



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

CIVIL CAMPAIGN HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

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

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](#)

Weekly Analytical Report. August 1-7

CONCLUSIONS

- on August 2, the election authorities completed the procedure of receiving nominations from potential candidates. According to the CEC, 630 candidates were nominated in 110 constituencies. Half of them (50.6%) were nominated by political parties, 32% — by citizens through signature-collecting campaigns, 17.4% — by labor collectives. 23% of the nominated applicants are women. 4.4% of the total number of nominated candidates are active members of Parliament;
- with one exception, all the actors involved in the electoral process could apply for registration to the corresponding DEC without significant obstacles;
- as in earlier elections, observers of the campaign “Human Rights Defenders for Free Elections” were, in most cases, denied the opportunity to observe the verification of signatures submitted in support of nominations;
- meetings of the DECs convened to verify the signatures, as before, were held behind closed doors, which prevented observers from monitoring the procedure. According to experts of the campaign “Human Rights Defenders for Free Elections”, the opacity of the signature verification procedures creates opportunities for manipulation and politically motivated approach in refusing or allowing the registration of a particular candidate;
- local executive bodies decided on the list of locations for election meetings with voters. Most of these decisions improved the conditions for election campaigning, as compared to earlier elections, while in some cities the approaches of local government bodies were restrictive;
- during the week, courts across Belarus heard several appeals against decisions of the executive committees to deny membership in the PECs. According to the campaign “Human Rights Defenders for Free Elections”, district courts considered 13 complaints, of which none was granted. Observers report lack of complete official information on the number of complaints submitted to the election commissions of different levels and the courts. The websites of local executive bodies, in the majority of cases, failed to publish such information. Similarly, the data are not available on the CEC website;
- in general, the elections continue to attract little public attention. Publications in the state-owned media were largely limited to general information or materials about pro-government candidates, covering their social and professional activities, which in some cases constituted hidden campaigning.

I. COMPLETION OF NOMINATION PROCEDURES

By August 1, persons nominated for deputies, or their representatives had submitted documentation required for the registration of a candidate for the House of Representatives.

According to the CEC, 630 persons were nominated in 110 constituencies. Half of them (50.6%) were nominated by political parties, 32% — by citizens through signature-collecting campaigns, 17.4% — by labor collectives. 23% of the nominated applicants are women. 4.4% of the total number of nominated candidates are active members of Parliament.

Observers report a number of violations during of the reception of applications by election commissions. According to the observer from Navapolack, on August 1 Dzmitry Yakauleu submitted to DEC No. 24 his application for registration as a candidate representing the United Civil Party. The documents included a certificate of education obtained in the name that Yakauleu had had prior to his marriage, but there was no document confirming the change of his last name. On this basis, the DEC did not accept his documents for registration. According to Art. 68-1 of the Electoral Code, the commission was obliged to accept the documents, and then to decide on the question of registration.

Applications from the opposition parties constituted the majority of nominations from political parties: the total number was 207 out of 387 party nominees. The most active was the Liberal Democratic Party, which nominated 90 party members. Some parties, which actively participated in the formation of election commissions (Belarusian Agrarian Party nominated 647 representatives to election commissions, Belarusian Social and Sports Party — 661, the Republican Party — 310 members), did not nominate any candidates.

II. WORK OF DISTRICT ELECTION COMMISSIONS

In accordance with the Election Schedule, the district election commissions are expected to register the candidates from 2 to 11 August. Within two days after the registration, the district election commissions will issue registration certificates to the candidates for the House of Representatives.

Traditionally, observers of the campaign "Human Rights Defenders for Free Elections" are interested in the process of verification of signatures for nomination, which is carried out in private, while the results are only approved at a separate meeting. The procedure is, in fact, non-transparent for observers, as they are only allowed to attend the meetings of the election commissions.

In particular, Natallia Zhdanovich, chairperson of DEC No. 22, invited an observer from the Belarusian Helsinki Committee to attend the verification of signature sheets. On August 3, the election official read out the protocol of "preliminary verification", selected those responsible for the verification and ordered to verify them before August 5. In response to the observer's request to have access to the protocol and other documentation, Ms. Zhdanovich said that those were internal documents.

On August 3, a meeting of DEC No. 52 was held in Hrodna, which determined the order of selection and methods of verification of signature sheets. Commission chairman Aleh Bialinski announced legal matters, then asked the observers to leave and handed out signature sheets to be verified by members of the commission.

On July 29, an observer in the Maladziečna-based district No. 73 requested for an opportunity to observe the verification of signatures. On August 1, chairperson of the district election commission Sviatlana Yurchyk said that, according to the Electoral Code, the answer would be given within 10 days. This means that the observer can only join the key stage of the campaign two days before its completion.

"Each visit and conversation with the chairperson or a member of the Maladziečna DEC No. 72," says an activist of the campaign "Human Rights Defenders for Free Elections", "make you believe that it is a completely closed authority, which gives no information, arguing that the observer has the right to be present only at the meetings."

Almost every observer of the campaign "Human Rights Defenders for Free Elections" wrote to the DEC's with a request to allow observe the process of verification of signatures submitted for the nomination of candidates. Almost everyone was denied: the DEC's refer to Art. 13 of the Electoral Code, which says that attending the verification of signatures and documents is not in the powers of the observer. Denial of opportunities to observe the verification of signatures and documents submitted in support of nominations and registration of candidates is a violation of Article 13 of the Code, which states that the elections should be open and transparent. Similar responses were received by observers in Navapolack, Hrodna, Baranavičy, Žodzina, Mahilioŭ, Salihorsk, Smarhoń, Mazyr, Maladziečna, Barysaŭ, Biaroza, Viciebsk, Vierchniadzvinsk and other cities. Many observers appealed against the bans to the CEC and the territorial election commissions.

At the same time, DEC No. 110 in Minsk allowed the campaign's observer to attend the verification of signatures and nomination documents. However, the process was of formal character: in reality, members of the commission verified the signatures in silence, some referred to pressing engagements and promised to do the checking the following day. The observer was not notified of the time and place of signature verification.

III. CAMPAIGNING

By August 1, local executive and administrative bodies in consultation with the corresponding DEC's were expected to decide on the venues for holding campaigning events (following a notification-based procedure), including out-of-door meetings and pickets, organized by the candidates for the House of Representatives and their election agents.

In the same period, they had to decide on the list locations for placing campaigning materials, premises for meetings of candidates and their agents with voters, as well as for the pre-election meetings.

Unfortunately, in some regions this information is not available on the websites of local district executive committees. For example, the Pastavy district executive committee published bad links to these documents.

The CEC's Decree No. 42 of August 3 created for the period from 11 to 12 September the Elections-2016 Information Center, and approved a corresponding regulation.

The CEC's Decree No. 43 of August 3 selected Andrei Bastunets, chairman of the Belarusian Association of Journalists, member of the Supervisory Board for Information Disputes. The Board is expected to address issues that may arise during electoral campaigns.

In most regions, decisions of local authorities regarding the places for holding campaigning activities and placing campaign materials improved the conditions for campaigning, as compared to similar decisions during the election campaigns of 2012 and 2015. However, in some places, e.g. in Hlybokaje, Viciebsk region, local authorities preserved the approaches of previous campaigns.

The authorities in Hrodna have increased the number of locations for holding campaigning events. There has been a considerable increase in the number of premises for meetings of candidates with voters.

A decision of the Homieĺ city executive committee improved the conditions for holding campaigning activities and arranging meetings with voters. The most positive of these improvements is a significant increase in the number of places for out-of-door meetings with voters. During the election campaigns of 2012 and 2015, there were only two such places, while this year meetings with voters can be held across the city with a few exceptions. At the same time, the placement of election campaigning materials is subject to the authorization-based procedure forbidding election advertising in unauthorized places. The list includes only 19 locations for the entire constituency, while the district has over 100 public transport

stops. The executive committee's decision was amended by an extremely vague wording about the "territories of organizations ensuring defense and security of the state".

In Sluck and Salihorsk, local district executive committees also created greater opportunities for campaigning events and election advertising. The negative point is still the ban of public events in the city's main squares.

IV. MEDIA COVERAGE OF THE ELECTIONS

Most election publications in local media focus on the work of the district election commissions, with a few reports on the CEC and the DEC. Such a policy was demonstrated by the government-run newspapers of Mahilioŭ, as well as newspapers *Radzima* (Hlusk), *Majak* (Biaroza), *Šachcior* (Salihorsk), *Žodzinskija Naviny* (Žodzina) and others. *Minski Kurjer* and *Hrodzienskaja Praŭda* weeklies publish materials about the pro-government candidates only.

In Baranavičy, the elections receive extensive coverage by both state-owned and private newspapers.

On August 3, the Hrodna regional TEC examined a complaint by observer Raman Yurhel concerning a series of articles about the pro-government candidates in the local state-owned newspaper *Hrodzienskaja Praŭda*. The observer referred to several publications that had elements of hidden campaigning, including in support of pro-government candidates Tamara Dalhashei (electoral district No. 52), Valery Sauko (electoral district No. 60), Liliya Kiryak (electoral district No. 51), Ala Sopikava (electoral district No. 58), and Siarhei Litvin (electoral district No. 53).

These publications violate the equality of potential candidates and constitute hidden campaigning. *Hrodzienskaja Praŭda* has published no articles about others persons running in the elections.

The TEC decided that the newspaper articles has no signs of hidden campaigning in favor of the pro-government candidates, saying the candidates did not abuse the administrative resources.

V. CONSIDERATION OF APPEALS

The observers of the campaign "Human Rights Defenders for Free Election" report that during the reporting period the district courts considered appeals against decisions of local executive bodies to refuse membership in the PECs to candidates nominated by the opposition parties. They also considered appeals against the DEC's decisions on issuing warnings to some nomination groups. All the appeals were turned down.

On August 5, the Courts of Lieninski and Kastychnicki districts of Hrodna considered appeals by the UCP representatives. The courts said that there were no violations of electoral law in the DEC's decision to deny membership in the election commissions.

On August 3, the Court of the Pieršamajski district of Viciebsk announced its decision on the complaint of 10 local citizens, who nominated their representative, human rights activist Pavel Levinau, to a local PEC. The complaint referred to the violations of the new rules of formation of election commissions established by the CEC's Decree No. 18: the officials voted for a list of nominated candidates, without discussing the applicants. Judge Dasko agreed with a representative of the district administration who argued the CEC's decision was advisory, and upheld the decision of the executive committee.

A similar decision was announced by the Biaroza District Court on the appeal by of the Brest regional branch of the Belarusian Popular Front, which contested the decision of the district executive committee to reject the nominations of three candidates nominated by the BPF's office.

On July 31, the Svietlahorsk District Court dismissed an appeal against the decision of the district executive committee, which refused to include a representative of the Party of the Left "Fair World" in PEC No. 24. The candidates nominated by the party were not considered at all, as the letter with the

protocols of their nomination had been received by the executive committee later than the last day of the nomination of candidates, July 26. According to Fair World's local office, the situation in the Svietlahorsk district executive committee raises suspicions.

According to the campaign "Human Rights Defenders for Free Elections", none of the appeals against decisions to deny membership in the precinct election commissions has been met by the courts. As during earlier election campaigns, the absence of clearly defined and legally fixed criteria for the formation of election commissions virtually eliminates the possibility of judicial review of decisions of local executive and administrative bodies who refuse to include applicants in the commissions. According to the observers, the courts in some cases agreed with the opinion of the executive committees referring to the non-binding nature of the CEC's Decree No. 18.

Thus, the widely announced new approaches to the formation of election commissions were, in some cases, ignored not only by the executive committees, but also by the courts. At the same time, according to Art. 2 of the Electoral Code, the CEC regulations, the Constitution, the Electoral Code and other legislative acts constitute the legal basis of the country's electoral system. In accordance with Part 4, Art. 11 of the Code, decisions of commissions adopted within their authority are binding on all state bodies, political parties and other public associations and citizens. According to Part 5, Art. 32.1 of the Code, the CEC's decisions are made in the form of resolutions.

Appealing against a warning to the nomination group of Ales Lahvinets

On July 29, DEC No. 101 issued a written warning to the nomination group of Ales Lahvinets, deputy chairman of the Movement "For Freedom", for violation of para. 10, Art. 61 of the Code and failure to comply with restrictions on the collection of signatures established by the CEC's Decree No. 13. This was manifested, according to the DEC, in the distribution of printed materials to voters during the collection of signatures, as well as offering financial reward to the voters who put their signatures in support of his nomination.

Ales Lahvinets appealed against the warning to the Minsk city territorial commission. On August 5, the appeal was considered and dismissed. It should be noted that the DEC's warning incorrectly specified the provisions of Art. 61 of the Electoral Code (paragraph 10, which deals with the rules of filling in a signature sheet).

In addition, the warning did not specify what printed materials and when were handed out by the nomination group, as well as what is meant by "bribing of voters". According to Ales Lahvinets, representatives of the DEC explained that two complaints had been received against the potential candidate. One of them argued that the *Narodnaja Volia* newspaper and the applicant's business cards were handed out at his picket.

When considering the appeal, the Minsk city election commission supported the arguments of the DEC representatives, who argued that the free distribution newspapers is rewarding voters while collecting signatures, which is prohibited by Art. 61 of the Code. Ales Lahvinets did not deny the fact of distribution of cards and newspapers, saying that it can be viewed as the distribution of printed material, not as a reward to voters. (It should be noted that, according to the electoral legislation, rewarding the voters is the transfer of money, gifts and other material values, holding sales or providing services on favorable terms). This qualification of irregularities during the collection of signatures by Lahvinets' nomination group is essential, because, according to Art. 68.1 of the Code, awarding the voters during the collection of signatures may be grounds for denial of registration as a candidate without a repeated warning.

Another warning to Lahvinets' nomination group was issued for arranging a picket to collect signatures on July 27 in the Minsk district of Sucharava, with the participation of well-known rock musician Liavon Volski, whose performance was attended by about 1,500 people.

CEC chair Lidziya Yarmoshyna condemned the rally, saying that performing at a signature-collecting picket is election campaigning and constitutes a serious violation. Later, she added that other nominees, the Communists, were insulted during the rally.

It should be noted that Ales Lahvinets has not received any reasoned written warning from the DEC, which would indicate the alleged irregularities committed by his nomination group. According to the electoral law, the warning should be based on a collective decision of the election commission and registered in the protocol of the meeting and a written reasoned decision.

VI. INFORMATION ON ELECTORAL APPEALS

In accordance with para. 3.9 of the CEC's Guidelines for election commissions, decisions of election commissions on electoral disputes should be posted on the website of the corresponding local executive and administrative body. However, in practice this requirement is rarely met. For example, none of the websites of the nine district administrations of Minsk has information about the results of considering complaints. As of August 6, the website of the Minsk city executive committee had information about only three complaints against the DECs' decision.

It should be noted that none of the court decisions has been published on the websites of local executive committees, regional, Minsk city courts, or the Supreme Court. In this regard, we note that several decisions have been published on the results of consideration of appeals against decisions on the formation of territorial and district election commissions.

This practice indicates the absence of a uniform approach to the question of the publication of judicial decisions on appeals against the decisions of local authorities on the formation of election commissions during the elections of deputies of the House of Representatives of the sixth convocation.

The observers stress the poor work of the Central Election Commission, which has not yet published statistics on appeals against decisions on the formation of election commissions at all levels. Therefore, we believe that the Supreme Court should publish all court rulings on electoral disputes, and the Central Election Commission should publish the corresponding full statistics on the results of consideration of all electoral disputes.