ones) to attend the meetings of bodies in charge of forming the commissions. It is worth noting that in earlier elections this, in some cases, constituted an obstacle in monitoring the procedures for the formation of election commissions.

The observers report the presence of a quorum during these meetings. All representatives of the entities that nominated their representatives to the TECs and DEC's had the opportunity to attend meetings of the bodies in charge of their formation.

The observers note that there are different practices of forming the commissions in various regions of Belarus.

According to para. 6 of the CEC's Resolution No. 18, before deciding on the composition of the commission the question of the business and political qualities of the nominated persons should be discussed by the meeting. If the amount of nominated candidates exceeds the number of seats provided by the law, information on each nominee should be announced and a separate vote should be held.

Due to the fact that the CEC failed to provide no additional clarification as to what business and political qualities should the nominees possess, in each case different information was taken into account: previous convictions, previous experience of working in the commission, a permanent job, reference from the employer, political views and beliefs and others.

Artsiom Tsuran, head of the organizational and personnel department of the Minsk city executive committee, noted that "the peculiarity of the current election campaign is that for the first time the meetings will include the discussion the candidates before the vote and approval of the composition of the commission, their political beliefs, personal and business qualities will be discussed". Before the meeting, the candidates were invited for an interview at the organizational and personnel department of the Minsk city executive committee.

At the beginning of the meeting at the Hrodna regional executive committee, Siarhei Patsevich, head of the committee's organizational and personnel department, called the selection criteria for the candidates: experience of work in the election commissions, positive characteristics based on personal record and a reference from the employer. As for the representatives of the democratic parties, the officials also took into account references provided by the district police officer. It was emphasized that the representatives of the Belarusian Republican Youth Union, *Belaya Rus*, Belarusian Union of Women, Veterans' Union, Soviet-Afghan War Veterans' NGO, which are numerous and widespread public associations, represent the interests of the majority of citizens. It was stated that a representative of the BPF Party Edvard Dmukhouski had been repeatedly brought to administrative responsibility, he was unemployed, while a representative of the Belarusian Left Party *Fair World* had been brought to administrative and criminal responsibility. Another contender representing *Fair World* (a cook by profession) was also characterized by Siarhei Patsevich in a negative tone. The remaining candidates that were not included in the commission were presented as individuals without relevant experience and were not recommended by the official.

Before the beginning of the joint meeting of the Homiel regional executive committee and the Regional Council, the floor was given to D. Razhkou, head of the Committee's organizational department, who stressed that the presidium of the executive committee and the Regional Council was not obliged to justify their decision to include or not to include candidates in the commissions and was not bound by

any criteria and quotas. He read out the list of candidates to the commission, gave a brief description of them and announced a rating-based vote. However, his speech suggested that the selection was based on a definite criterion — previous experience of work in the commissions.

The formation of the Mahilioŭ regional TEC was based on a list proposed by a working group, which was headed by Henadz Herasimenka, head of the organizational and personnel department of the regional executive committee. Local activist Barys Bukhel, who had been nominated through collection of signatures, was not proposed by the working group. In response to the activist’s protest, Uladzimir Damaneuski, chairman of the meeting and head of the regional executive committee, told Barys Bukhel to refer the matter to the working group later, assuring the human rights activist that all of his questions would be answered. The members of the executive committee and the presidium of the Regional Council supported the chairman’s proposal.

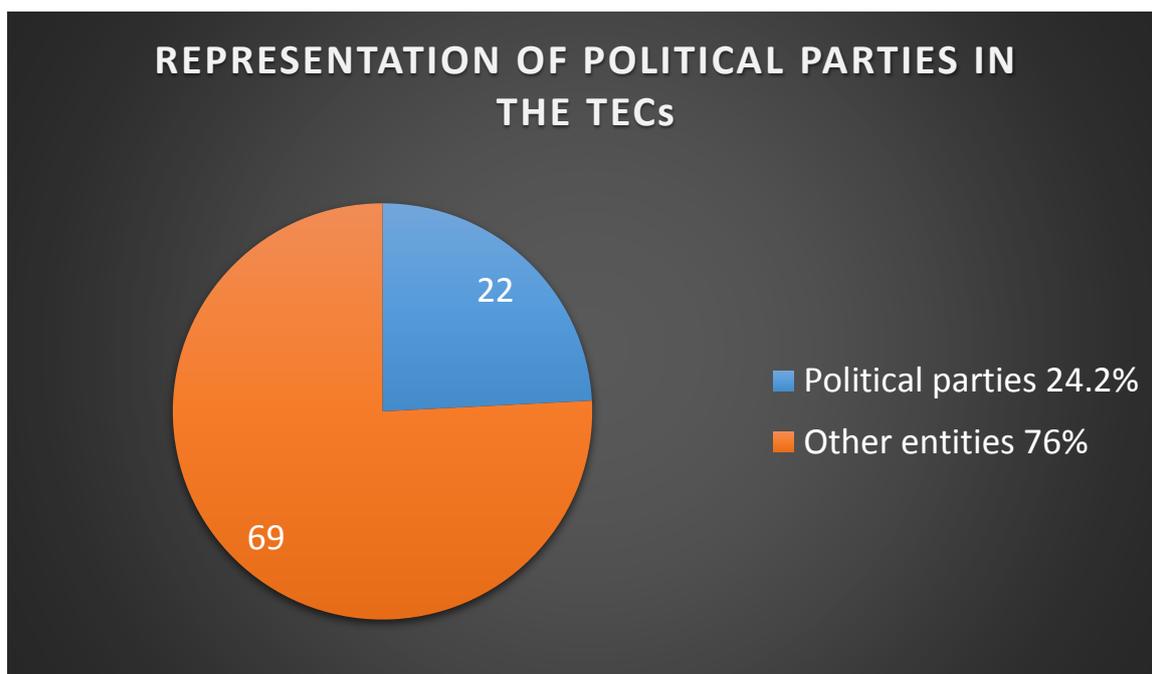
In Viciebsk, during a joint meeting of the regional executive committee and the Regional Council representatives of political parties and public associations, which nominated their representatives to the TECs and DECs, were given three minutes to present their candidates.

In Brest, the meeting lasted for more than three hours. The candidates’ place of work and methods of nomination were announced. The officials voted for a list of candidates. The vote was unanimous. Thus, nearly all of the commission retained their earlier composition.

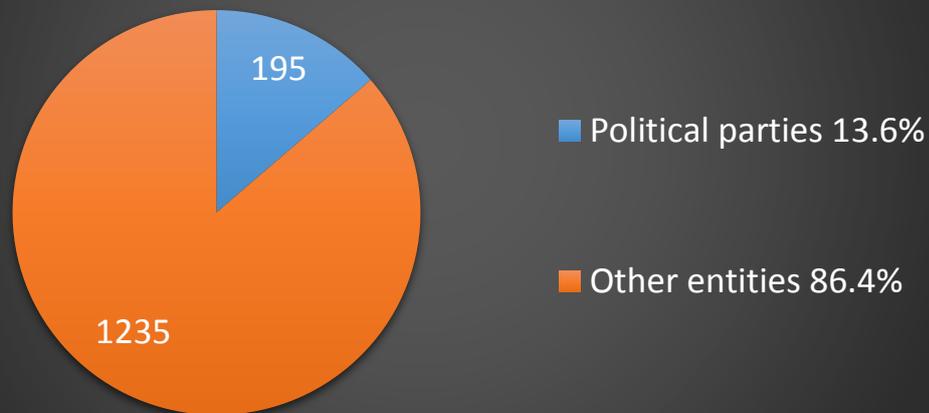
In general, the observers report that voting in the majority of cases was of a formal nature, although it was accompanied by a discussion of the nominated candidates. Representatives of pro-government political parties and public associations were supported almost unanimously, while representatives of opposition parties rarely received a vote in support of them. It can be concluded that the formation of election commissions was of a pre-arranged character.

IV. COMPOSITION OF FORMED COMMISSIONS

A total of 7 territorial commissions were created (in six regions and the city of Minsk) with 91 people included in them. Simultaneously, 110 district election commissions were formed with 1,430 people in their composition.



REPRESENTATION OF POLITICAL PARTIES IN THE DEC_s

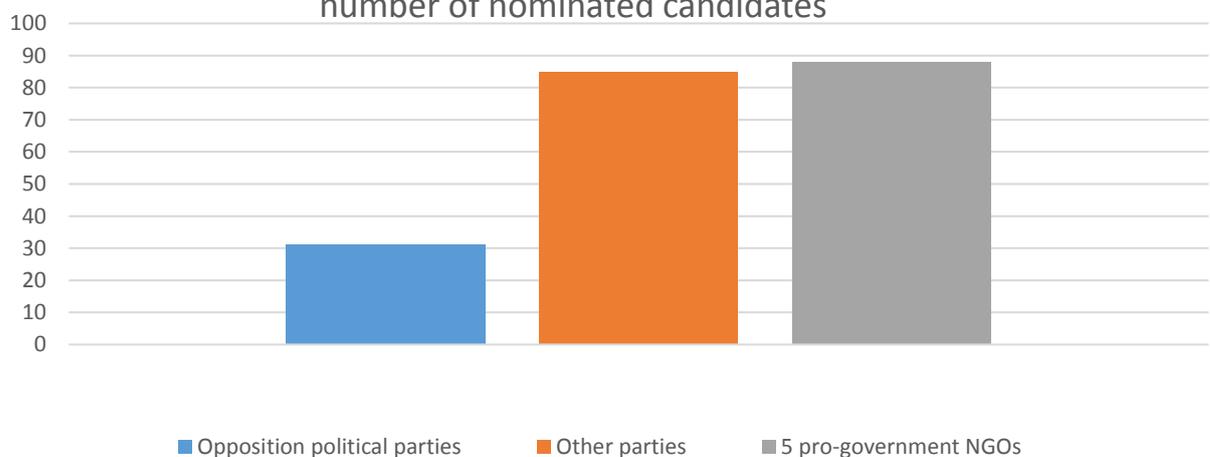


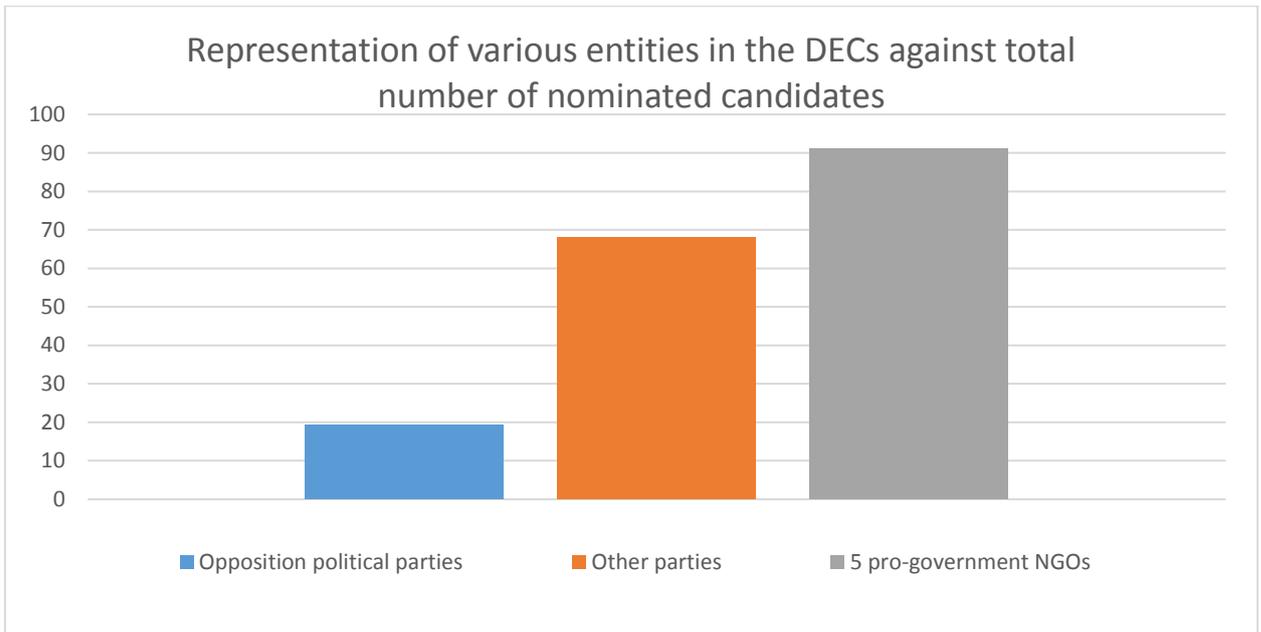
Of the 16 people nominated to the TECs by the opposition parties 5 persons were included (31.2% of the total amount), while of the 134 nominated by the opposition parties to the DEC_s 26 people were included (19.4% of the total amount). Thus, the number of representatives of opposition parties in the TECs was 5.4% of the total number of commission members and in the DEC_s — 1.8% of the total number of members.

During the parliamentary elections of 2008, the percentage of opposition representatives in the DEC_s was 2.2% (32% of the total number of nominated candidates), in the parliamentary elections in 2012 — 3% (24% of the total amount).

As in earlier elections, the main administrators of elections are representatives of the five largest pro-government associations — *Belaya Rus*, Belarusian Republican Youth Union, the Belarusian Women's Union, the Belarusian Public Association of Veterans and the Federation of Trade Unions. In total, these NGOs associations nominated 42 people to the TECs and 663 to the DEC_s, of which 37 were elected TEC members (88% of the nominated candidates) and 605 — DEC members (91.2% of the total amount).

Representation of various entities in the TECs against total number of nominated candidates





V. APPEALS AGAINST DECISIONS TO REFUSE MEMBERSHIP IN ELECTION COMMISSIONS

Opposition parties and public associations appealed against the non-inclusion of their members in the territorial and district election commissions.

The BPF Party appealed decisions of the Minsk City Council and the city executive committee, the Minsk Regional Council and the regional executive committee, the Viciebsk Regional Council and the regional executive committee, the Hrodna Regional Council and the regional executive committee, which mainly did not include BPF representatives in the territorial and district commissions (a total of 21 nominees were delegated and only 3 were included).

The Left Party *Fair World* appealed against the non-inclusion of its members in the commissions by the Viciebsk Regional Council and the regional executive committee.