



2015 Presidential Election Observation Campaign in the Republic of Belarus

ПРАВА ВЫБАРУ

Interim Report №3

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“Right to Choose-2015” campaign conducts long-term monitoring of the election campaign in all regions of Belarus through its regional representatives. This report is the third document on the results of long-term monitoring that covers the stage of formation of precinct election commissions.*

General Conclusions

- 1. Precinct election commissions (PECs) were formed with the inclusion of unprecedentedly small number of representatives of the opposition.** Even compared to the previous election campaigns (for example, the parliamentary elections in 2012, the presidential elections in 2010), the already miniscule number of representatives of the opposition got even smaller: basically, we are talking about only a few isolated cases of inclusion of members of the opposition parties and independent non-governmental organizations in the composition of PECs.
- 2. Introduction of amendments to the Election Code in 2013 did not prevent the unequal access of political forces to participation in the work of election commissions.** The vast majority of representatives of pro-government organizations nominated for the precinct election commissions were included in the commissions, while virtually all nominees submitted by the opposition organizations were denied membership in the commissions. Member organizations of the “Right to Choose-2015” campaign have nominated 374 representatives (including both through nomination by organizations and through collection of signatures of voters) for participation in the work of PECs, but only 6 of them (1.6% of the total number of nominees) were included in the composition of PECs. The percentage of representatives of the “Right to Choose-2015” campaign included in the composition of PECs is 10 times smaller than the percentage of representatives of the same campaign included in the territorial election commissions at these presidential elections. The total number of representatives of other opposition organizations included in the composition of PECs is also miniscule.
- 3. The newly formed PECs are under full control of the executive power: 99.45% of the total number of PECs will work without any representatives of the opposition.** Court appeals against the decisions on the formation of PECs is not an effective means of serving the legitimate interests of political parties, because judicial examination of such appeals is conducted unfairly and the courts never take a decision on the revision of composition of commissions.
- 4. Members of “Right to Choose-2015” campaign have come to a conclusion that newly formed PECs will be unable to ensure fair, just, and transparent vote count, the results of which could be trusted by the general public.**

*About “Right to Choose-2015” campaign: “Right to Choose-2015” is a Presidential Election Observation campaign in the Republic of Belarus aimed at preventing violations of the law at all stages of the election campaign, recording the violations, and providing a prompt response to them. “Right to Choose-2015” campaign will seek to minimize the number of violations of the law at each polling station where its observers will be present. The campaign intends to deploy at least 1,500 observers to polling stations in all regions of Belarus. “Right to Choose-2015” campaign is an alliance of eight political forces: Belarusian People’s Front (BPF), the organizing committees of the Belarusian Christian Democracy (BCD) and the Party of Freedom and Progress, Belarusian Social-Democratic Party “Hramada” (BSDP, non-governmental organization “For Freedom” Movement, “Tell the Truth!” Civic Campaign, “The Greens” party, Belarusian Trade Union of Radio-Electronic Industry (REP). Participants of this campaign have a proven track record in observing the parliamentary elections in 2008 and 2012, the presidential elections in 2010, and the elections to the local councils in 2014.

1. Legal Regulation of Formation of Precinct Election Commissions (PECs)

According to article 27 of the Election Code and the calendar plan approved by the Central Election Commission, PECs provide for the preparation and conduct of elections. Nomination of candidates for the precinct election commissions began after the establishment of polling stations and lasted until August 23rd inclusive, while the decisions on formation of commissions were to be adopted no later than August 26th.

According to article 34 of the Election Code, PECs are formed from representatives of political parties, any other public associations, labor collectives, as well as representatives of citizens nominated to the commission through submission of applications. The procedure for the nomination of representatives to the election commissions is governed by article 35 of the Election Code.

According to part 2 of article 34 of the Election Code, at least one third of the commission members must be representatives of political parties and other public associations. The commissions may not include judges, prosecutors, and heads of local executive and administrative bodies. State officials should account for no more than 1/3 of the composition of commission.

Representatives of participants in the electoral process, which have nominated their candidates to the precinct election commissions, have the right to attend the meetings of the bodies that form the composition of PECs. The decision of the bodies that formed the composition of commission may be appealed in court by participants, which have nominated their candidates to the commission, within three days from the date of corresponding decision. The court shall consider the complaint within a period of three days, and its decision shall be final and shall not be subject to further appeal.

2. Nomination of Candidates to the Precinct Election Commissions and Adoption of Decisions on Formation of the PECs

Local authorities have adopted decisions on the formation of 6,080 election precincts in Belarus. Additionally, 49 election precincts were formed outside the Republic of Belarus.

The following subjects of the electoral process have the right to nominate their representatives to the precinct election commissions: organizational structures of political parties and other public associations (regional, district, city organizational structures and primary organizations), labor collectives and citizens by submitting an application for nomination (the application must be signed by no less than 10 citizens eligible to vote and residing in the area of the relevant election precinct, with the proposed candidate also residing in the same area).

Political parties and public associations, which have been denied registration (such as BCD, “Tell the Truth” campaign and others), or which have been denied registration of their local organizational structures (non-governmental organization “For Freedom” Movement and others) were deprived of the opportunity to nominate their representatives to the PECs.

State authorities have made good use of their official web pages for providing information regarding the time of filing nominations into composition of PECs, place and time of the meetings on formation of PECs. However, several local authorities sometimes were slow in publishing the information about the time and place of the meetings on the formation of PECs on their websites (for example, they published this information on the day of holding a meeting, a couple of hours before the beginning thereof) or even did not publish it at all. Participants in the electoral process, who nominated their representatives to the PECs, had the opportunity to attend the meetings of the local authorities on the formation of commissions in most cases. However, in some cases such opportunity was not provided to the observers.

Meetings of the bodies forming the PECs in most cases were conducted as a mere formality, without any debates on nominations. Typically, district executive committees and administrations have been

simply approving the pre-prepared lists of members of PECs, on some occasions without announcing the adopted decisions.

3. Composition of newly formed PECs

Opposition parties and public associations, including members of the “Right to Choose-2015” campaign, have been actively nominating their representatives to the PECs. The number of representatives of opposition organizations nominated to the PECs amounted to 516 people. This figure is lower than the figures for 2010 Presidential election and 2012 Parliamentary elections, but is slightly higher than during the last election campaign (2014 elections to the Local Councils, when opposition parties nominated 372 representatives to the PECs). Despite this, the authorities refused to include representatives of the opposition in the composition of PECs in most cases.

Table 1: Nomination and inclusion of representatives of different subjects of electoral process into the PECs* as compared to the previous Presidential elections

Subject of nomination	Presidential Elections-2010			Presidential Elections-2015		
	Nominated	Included	% of the total number of nominations	Nominated	Included	% of the total number of nominations
From citizens via submission of application	34867	27003	77.44	28964	24781	85.55
From labor collectives	16305	14192	87.04	11737	9621	81.97
From public associations	32862	29620	90.13	36090	32539	90.16
<i>Including the following</i>						
From political parties:						
Belarusian Agrarian Party	2881	1769	61.40	3826	2936	76.73
Belarusian Left Party “Fair World”	147	144	97.95	674	610	90.50
Belarusian Social-Democratic Party “Hramada”	281	78	27.75	147	21	14.28
Belarusian Social-Sports Party	48	10	20.83	49	3	6.12
Communist Party of Belarus	420	406	96.66	687	635	92.43
United Civic Party	705	545	77.30	919	735	79.97
The “Belarusian Social-Democratic Gramada” Party	507	54	10.65	172	4	2.32
BPF Party	29	5	17.24	-	-	-
Republican Party	208	36	17.30	96	2	2.08
The Republican Party of Labor and Justice	68	63	92.64	-	-	-
<i>Non-partisan public associations:</i>	468	428	91.45	1082	926	85.58
	29981	27851	92.89	32264	29603	91.75

Belaya Rus'	4313	3925	91.00	4765	4528	95.02
Belarusian Republican Youth Union (BRSU)	4219	3860	91.49	3873	3290	84.94
Belarusian Women's Union	4221	4126	97.74	4417	4190	94.86
Belarusian Public Association of Veterans	2559	2222	86.83	3136	2806	89.47
Federation of Trade Unions of Belarus	10117	9556	94.45	9732	9005	92.52
Belarusian Language Society	-	-	-	1	1	100,00
BPF "Adradzhenie"	-	-	-	51	1	1.96
<i>Other public associations:</i>	4552	4162	91.43	6295	5782	91.85
Total	84034	70815	84.26	76791	66941	87.17

**Without including data from precinct election commissions formed outside the Republic of Belarus.*

In addition to the above, 244 members of diplomatic missions (consular offices) were included in the composition of 49 precinct election commissions formed outside the Republic of Belarus. Representatives of the following opposition parties and organizations were also nominated into composition of these commissions: BPF party and civic association BPF "Adradzhenie", which have nominated seven representatives into composition of precinct election commissions in Warsaw, Bialystok, Moscow, Prague and Vilnius, as well as in Washington. None of the representatives of the opposition were included in the composition of these commissions.

Member organizations of the "Right to Choose-2015" campaign have nominated 374 candidates into composition of PECs (nominated both on behalf of organizations and by means of collecting signatures of citizens). However, only 6 of them were included in the composition of PECs: 3 representatives on behalf of BSDP (one representative apiece in Brest, Vitebsk and Minsk oblasts), 2 representatives on behalf of BPF party (both in Brest oblast) and one representative nominated by civic association BPF "Adradzhenie" (Grodno oblast).

516 representatives of opposition organizations were nominated into composition of PECs, but only 32 of them were eventually included in the composition of the PECs (or 6.2% of the total number of nominees). Meanwhile, candidates nominated by parties and public associations loyal to the state authorities were approved in most cases: percentage of inclusion of candidates nominated by the pro-government organizations in the composition of commissions varies between 79% and 95%, which is much higher than the percentage of inclusion of opposition representatives in the composition of PECs. **The percentage of representatives of the opposition included in the composition of the PECs is even smaller than during the last presidential election in 2010**, when 17.1% of the total number of candidates nominated by the opposition were included in the composition of commissions. Thus, in spite of almost the same number of candidates nominated by the opposition during the two elections, the total number of opposition representatives in PECs has decreased significantly as compared to the previous Presidential elections in 2010.

The newly formed PECs in most cases will work without the participation of representatives of opposition political parties, while representatives of political parties and public associations, which support the current government, have obtained the absolute majority in the commissions. None of the PECs include more than one member of the opposition – those members of the opposition who were approved will work in the absolute minority in all PECs.

99.45% of PECs will work without any control by the opposition, since none of the nominated representatives of democratic parties and associations were included in their composition.

It is illustrative that in Minsk none of representatives of the opposition parties were included in the composition of PECs: the newly formed PECs in the capital are exclusively made up of members nominated by political parties that are loyal to the authorities. A similar situation took place during the elections of deputies of local councils in 2014 and during the Parliamentary elections in 2012. The last time the representatives of the opposition were included in the composition of PECs in Minsk was during the presidential elections in 2010. The number of understaffed PECs (composed of less than 19 members allowed in the commissions) has increased significantly as compared to the previous election campaigns. Moreover, representatives of the opposition parties were still denied inclusion in the composition of even such understaffed election commissions.

4. Appeals Against Decisions of the Bodies, which Formed the Precinct Election Commissions

The organizational structures of BPF party filed an appeal against the decision to deny the inclusion of representatives of BPF party in the composition of precinct election commissions. Complaints from the BPF party were filed in courts located in Pervomaiskiy, Sovietskiy, Zavodskoy, Frunzenskiy, and Centralniy rayons of Minsk, as well as in the court of Minskiy rayon in Minsk oblast. Organizational structures of BPF party in Slutsk, Soligorsk, Bereza, and other cities also filed appeals against non-inclusion of its representatives in the composition of precinct election commissions. The motivation for filing these complaints was to demonstrate the unfairness of electoral system of Belarus.

For example, local administration in Sovietskiy rayon of Minsk has adopted a decision to include 72 out of 73 representatives nominated by “Belaya Rus” in the composition of precinct election commissions, as well as approved all representatives nominated by the Red Cross, Peace Fund and Belarusian Republican Youth Union. Meanwhile, none of the 29 representatives nominated by the BPF party were included in the composition of commissions in this election precinct. However, this complaint was not sustained by Sovietskiy rayon court, which upheld the decision of local administration in Sovietskiy rayon on the formation of PECs in this district.

The courts did not sustain the complaints of opposition organization, even if gross violations were detected during court proceedings on the part of pro-government organizations, whose representatives were included in the composition of PECs. For example, violations of the procedure for nominating candidates on the part of pro-government parties (Social-Sports Party, Republican Party of Labor and Justice) and labor collectives were detected during the examination of appeal against the decision of local administration in Sovietskiy rayon of Minsk (some of the reference details as required by the Election Code were missing in the protocols of nomination of representatives of these subjects). Nevertheless, the court upheld the decision of local administration on the formation of PECs in this election precinct, leaving some of the representatives, who were nominated with violations, in the composition of PECs.

In several cases violations of law were detected. In particular, violation of part 2 of article 34 of the Election Code, according to which at least one third of the composition of election commission should be made up of representatives of political parties and other public associations. For example, district executive committee did not include any representatives of political parties in the composition of Second Sennenskaya election commission №83 in Minskiy rayon, which was formed exclusively of representatives of “other public associations”, labor collectives, and candidates nominated by citizens, while representatives of BPF party were denied membership in this election commission.