

Answers of the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda to the questions of the UN High Commissioner for Human Rights Office (UN HCHR) related to UN Council Resolution on Human Rights 27/ 24 "Equal Participation in Political and Public Affairs" as of the right to elect and be elected

Question: Is there universal and equal suffrage in your country? Are the rights of article 25 b) of ICCPR guaranteed by law? If yes, please make reference to such legislation.

Answer: yes, voting in elections in the Republic of Belarus is universal and carried out according to the equal suffrage principle. The law guarantees the rights mentioned in article 25 b) of ICCPR (to vote and be elected in authentic regular elections carried out on the basis of universal and equal suffrage with voting by ballot and ensuring free expression of the voters' will).

Article 38 of the Constitution of the Republic of Belarus directly stipulates that citizens of the Republic of Belarus shall have the right to vote freely and to be elected to state bodies on the basis of universal, equal, direct or indirect suffrage by secret ballot.

The relevant principles of the right to elect are also determined in Section III of the Constitution of the Republic of Belarus «Electoral System. Referendum»:

elections of deputies and other persons elected to state offices by the people shall be universal: citizens of the Republic of Belarus who have reached the age of 18 shall be eligible to vote (part one of article 64);

elections shall be free: a voter shall decide personally whether to take part in elections and for whom to vote. The preparation and holding of elections shall be open and public (article 65);

elections shall be equal: voters shall have an equal number of votes. Candidates elected to state offices shall take part in elections on the equal basis (article 66);

voting in elections shall be secret: control over expression of the will of voters during voting shall be prohibited (article 68).

The same norms are established in the Electoral Code of the Republic of Belarus, and this Code stipulates in detail the procedures of preparation and holding of elections in the country ensuring abiding by the international principles of the right to vote, including universal, free, equal voting by secret ballot.

Question: Which obstacles have been identified as preventing individuals from exercising the right to vote and which measures have been adopted to overcome them?

Answer: the legislation of the Republic of Belarus does not have any norms preventing individuals having the right to vote from exercising this right.

The Electoral Code of the Republic of Belarus provides for the individual's right to vote in the location of their residing in case they are not able to attend the voting site on the election day, the right for early voting, to vote at the voting station in the location of resort and treatment or health care facilities, where a voter has recreation or is treated as well as to vote at location of service or a sentence in the form of arrest.

Only those citizens, who do not enjoy this right due to some provisions of part two of article 64 of the Constitution of the Republic of Belarus, do not participate in elections, namely the citizens who are deemed incapable by a court or kept in places of confinement in accordance with a court sentence. Persons in respect of whom detention, as a measure of restraint, is selected under the procedure established by the criminal procedural legislation do not take part in voting.

This norm of the Constitution of the Republic of Belarus establishes also that any direct or indirect restrictions on voting rights of citizens in other instances shall be inadmissible and punishable by law.

Question: is information on voter registration and on the electoral process (e.g. voting sheets) available in formats and languages, including minority languages that render them accessible to all? Please, provide examples.

Answer: yes, it is available and accessible.

According to Articles 19-21 of the Electoral Code of the Republic of Belarus the registration of voters is carried out in the form of lists of voters, which are provided in advance to the voters for getting familiarized with them.

According to the provisions of Article 13 of the Electoral Code of the Republic of Belarus electoral commissions and state bodies inform citizens about their activities related to preparing and holding elections, about formation of electoral constituencies, about the composition, location and work-time of commissions, about lists of voters, voting results and election results. Electoral commissions make common posters with biography data of candidates for giving voters an opportunity to get to know this information, and send information materials about candidates as well as invitations to vote individually to all voters at their home addresses.

Information about the course of preparing and holding elections is placed in central and regional mass media (press, television and radio) as well as in the global computer network – on the Internet. When elections are held the TV

video demonstrating the procedure of filling in a voting ballot is shown regularly.

Documents and all data related to elections are issued in the two official languages of the Republic of Belarus, namely in Belarusian and (or) Russian.

Question: if voter registration is required, how is it facilitated? Are education and registration campaigns organized prior to major elections?

Answer: the Electoral Code of the Republic of Belarus stipulates drawing up lists of voters by local authorities. These lists are made up in accord with location of voting stations in the period of preparing to elections, the lists are updated and amended by precinct electoral commissions and provided to voters for getting them familiarized with these information.

The Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda (further referred to as the Central Commission) carries out education campaigns for elections organizers, drafts guidelines and comments on how to apply the electoral legislation. Observers are provided with comments and clarifications of the legislation. All legal acts and other information on elections are uploaded by the Central Commission on its website on the Internet, the global computer network, with open access to this information. Rights of voters and the procedure for exercising them are discussed and commented on in mass media.

Question: With respect to the right to vote and to be elected, how are the rights and needs of members of specific groups (women, persons with disabilities, minorities, indigenous peoples, first-time voters, etc.) taken into account?

Answer: the legislation of the Republic of Belarus ensuring equal rights of all citizens of the Republic of Belarus, provides for the required measures to be taken as to ensure equality of representatives of various population groups in any activity of the society.

The Republic of Belarus ratified and signed a number of international documents and tools in the field of ensuring gender equality and overcoming sex discrimination: the UN Convention on Elimination of All Forms of Discrimination against Women, resolutions on women adopted in the running of world conferences. At present the fourth program document aimed at ensuring equal participation of men and women in all activities is being implemented in the Republic of Belarus, namely it is the National Action Plan for Ensuring Gender Equality in the Republic of Belarus for 2011-2015.

Traditionally over a half of all members of electoral commissions when holding elections have been women. For the recent 18 years the Central Commission is chaired by the woman. At the elections of 2014 to local Councils of deputies 46.3 % of elected deputies were women. 30 % of deputies

of the National Assembly of the Republic of Belarus elected in 2012 were women.

As for participation in voting of people with disabilities, the Electoral Code of the Republic of Belarus (article 52) provides for the right of the individual incapable to fill in the ballot by himself/ herself to use assistance from other individuals except for members of precinct electoral commissions, candidates, their authorised persons and observers.

In the forthcoming election of 2015 of the President of the Republic of Belarus there will be additional conditions created for providing sight-impaired people with an opportunity to vote. The official website of the Central Commission in the global computer network Internet is now developed further as to upload a version for sight-impaired people. Any information on this website is now available for getting familiarized with by means of screen access used by sight-impaired people. In the period of holding the election the information materials about candidates with applying Braille letters and stencil-plates for independent filling in ballots by sight-impaired people will be produced. Voters with poor sight will be provided with magnifying lenses (loupes). These measures will help voters with sight problems to vote, if they wish, independently, i.e. without assistance from other individuals.

For ensuring full-fledged participation of people with disabilities in public activities the following laws and documents were adopted in the Republic of Belarus: the Law "On Social Protection of People with Disabilities in the Republic of Belarus", the Law "On Preventing Disability and on Rehabilitation of People with Disabilities", the State Program for creating non-barrier life environment for people with physical disabilities for 2011-2015.

The Law of the Republic of Belarus "On National Minorities in the Republic of Belarus" (article 6) directly guarantees the citizens of the Republic of Belarus, referring themselves to national minorities, equal political, economic and social rights and freedoms, including to right to freely elect and be elected to state bodies of the Republic of Belarus on the basis of the universal, equal, direct or indirect electoral right by secret ballot. Any actions aimed at national discrimination, any obstacles to exercise their rights by the national minorities, incur liability as established in the legislation.

According to Article 58 of the Electoral Code of the Republic of Belarus citizens of the Russian Federation permanently residing in the Republic of Belarus have the right to take part in elections for offices of deputies of local Councils of deputies.

The state provides for all objective and non-discriminatory conditions for acquisition of the nationality of the Republic of Belarus.

Preparing young people (first-time voters) to take part in elections is carried out within educational programs in education institutions. When studying subjects related to fundamentals of the state and law, young people get

to know the procedure of exercising their electoral rights. Representatives of the Central Commission keep in touch regularly with youth organizations, ensuring lectures and seminars on issues of the electoral right and suffrage.

In the forthcoming election it is planned to award congratulation certificates to all first-time voters at voting stations, which will allow to stress the importance of this voting action in life of every citizen of the country.

Specific measures taken within the legislative framework as to provide support to any population groups in exercising their electoral rights, are not required.

Question: What are the legal restrictions to the right to stand for election in your country, if any? Which practical obstacles have been identified in relation to the right to be elected? Which measures have been put in place to overcome these obstacles?

Answer: as for the right to nominate oneself in elections the legislation of the Republic of Belarus establishes the following justified restrictions, in addition to citizenship, age and residence qualifications: lack of dispositive legal capacity due to disability and duly unreversed or unextinguished conviction (article 64 of the Constitution of the Republic of Belarus, articles 4, 60 of the Electoral Code of the Republic of Belarus). There are no any practical obstacles to overcome as to exercise the right to be elected.

Question: What positive measures have been taken to ensure that women, members of minorities, indigenous peoples, persons with disabilities and members of other disadvantaged groups are able to stand for elective office?

Answer: in the country a wide support is provided to public associations established by women, members of national minorities, people with disabilities.

According to the provisions of article 34 of the Electoral Code of the Republic of Belarus, as a rule, no less than one third of the total number of members of electoral commissions is formed by representatives of public associations.

Public associations and their representatives are active participants of the electoral process. Activities in such associations promote formation of responsible life objectives of citizens and raise awareness related to necessity to participate in elections.

Question: What measures (including legislative measures) are in place to ensure that candidates for elective office are not faced with discrimination, harassment, and violations of their rights to freedom of opinion, expression, assembly and association?

Answer: the relevant norms are established in the Constitution of the Republic of Belarus.

Article 33 of the Constitution of the Republic of Belarus says that everyone is guaranteed freedom of thoughts and beliefs and their free expression. Article 35 guarantees the freedom to hold assemblies, meetings, street marches, demonstrations and pickets that do not disturb law and order or violate the rights of other citizens of the Republic of Belarus.

The Electoral Code of the Republic of Belarus stipulates a simplified procedure for holding mass events and actions related to nomination of candidates and holding election propaganda campaigns (articles 45¹, 61).

Criminal responsibility is stipulated for violation or restraint of the rights and freedoms of citizens based on values and assumptions, for preventing to exercise the right to elect and be elected, to hold election campaigns, for illegal prevention to hold a rally, a picket or participating there (articles 190, 191, 196 of the Criminal Code of the Republic of Belarus).

Question: Please explain how possible interferences with the electors' will and with voter or candidate registration are avoided. Is undue interference prohibited by law? How does the State ensure effective access to judicial and other remedies in case of violations?

Answer: the Electoral Code establishes guarantees for all voters to take part in elections and freely express their will as well as for free nomination of candidates.

The voter personally decides whether to participate in elections or not, and who to vote for (article 5 of the Electoral Code of the Republic of Belarus. Every voter votes individually, voting on behalf of other people or presence of other people when filling in the ballot are not allowed (article 52 of the Electoral Code of the Republic of Belarus).

Articles 19–21 of the Electoral Code of the Republic of Belarus establish a simple and unimpeded procedure of including a voter in the voters' list. A voter is entitled to freely discuss election manifestos of candidates, their political, business and personal characteristics, to hold campaigns to support or oppose candidates within the established procedures (article 45 of the Electoral Code of the Republic of Belarus). Any control of expressing voters' will is prohibited, voting is carried in booths or rooms for secret ballot, the filled in ballot is placed in a sealed ballot box (articles 9, 51 of the Electoral Code of the Republic of Belarus).

As for rejection to register candidates the Electoral Code of the Republic of Belarus establishes a clear list of grounds for this action (article 68¹ of the Electoral Code of the Republic of Belarus). Only violations of the electoral legislation can serve as grounds for candidates' registration rejection.

Electoral commissions are independent in their activities, they do not depend on state bodies (articles 11, 32¹ of the Electoral Code of the Republic of Belarus).

According to article 49 of the Electoral Code of the Republic of Belarus the ones, who prevent a citizen of the Republic of Belarus from free exercising the right to elect and be elected, bear liability as established by legal acts of the Republic of Belarus. The liability for violation of the electoral legislation is stipulated by the Administrative Violations Code of the Republic of Belarus and the Criminal Code of the Republic of Belarus.

As for judicial remedies of the electoral process participants the Electoral Code of the Republic of Belarus provides for the right of stakeholders to appeal (submit complaints) related to violations of the electoral legislation to electoral commissions, up to the Central Commission, to prosecutor's offices as well as to courts (articles 13, 21, 33, 49, 49¹, 68¹, etc. of the Electoral Code of the Republic of Belarus. The Electoral Code establishes the shortest terms for considering the appeals and complaints related to the issues of preparing and holding elections, which allows to solve the problems of legal remedies for people, whose rights were violated.