

CONCLUSION

on the compliance of the legislation regulating the elections to the House of Representatives of the National Assembly of the Republic of Belarus held on November 17, 2019 to the international standards for democratic elections

This conclusion was prepared by the International Institute for Monitoring Democracy Development, Parliamentarianism and Suffrage Protection of Citizens of IPA CIS Member Nations as the result of the observation of the elections to the the House of the Representatives of the National Assembly of the Republic of Belarus held on November 17, 2019 and it contains the analysis of the compliance of the national legislation regulating the elections to the Convention on the International Standards for Democratic Elections, Voting Rights and Liberties in the Member Nations of the Commonwealth of Independent States (further – the CIS Convention), to the UN documents (Universal Declaration of Human Rights; international pacts on human rights; General Comments No. 25 adopted by the UN Human Rights Committee "The right to participate in public affairs, voting rights and the right of equal access to public service" that explains the principles of democratic elections (further – the General Comments); to the documents of the Organization for Security and Co-operation in Europe (Document of the Copenhagen Meeting of the Conference on the Human Dimension, 1990, further – the Copenhagen Document; other treaties adopted by OSCE); to the documents of the Council of Europe (the European Convention on Human Rights, the Code of Good Practice in Electoral Matters).

Besides, the national legislation on preparation of the election and the election procedure itself is viewed in the context of the Recommendations of Interparliamentary Assembly of the CIS Member Nations (further – the IPA CIS) on improving the legislation of the CIS Member Nations in accordance with the international election standards; in the context of the recommendations listed in the final documents of the CIS missions and of the IPA CIS observer teams working on the previous nationwide elections in the Republic of Belarus as well as in the Conclusions prepared by the International Institute for Monitoring Democracy Development, Parliamentarianism and Suffrage Protection of Citizens of IPA CIS Member Nations (IPA CIS IIMDD) during the observation of the elections.

General characteristics of the legislation

According to the Constitution of the Republic of Belarus (hereinafter referred to as the Constitution), the only source of state power and the only holder of sovereignty is the people who exercise their power directly, as well as

through the institutions of representative democracy (Article 3); citizens have the right to participate in state affairs both directly and through the freely elected representatives (Article 37), and due to that citizens have the right to freely elect and be elected to the state bodies on the basis of universal, equal, direct or indirect suffrage by secret ballot (Article 38).

State power in the Republic of Belarus is exercised, inter alia, by the legislative branch (Article 6); Parliament - the National Assembly of the Republic of Belarus - is a representative and legislative body and consists of the House of Representatives and the Council of the Republic (Article 90).

The Constitution prohibits the delegation of legislative powers to the head of state to issue decrees having the force of law and aimed at changing the order of parliamentary elections (Article 101).

National legislation, based on the constitutional provisions, regulates all stages of the electoral process in detail, securing specific guarantees for observance of the electoral rights.

Preparation and conduct of elections is regulated by a codifying statute - the Electoral Code of the Republic of Belarus (hereinafter - the Electoral Code; in the text of this Conclusion, if not specified references are made to the provisions of this act). In particular, it defines the rights and obligations of all subjects of electoral legal relations, and also establishes the procedure for conducting all stages of the electoral process.

Other legal acts also regulate certain legal relations concerning the parliamentary elections. Thus, the legislation on mass events (Article 45) regulates the procedure for campaigning events; the nomination of parliamentary candidates from political parties is carried out in accordance with the legislation on political parties (Article 62).

Despite the fact that in the period between the current and past parliamentary elections, the election law itself generally remained the same, a number of amendments were made to other acts included in the regulatory mechanism of election campaigns (2018). The amendments were made to:

- The Law of the Republic of Belarus "On Mass Events in the Republic of Belarus", the part concerning the reduction of the deadline for submitting a notice on a public event supposed to be held, concerning the categories of people who are not entitled to organize the mass events, and the clarification of other requirements;

- The Law of the Republic of Belarus "On Mass Media", which streamlined the status of Internet media, as well as the corresponding update of the Code of Administrative Offences of the Republic of Belarus.

The decisions of the Constitutional Court of the Republic of Belarus contribute to the identification of the constitutional and legal meaning of the electoral legislation provisions and thereby to their proper enforcement.

The legal base of elections is also constituted by bylaws, first of all, decisions of the the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda (hereinafter - the Central Commission). To ensure uniform application of election legislation, the Central Commission

provides clarifications, addresses the subjects of legislative initiative with proposals for its interpretation, submits proposals for improving certain provisions; studies and summarizes the practice of application (Articles 2, 33).¹ Noting the positive effect of the acts of the Central Commission on the modernization of law enforcement practice, it should be nevertheless emphasized that in order to ensure the necessary legal certainty it is desirable to enshrine all aspects of the electoral process in law. At least it should be enshrined in the cases when the regulation in place affects the observance of international electoral standards and is not directly determined by the specifics of the relevant elections. In this regard, the advantages of the legislative process over the departmental rule-making process should be taken into account: greater transparency and inclusiveness; greater stability of legislative regulation, as well as the benefits of resolving all law disputes in a state based on the rule of law by a court, a body called to obey, above all, the law.

The legal regulation of elections in the Republic of Belarus also includes the principles and norms of international law. According to the Constitution, the universally recognized principles of international law have the priority and the legislation compliance with the law is ensured (Article 8). The improvement of the national electoral legislation and law enforcement practice in this area is largely based on a structural reception of the recommendations and proposals expressed by the IPA CIS, the Venice Commission of the Council of Europe and the OSCE.

The guarantee of the implementation of the electoral rights of persons with disabilities was strengthened by the ratification of the UN Convention on the Rights of Persons with Disabilities by the Republic of Belarus which took place between the current and past parliamentary elections (2016).

In general, in terms of composition and correlation of individual elements,

¹In particular, in anticipation of the 2019 parliamentary elections, the Central Commission developed and adopted Decisions “On the Formation of Constituencies for the Election to the House of Representatives”, “On the Establishment of Forms of Documents for the Election to the House of Representatives”, “On Establishing the Average Number of Voters per Constituency during Elections to the House of Representatives”, “On the Procedure for Participation of Citizens of the Republic of Belarus, Located Outside the Republic of Belarus, in the Elections to the House of Representatives”, “On the Creation of Additional Conditions for the Participation of Citizens with Disabilities in the Elections to the House of Representatives”, “On the Registration of Polling Stations formed by the Constituency outside the Republic of Belarus, During the Election to the House of Representatives”, “On the Clarification of the Election Commissions Formation during the Election to the House of Representatives”, “On the Clarification of the Application of the Provisions of the Electoral Code of the Republic of Belarus, Stipulating the Procedure for Nominating Candidates Collecting Signatures during the Election of Deputies of the House of Representatives”, “On the Off-budget Fund for Additional Financing of Expenses for the Preparation and Conduct of Elections of Deputies of the House of Representatives”, “On Approval of the Regulation on the Procedure for the Direction and Activities of Observers in the Preparation and Conduct of the Election of Deputies of the House of Representatives”, “On Approval of the Regulation on the Election Fund of a Candidate for Deputies of the House of Representatives”, “On Clarification of the Procedure for Declaring Income and Property by Persons Nominated as Candidates for Deputies of the House of Representatives”, “On Approval of the Schedule of Organizational Measures for the Preparation and Conduct of Elections of Deputies of the House of Representatives”, “On Approval of the Regulation on the Procedure for the Activity of Foreign (International) Observers in the Preparation and Conduct of Elections of Deputies of the House of Representatives”, “On Informing Citizens on the Work of Preparing and Conducting Elections to the House of Representatives”, “On Approving the Regulation on the Procedure for Using Mass Media by Candidates for Deputies of the House of Representatives”, “On the Supervisory Board for Monitoring Compliance with the Procedure and Rules for Campaigning in the Media”.

the national regulation of elections to the House of Representatives is largely consistent with the requirements of the CIS Convention (Clause 3 of Article 1) and the recommendations of the Venice Commission (Clause a. 2. II of the Code of good practice in electoral matters), establishing that the main source of legal regulation of elections shall be the Constitution and the legislation.

Enshrining of selected international electoral standards

In the national legislation

As fundamental principles for holding elections, including the parliamentary elections, international electoral standards enshrine universal, equal, free, direct suffrage by secret ballot.

According to the provisions of the Constitution (Article 91), reflected in the Electoral Code as well (Article 3), the elections to the House of Representatives are free and are held on the basis of universal, equal and direct suffrage by secret ballot, which meets, in particular, the requirements of the International Covenant on Civil and Political Rights (subclause "b" of Article 25). According to this document, every citizen without any discrimination and without unreasonable restrictions shall have the right and the opportunity to vote and be elected in genuine periodic elections held on the basis of universal, equal suffrage by secret ballot ensuring the free expression of the will of voters.

The principle of universal suffrage

The principle of universal suffrage is enshrined both in the Constitution (Articles 64, 91) and in the Electoral Code (Article 4), which meets the provisions of the Copenhagen Document (clause 7.3) and the CIS Convention (Article 2).

Active suffrage is granted to the citizens of the Republic of Belarus who by the day of voting have reached the age of 18.

The relationship between the right to elect the deputies of the House of Representatives with an appropriate age meets the requirements of international legal instruments (clause 25b of the International Covenant on Civil and Political Rights; clause 7.3 of the Copenhagen Document, clause 1.1b of the Guidelines of the Venice Commission).

Constitutionally and legislatively fixed limitations of universal suffrage with regard to the exercise of the active suffrage are in force. Citizens recognized by the court as legally incompetent as well as persons held in places of deprivation of liberty (article 64 of the Constitution; article 4 of the Electoral Code) are deprived of the right to vote in parliamentary elections. These

restrictions do not contradict with the recommendations made by the Venice Commission (Guidelines, clause 1.1d).

International standards for democratic elections allow the restriction of the electoral rights of capable citizens only if they are convicted to a criminal sentence. Meanwhile, according to national law, citizens of full legal age who are under investigation and detained “do not take part in voting” (Article 4). No active suffrage for the persons in places of pre-trial detention, as noted by the IPA CIS IIMDD experts in previous legal conclusions, contrary to the general legal principle of the presumption of innocence, is not consistent with international obligations in the field of electoral law (clause 5.19 of the Copenhagen Document; subclause “b” of clause 1 Article 18 of the CIS Convention).

A more complete realization of the principle of universal suffrage is facilitated by the possibility of forming polling stations in the health centers, preventative clinics, holiday centers, hospitals and other in-patient and prevention institutions, in military units (Article 17). Citizens residing or staying outside the territory of the Republic of Belarus in the period of elections are given the opportunity to vote at the polling stations formed by the heads of diplomatic missions and consular offices of the Republic of Belarus.

Passive suffrage is granted to citizens who have reached the age of 21 and have resided permanently in the Republic of Belarus (Article 92 of the Constitution, Article 57 of the Electoral Code), which is in line with the common practice in the modern world.

In addition, the law specifies other restrictions on passive suffrage. Citizens who are deprived of the right to occupy positions in state bodies and other state organizations due to a criminal record (Article 60) do not have the right to be elected.

The interests of subjects of passive suffrage are guaranteed by the mechanism for the nomination of candidates for election to the House of Representatives, which involves the nomination of candidates by political parties registered by the Ministry of Justice of the Republic of Belarus no later than six months before the election; labour collectives and citizens by collecting signatures (Article 60). At the same time, taking into account the fact that the Constitution of the Republic of Belarus defines a different, wider list of subjects for the nomination of candidates (public associations, labour collectives and citizens), it is desirable to eliminate the noted conflict through a corresponding change in regulatory regulation.

Given that the nomination procedure shall not be unduly burdensome, and, according to international electoral standards, when collecting signatures, it cannot require the collection of more than 1% of the voters' signatures in the respective constituency (Code of Good Practice in Electoral Matters, adopted by the Venice Commission), as well as , taking into account the average number of voters per district (63 thousand), it is advisable to reduce the number of signatures required for the nomination of a candidate. In addition, in this regard, it would be desirable to envisage such an alternative form of nomination as a

security deposit that is refundable in case the candidate receives a certain number of votes.

It should be noted that there is a provision of the law, according to which voters who have nominated candidates by collecting signatures, have the right to withdraw their signatures from the signature lists before submitting signatures to the district, territorial election commission. In order to do so it is necessary to submit an application to the relevant election commission. This creates an undesirable legal uncertainty (Article 66).

In any case, the candidate shall have sufficient time to fill in the missing signatures, and therefore, it is recommended to establish a rule declaring the impossibility of removing the signature in support of the nomination a week before the election commissions stops accepting signature sheets.

The principle of universal suffrage is also ensured by the voter registration system. The district electoral commissions for the election to the House of Representatives control the compilation of voter lists and the familiarization of citizens with them (Article 42).

Each voter is given an opportunity to check whether he/she is included in the list and whether the information about him/her is correct. Each voter has the right to declare the need to eliminate errors discovered during the examination of these lists (Article 21). Thus, lists of persons entitled to participate in the elections are presented to voters for review fifteen days before the election, and at polling stations formed in the health centers, preventative clinics, holiday centers, hospitals and other in-patient and prevention institutions — two days before the elections. Citizens who have the right to participate in elections, but who have settled on the territory of the polling station after submitting the list for review, as well as citizens who are not included in the list for some other reasons, are additionally included to the list by the precinct commission on the basis of identification documents and residence confirmation.

At the same time, the current passive and decentralized voter registration system, in which voter lists are compiled for each election by grassroots election commissions based on data provided by local government bodies, does not always adequately cope with its tasks. The introduction of a centralized electoral record and regular updating of a single voters register could improve the identification of inconsistencies and lead to a decrease of applications from unregistered voters to be included in the voter lists on election day (such applications according to the current regulation are the subject of administrative rather than judicial review).

Special forms of voting intended for voters who are unable to arrive at the polling station on election day serve for further enforcement of universal suffrage. Early voting allows a voter who is not able to be at the place of residence on election day can no earlier than five days before the elections, in conditions that preclude control of his/her will, fill out a ballot in the precinct commission building and drop it in a sealed separate box intended for voting of voters who will be absent on the day of the election at their place of residence (Article 53). The possibility of voting at the location of the voter allows people

who are unable to come to the polling station on election day to vote due to the health reasons or other important reasons (Article 54).

The accession of the Republic of Belarus to the UN Convention, which encouraged the adoption of specific measures to create a barrier-free environment in preparation for the current election (accompanied by subtitles and sign language interpretation of candidates' speeches; special voting booths that allow voting for persons in wheelchairs), facilitated a more reliable realization of the active suffrage of people with disabilities.

Thus, national legislation provides a significant part of the regulatory prerequisites necessary for holding parliamentary elections on the basis of the principle of universal suffrage.

The principle of equal suffrage

The principle of equal suffrage, stated in the CIS Convention (clause 1 of Article 3), as well as in the Guidelines of the Venice Commission (clause 2.1), as an indispensable condition for democratic elections, has received constitutional consolidation (clause 66), is detailed in the norms of the Electoral Code.

In particular, according to the law, voters participate in elections on an equal footing: each voter has one vote (Article 6); constituencies are formed with an approximately equal number of voters; one deputy is elected from each constituency (Article 15); a citizen entitled to run in elections may be included in the list in only one polling station (Article 20); each voter votes personally, voting instead of other persons is not allowed (Article 52).

Thus, national legislation provides the necessary regulatory prerequisites for holding parliamentary elections on the basis of the principle of equal suffrage.

The principle of direct suffrage

According to the law, citizens of the Republic of Belarus vote in the elections to the House of Representatives directly (Articles 3, 7) that meets the requirements of the CIS Convention (Article 4).

In addition, the general requirements on the direct nature of these elections are specified in the legal definitions of the terms “deputy” and “constituency” (Article 155).

Thus, national legislation provides the necessary regulatory prerequisites for holding parliamentary elections on the basis of the principle of direct suffrage.

The principle of secret ballot

National legislation enshrines the principle of secret ballot, which belongs to the fundamental standards of democratic elections (clause 7.4 of the Copenhagen Document, Article 5 of the CIS Convention; I.4 of the Guidelines of the Venice Commission).

As development of the general rule on the secret nature of voting that does not allow any control over the will of the voter (Article 9), the legislation stipulates a number of special mechanisms that are aimed at preventing any monitoring of the voter filling out of the ballot paper, as well as preventing other violations of the secrecy of the will of the voter.

The exclusion of any control over the will of the voters, in accordance with the instructions of international acts in the field of electoral law, is facilitated by the legislatively established voting procedure at the polling station. In particular, voting shall be conducted in specially designated premises, in which a sufficient number of booths or rooms for secret voting must be equipped, the places for issuing ballots and voting boxes shall be established. Voting boxes are set up so that voters approaching them must pass through booths or rooms for secret voting (Article 51). The ballot is filled in by the voter in the booth or in the secret ballot room; when filling out the ballot, the presence of anyone other than the voter is prohibited (Article 52).

Observance of the secret ballot principle is also guaranteed by bringing to justice those who violate the secrecy of the ballot (article 49).

Thus, national legislation provides the necessary regulatory prerequisites for holding parliamentary elections on the basis of the principle of secret ballot.

Periodic and mandatory elections

In accordance with the requirements of international documents (clause 7.1 of the Copenhagen Document; clause 5 of the Guidelines of the Venice Commission; clause 6 of the CIS Convention), the periodicity and mandatory nature of elections are legally fixed in the electoral legislation of the Republic of Belarus.

In particular, the election of new deputies for the chambers of the National Assembly (parliament) shall be called no later than four months and held no later than 30 days before the end of the powers of the chambers of the current convocation (Article 56); special elections of the chambers of the National Assembly are held within three months from the date of early termination of powers of the chambers of the National Assembly (Article 59). Thus, the regularity of elections is ensured by correlating the date of the next election with the established term of office of the corresponding chamber of parliament, which is consistent with the instructions of the CIS Convention (clause 1, Article 6).

The principle of periodicity of elections implies, as a general rule, that previously held elections to the relevant public authority are separated from subsequent elections to this same body with regular intervals. In accordance with the CIS Convention, the term of office of the elected bodies is established by the Constitution and laws and can be changed only in the manner prescribed by them (clause 3 of Article 5); elected persons take office, thereby recognizing their responsibility to voters, and remain in office until the expiration of their term of office or until it is otherwise terminated in accordance with the constitution, laws and democratic parliamentary and constitutional procedures

(Article 1, Clause 5).

The constitutional norm, which enshrines the four-year term of office of the House of Representatives, stipulates that in cases and in the manner specified in the Constitution, the powers of the chambers of parliament may be terminated pre-term (Article 93). Thus, all cases of reduction of the four-year term mean “early termination of powers.”² The constitutional provisions lead to a direct relationship between the early termination of powers of the chamber and its early dissolution, as well as that the early termination of powers entailing its early dissolution is the only basis for early elections (Articles 93-94).

Thus, the exclusive right of calling the current election with reference to clause 2 of Article 84 of the Constitution is inextricably linked with constitutional provisions establishing an exhaustive list of grounds for the early termination of powers of the chambers of parliament. At the same time, in order to exclude an undesirable situation when the term of office of the head of state and parliament expires at same time, it seems advisable to specify these provisions of the Constitution of the Republic of Belarus and give interpretation specified by the authorized body of judicial constitutional control.

In addition to cases of early termination of the chambers of parliament powers the Constitution establishes yet another exception to the principle of periodicity (Article 6 of the CIS Convention), permitted by international standards for democratic elections. That is the state of emergency or martial law (Article 71).

The law also prohibits campaigning aimed at disrupting elections. Persons who disseminate appeals that motivate or intend to induce frustration, cancellation or postponement of the election, that encourage not to vote bear the responsibility established by law (Part 1 of Article 49). Candidate programs shall also not contain appeals promoting or having as their purpose a motivation to disrupt, cancel or postpone of elections appointed in accordance with the legislation of the Republic of Belarus (Part 1 of Article 75). The corresponding legal liability meets the requirements of the CIS Convention insofar as it does not apply to calls for non-participation in elections (that are one form of implementing the principle of free elections).³

Since the calling of early elections without regard to the constitutionally established grounds for early termination of the powers of the chamber would mean the unlimited right of the head of state to call early parliamentary elections, neither the Constitution mentioning the timing of early elections the House of Representatives only in connection with the early termination of office (Article 91: “Early elections of the chambers of Parliament are held within three months from the day of the early termination of the powers of the chambers of Parliament”), nor the Electoral Code, which also relates early elections only to the early termination of powers of the chamber (Article 56: “When the House of Representatives is dissolved in cases and in the manner provided for by the Constitution of the Republic of Belarus, the President calls for elections to the House of Representatives of the new convocation) do not presume any other grounds for early termination of powers of the House of Representatives. Special elections to the House of Representatives are held within three months from the date of early termination of the powers of the House of Representatives of the current convocation”). Likewise, it does not presuppose the existence of other options besides the expiration of the term of office and the early termination of powers and the Rules of Procedure of the House of Representatives indicates, in particular, that “upon the expiration of the term of office of the House of Representatives or their early termination, the Secretariat of the House of Representatives continues its activities” (Article 276)

³According to the law, elections are considered valid if more than half of the voters in the constituency included in the election list take part in the vote (Article 82). Meanwhile, the recommendations of the IPA CIS aimed to

In general, national legislation contains the necessary regulatory prerequisites, including a closed list of grounds for calling early elections, for mandatory and periodical holding of parliamentary elections.

Open and public elections Guarantees of the status of national and international (foreign) observers

Observance of the constitutionally (Article 65 of the Constitution) and conventionally (clause 1 of Article 7 of the CIS Convention) established principle of openness and publicity of the preparation and conduct of elections is ensured by the totality of guarantees provided by applicable law.

In particular, representatives of political parties, other public associations, labour collectives, and citizens who nominated their representatives to the commission are entitled to attend a meeting of bodies that form election commissions (Article 34); a person nominated as a candidate has the right to familiarize himself/herself with the verification of documents submitted for registration (Article 68); at the polling stations, when counting the votes, candidates are entitled to be present (Article 13); a copy of a signed protocol of the precinct commission is posted for everyone to familiarize with in the place established by the commission (Article 55); the protocol sent to the Central Commission shall be accompanied by, if any, special opinions of members of the commission, statements by proxies of candidates and other persons regarding violations of the requirements of the electoral law, as well as actions taken by the district election commission (Article 81).

The political party that has nominated a candidate has the right to send a member of the commission with the right of consultative vote to the district election commission. He is vested with the rights to: make proposals on the agenda of meetings of the commission on issues within its competence; demand voting on them; speak at commission meetings; put questions in accordance with the agenda and receive answers to them; get acquainted with the documents and materials that are discussed at a meeting of the commission (Article 42-1). However, non-party candidates are deprived of this opportunity; in addition, all candidates do not have an opportunity to delegate their proxies with the right of an advisory vote to precinct election commissions.

Legislation envisage the observation of elections by candidates, political parties, other public associations, labour collectives, as well as groups of citizens. An observer is entitled to attend meetings of election commissions; to be present when sealing the ballot boxes; to stay on the election day in the polling station from the moment of sealing of the ballot boxes until the end of the votes counting; to be present at early voting, voting at the location of citizens, conducting a recount of votes of citizens; to observe the issue of ballots, voting process, compliance with the voting procedure; to give

ensure the principle of universal suffrage indicate that it is advisable to exclude from the national legislation the provisions specifying that elections took place if a certain number of voters participated. Accordingly, calls for non-participation in elections are not considered as inadmissible by the CIS Convention, since in the absence of a minimum requirement for voters turnout calls for non-participation in elections cannot affect the elections.

suggestions and comments on the organization of voting to the chairman of the precinct commission or his/her deputy; to receive information on the results of the vote count and the compilation of protocols of the relevant commissions; to get acquainted with the protocols of precinct commissions on voting results and the protocols of the respective commissions on election results signed and sent to a higher commission; to make a copy of the protocol of the precinct commission on the results of voting; to send appeals on elimination of violation of the electoral law to the appropriate or higher commission or to the prosecutor (Article 13).

At the same time, establishing that “observers have the right to attend elections,” including “proxies of candidates, representatives of political parties,” the law prohibits observers from “engaging in any form of campaigning and providing candidates with any informational, methodological, financial or other assistance”(Article 13). The content of such restrictions indicates that it is about the elections in general, since, within the framework of the voting procedure it is impossible to provide candidates with financial assistance. Thus, stricti sensu restrictions are imposed on the observers, who may act as proxies of the candidate, as well as representatives of political parties nominating candidates. These restrictions cannot be considered proportionate: during the election campaign, they are forbidden to campaign in favour of the candidate they represent, as well as to provide any kind of informational, methodological, financial or other assistance. Along with this, the law expressly allows the right of proxies to campaign for the election of the candidate they represent (Article 76), specifying situations in which proxies carry out campaigning: meetings, rallies, media, meetings with voters (Article 45). In this regard, it seems desirable to adjust the restrictions on the activities of observers and replace in the relevant norm the concept “presence at the elections” with the concept “presence during voting and counting of votes”.

Due to the absence in national legislation of standards ensuring the implementation of the provisions of the CIS Convention on the creation conditions for observers to review the counting of votes in order to monitor compliance with the legal procedure, and the prohibition on “being at the ballot tables, booths and voting boxes” (article 13), such standards appear to limit the possibility of the observer to monitor that the commission employees follow the established requirements, to identify violations and take counter-actions to the violations of the law. In addition, the right of observers to attend the verification of signatures submitted in support of candidates, as well as to receive certified protocols of precinct election commissions, that are implied by the obligations under the CIS Convention, are not legislatively fixed.

The statutory status of international (foreign) observers does not contradict the requirements of the CIS Convention (Article 15).

Based on the analysis, it is recommended to legislatively consolidate the ability of observers to monitor the verification of signatures and other documents submitted during the registration of candidates, as well as to attend and observe the procedures for transmitting ballots and protocols with voting

results from polling stations to territorial commissions. In addition, a more complete implementation of the principle of open elections would be facilitated by the publication of voting data by constituencies; separately for each candidate; indicating the number of votes cast against all candidates, the number of valid, invalid and spoiled ballots.

In general, as the analysis shows, national legislation contains a significant part of the regulatory prerequisites for holding parliamentary elections on the basis of the principle of open and public elections.

Legal conditions for campaigning

International electoral standards (Clause 3, Article 9, Clause 2, Article 10 of the CIS Convention; Clause a. 2.3. I of the Code of Good Practice in Electoral Matters) presuppose that candidates have a full-fledged opportunity to conduct an election campaign.

In accordance with the law, candidates are entitled to hold mass events with prior notification (in places specially designated for these purposes), as well as to carry out joint campaigning.

Citizens, political parties, other public associations, labour collectives, proxies of candidates for deputies, initiative groups campaigning for the election of candidates are given the right for free and comprehensive discussion of the election programs of candidates, their political, business and personal qualities, for campaigning for or against the candidate at meetings, rallies, in the media, as well as during meetings with voters. Candidates for deputies meet the voters at meetings or in another form convenient for voters, by mutual agreement of candidates joint meetings with voters can be held; candidates are entitled to rent buildings and premises for meetings with voters at the expense of their own election fund, buildings and premises for these purposes are provided to candidates on equal terms; Candidates, their proxies can hold mass events (outdoor meetings, rallies, pickets) in order to carry out election campaigning; Candidates have the right to produce election posters, appeals, statements, inscriptions, leaflets, photographs (Article 45).

A candidate has the right to publish his/her election program in the media for free; have the right for free speech on state television, as well as on broadcasting, airtime should fall on the period when television and radio programs attract the largest audience; has the right to receive airtime and print space in state and non-state mass media at the expense of own election funds (Article 46).

Most of the established restrictions on campaigning are due to the protection of citizens' rights and do not prevent voters from familiarizing themselves with the content of candidates' election programs.

At the same time, campaign materials, speeches at meetings, rallies, in print, on television, and radio shall not contain insults and slander against officials of the Republic of Belarus, candidates; propaganda or promotion of social and linguistic superiority, the publication and dissemination of messages and materials that incite social hatred are prohibited (Article 47). In case of

violation of these requirements, election commissions have the right to cancel the decision to register a candidate. Taking into account the possible responsibility, this rule operates with rather fuzzy concepts of “social hatred” and “social superiority”. Since political parties are consolidated largely on the basis of the criteria of social community and social opposition, insofar as they are the basis of party ideology, these criteria largely determine the content of election slogans, including non-party candidates. In addition, unlike other acts, that may lead during the election campaign to the cancellation of registration of the candidate, neither the criminal nor administrative legislation of the Republic of Belarus knows such offences as “propaganda of social superiority” or “incitement to social hatred”. In this regard, it seems desirable first of all to ensure better balance between the applied sanctions and the grounds for its application; and also to ensure a clearer wording of the relevant grounds used by law.

Thus, in general, national legislation contains a significant part of the regulatory prerequisites that ensure that the procedure for conducting election campaigns in the course of parliamentary elections meets the standards of democratic elections.

Financial support for the conduct of elections and the election campaign of candidates

The transparency of electoral financing that ensures equal opportunity for candidates is characterized by the CIS Convention as an important guarantee of the fair nature of elections (Article 12).

In the Republic of Belarus campaigns are financed through the formation of budgetary (main sources of financing) and off-budget (subsidiary sources of financing) funds.

Expenses for preparation and conduct of elections are the expenses of the state budget, but can also be carried out at the expense of organizations, public associations and citizens of the Republic of Belarus, contributing funds for this purpose to the off-budget fund created by the Central Commission.

Candidates are entitled to create their own election funds for additional campaign funding (Article 48).

The assignment to the election commissions of supervision over the observance of the legal procedure for candidates to finance their election campaigns meets the requirements contained in international documents (clause 6 of Article 12 of the CIS Convention; clause 2.3 d of the Guidelines included in the Code of Good Practice in Electoral Matters). In particular, the Central Commission controls the targeted use of funds allocated from the republican budget, off-budget funds, election funds of candidates; informs the House of Representatives on the expenditure of funds allocated from the budget for elections; publishes a report on the expenditure of off-budget funds (Article 33, clauses 13-14); establishes the procedure for the distribution and use of funds allocated for the preparation and conduct of elections from the republican budget and voluntarily contributed to the off-budget fund (Article 48).

The maximum spending limits of the election fund, being a significant guarantee of equal opportunities for candidates, are reasonable restrictions on campaign costs, which is allowed, inter alia, by General Comments of the UN Human Rights Committee No. 25 (57). In this regard, the maximum amount of expenditures from the election funds of the candidate is set at 1000 basic units (25.5 thousand Belarusian roubles); the limits of voluntary donations to the election fund done by citizens and legal entities are set at 5 basic units (127 Belarusian roubles) and 10 basic units (255 Belarusian roubles), respectively. In order to monitor compliance with the established requirements and at the same time to ensure his/her legitimate interests, the candidate is entitled to appoint a representative for financial matters (Article 481).

The use of any means other than the election fund for the conduct of the election campaign shall entail liability. If the spending limit of the election fund is exceeded, the Central Commission and the district election commission can cancel the registration of a candidate without prior warning (Article 49), which is consistent with the CIS Convention (clause 4 of Article 3).

The unconditional ban on foreign financing of the election campaign established by law is widely used in world practice and does not contradict international electoral standards.

At the same time, greater transparency of the election campaign financing would be facilitated by the obligation imposed on them to publish all reports on income and expenses for electoral purposes subject to verification by an independent financial audit, as well as overcoming conflicts between the requirements of the electoral law on candidates to declare their property, including securities, and legislation on the protection of personal data that does not currently allow to provide the district commissions with information about the securities held by the candidate, nor the opportunity to publish the relevant data.

Thus, in general, national legislation contains regulatory prerequisites that ensure that the procedure for financing the election campaign in the course of parliamentary elections predominantly meets the standards of democratic elections.

Free, fair and genuine elections

In accordance with national law, elections are free meaning that the voter personally decides whether to vote and for which candidate to vote (Article 65 of the Constitution; Article 5 of the Electoral Code), and this is in accordance with the main provision of the CIS Convention — the purpose of democratic elections is to reveal a freely expressed will of people (clause 1 of Article 9).

Freedom of elections, as well as their genuine nature, are ensured by a combination of substantive and procedural guarantees enshrined in the national law. These are, in particular, the constitutional ban on holding elections during a state of emergency or martial law (Article 71); the uncomplicated voting procedures (Articles 50-54 of the Electoral Code), as well as the constitutional directive on equal grounds for the participation of candidates elected for public

office (Article 66), specified in the provisions of the Electoral Code.

In accordance with the law, candidates have equal rights and bear equal responsibilities; a candidate does not have the right to take advantage of his/her official position in the interests of election (Article 73), in connection with which, for example, the powers of a person who is a member of the Central Commission are considered terminated from the moment he/she is registered as a candidate, a proxy, or from the moment this person acquires a different status according to which he/she cannot be a member of the Central Commission (Article 32); from the time of their registration, all candidates have an equal right to speak at election and other meetings, in the press, on state radio and on state television (Article 74); the Central Commission ensures the observance of equal legal conditions for the pre-election activities of political parties, other public associations, candidates (Article 33).

Along with this, formulating guarantees for the legal equality of candidates, the law addresses the prohibition to take advantage of one's official position in the interests of election exclusively to a parliamentary candidate (Article 73). Since a candidate is “a person registered by the corresponding commission as a candidate for election to the House of Representatives” (Article 155), according to the law (Article 65), only “a person who intends to be a candidate” (before registering the initiative group) can take advantage of his/her official position on the collection of signatures in support of the nomination) or “the person proposed for nomination” (from registration of the initiative group on the collection of signatures in support of the nomination and up to the decision of the committee regarding the registration of this person as a candidate). However, the named prohibition — in the strict sense of the law — does not apply to them. Meanwhile, in fact, campaigning begins with the nomination stage, in particular, even before the start of the election campaign period, candidates widely use the signature collection as an effective political advertisement. Accordingly, there is a risk of violation that is currently not taken into account by legal regulation.

In order to make it possible to hold accountable for taking advantage of the official position for the purpose of nomination (when organizing an initiative group in support of the nomination or collecting signatures from which the campaign often starts) it is recommended that the legal definition of the term “candidate” shall be changed accordingly (Article 155) or the scope of entities for whom it is forbidden to use the advantages of their official position in the interests of election shall be enlarged (Article 73).⁴

It should be noted that, although the candidate can withdraw his/her candidacy at any time before the election day, however, if the candidate is withdrawn without good reason (which should be indicated in the decision of the commission), the candidate must reimburse the election commission the expenses (Article 69). The concept used in the law - “withdrawing without good

⁴As this is stipulated in article 48 of the Electoral Code, which establishes that the responsibility for the use of foreign financing lies not only with the “candidate”, but also with the “person to be nominated as a candidate”.

reason” - is not consistent with the principle of free participation in elections, implying unconditional freedom for a citizen to decide whether to exercise his/her or her active and passive suffrage, regardless of what stage of the election campaign.

The requirement of equal conditions of access to the media for candidates when distributing airtime and print space in state-owned media is also aimed at ensuring equal legal opportunities (clause 5 of article 13 of the CIS Convention, clause 2.3 of the Code of good practice in electoral matters).

According to the law, state-owned mass media, mass media partially financed from the republican or local budgets, as well as mass media, one of the founders of which are state bodies or organizations, are obliged to provide equal opportunities for pre-election speeches of candidates and election campaigning (Article 46), and that fully meets the requirements of the CIS Convention (clauses 4, 6 of Article 3).

The security of the election process from fraud and other abuses directly affects the free, genuine and fair nature of the election.

In this regard, special methods of voting (in addition to the main form of voting - at the polling station on the day of voting) have subsidiary importance in national legislation in order to promote those categories of voters for whom the main form of voting is difficult (clause 3.2 of the Guidelines in the Code of good practice in electoral matters). In addition, special measures are envisaged to prevent possible fraud on the basis of additional forms of voting. So, in particular, in case of early voting each day there shall be a protocol on a number of ballots issued on that day.

Along with this, it is recommended that the law shall require a written form of the Voter's Application for voting at the place of location, submitted before the voting day together with identification documents confirming the impossibility of independent appearance at the polling station; with a strictly limited list of exceptions to this general rule. In particular, this procedure contributed to a more complete implementation of the principle of open elections, providing an opportunity for observers to verify the actual receipt of relevant messages from voters.

Guarantees against the falsification are legislatively fixed for voting in the main form. Before the start of voting, the ballot boxes are checked and sealed by the chairman of the precinct commission in the presence of at least two-thirds of commission members (Article 51); opening of voting boxes before the end of voting is prohibited; before opening the ballot boxes, the number of unused ballots is calculated and announced, which are then redeemed, stacked and sealed; the opening of voting boxes and the counting of votes during the elections are carried out by turns; vote counting should be carried out directly by members of the precinct commission without interruption until the voting results are received; it is forbidden to make changes to the lists of citizens entitled to participate in elections after the start of the counting of votes (Article 55); the number of reserve ballots should not exceed five percent of the number of voters (Article 71).

At the same time, according to the law, a ballot paper is issued to a voter by a member of a precinct commission on the basis of a list of citizens eligible to participate in the elections after presenting a passport of a citizen of the Republic of Belarus or another document determined by the Central Commission (Article 52). It seems appropriate to clarify that such a document should allow the identification of the voter and contain his/her photographic image.

In order to prevent bribery of voters, candidates, their proxies, organizations and persons campaigning for the election of candidates shall not have the right to distribute money, gifts and other material values to citizens, provide any services and goods, except printed campaign materials, free of charge. During the election campaign, it is also forbidden to influence citizens with promises of transferring money, material assets to them (Article 47).

Political parties, other public associations and organizations, citizens of the Republic of Belarus are not entitled to provide financial assistance in the preparation and conduct of elections other than contributing funds to the off-budget fund and to the election funds of candidate (Article 48).

Direct or indirect participation of foreign states and organizations, international organizations, organizations with foreign investment, foreign citizens and stateless persons in financing and other financial assistance in the preparation and conduct of elections is prohibited (Article 48).

At the same time, the principle of free elections, excluding violent actions aimed at disrupting and cancelling elections, guarantees voluntary non-participation in elections (Article 6 of the CIS Convention). In this regard, the election campaigning for non-participation in the elections is permissible and for such campaigning measures of legal liability shall not be applied, thus, it is recommended to take it into account in the upcoming update of the election legislation.

In addition, a more complete disclosure of the principle of fair elections, which presumes, *inter alia*, the effectiveness of electoral will, would be facilitated by the rejection of the requirement for a minimum turnout for the elections to be considered valid, in any case for repeat elections, reducing the probability of multiple elections that do not lead to their main purpose, *i.e.* to the formation of a public authority. In this regard, it is proposed, in accordance with the IPA CIS Recommendations, to exclude from national legislation the provisions on recognizing elections as valid depending on the participation of a certain number of voters.

The provisions of the Electoral Code on liability for electoral offenses are blanket in nature (Article 49), being detailed in the criminal and administrative legislation. In particular, criminal liability is provided for obstructing the exercise of the right to freely vote and to be elected; for obstructing the exercise of the right to campaign; for obstructing the work of the Central Commission committed with the use of violence, threat, deception, bribery or in any other way (part 1 of article 191 of the Criminal Code of the Republic of Belarus). Moreover, increased criminal liability is provided for the same acts committed

by a group of persons in a preliminary conspiracy or by an official using his/her official powers (part 2 of article 191 of the Criminal Code of the Republic of Belarus). Forgery of election documents, violation of the secrecy of the ballot, or deliberately incorrect counting of votes or other misrepresentation of voting results committed by a person who is a member of the Central Commission and other election commissions or by another person participating in the preparation and conduct of elections are also criminally punishable (article 192 of the Criminal Code of the Republic of Belarus), which meets the recommendations of the Venice Commission (clause 3.2xv of the Guidelines).

For receiving, storing, moving foreign aid to finance the preparation or conduct of elections, the production or distribution of campaign materials, other forms of political and mass campaigning among the population, an administrative procedure has been established (article 23.24 of the Administrative Code of the Republic of Belarus), and if committed again, criminal liability (Article 3692 of the Criminal Code of the Republic of Belarus).

Administrative responsibility is imposed for campaigning on election day; for the preparation and conduct of elections; for failure to submit the necessary documents to the Central Commission and the election commission or failure to comply with their decisions, as well as other violations of the election law, if these actions do not entail criminal liability (article 9.10 of the Administrative Code of the Republic of Belarus); the intentional destruction or damage of information or propaganda printed materials placed in accordance with the legislation on buildings, structures or other objects with the consent of their owner or owner during the election campaign (Article 9.11 Administrative Code of the Republic of Belarus); for violation of the statutory procedure for counting votes by the chairman or member of the election commission (article 9.12 of the Administrative Code of the Republic of Belarus).

Thus, in general, national legislation contains a significant part of the regulatory prerequisites that ensure the free, fair and genuine nature of parliamentary elections.

Holding elections by independent electoral bodies

In accordance with the Constitution, the conduct of elections is ensured by independently operating state bodies – election commissions (Article 71), which meets the requirements of the CIS Convention (Article 11, clause 1) and the recommendations of the Venice Commission (clause 3.1 of the Guidelines).

The preparation and conduct of elections is ensured by the Central Commission, territorial, district and precinct election commissions (Article 28). Acting within their powers, they are independent of state bodies and are not bound by decisions of political parties and other public associations; decisions of election commissions adopted within their powers are binding on all state bodies, political parties, public associations and other organizations, as well as citizens (Article 11).

The necessary prerequisites for the autonomy of election commissions regarding other central and local government bodies create the requirements for their composition. So, at least one third of the composition of election commissions, as a rule, should be made up of representatives of political parties and public associations; whereas civil servants, on the contrary, cannot be represented by more than one third of the composition of the election commission. At the same time, judges, prosecutors, heads of local executive and administrative bodies cannot be a part of the commission (Article 34). In order to better consolidate the principle of holding elections by independent electoral bodies, it is recommended to establish a requirement that the election commissions cannot include civil servants who are officially subordinate to each other.

The system of election commissions is headed by the Central Commission, which acts on an ongoing basis (Article 32). The basic principles of its activities are legal character, independence, collegiality, openness and publicity (Article 32-1). The powers of the Central Commission include, inter alia, the preparation and conduct of elections to the House of Representatives; managing the activities of election commissions and providing them with methodological, organizational and technical assistance. The Central Commission has the right to create working groups and other structures for the organizational, legal and technical support of elections (Article 33).

The independence of the Central Commission is guaranteed, in particular, by a special procedure and a closed list of grounds for early dismissal of its members; by the duty of the Central Commission members who are members of political parties to suspend membership in a political party for the period of work in the commission, as well as by ban on any subsequent participation in the activities of political parties; by the right to independently approve a rules determining the procedure for its work (Article 34).

The political party that has nominated a candidate for deputy of the House of Representatives, from the day of submission of the documents necessary for registration of the candidate, has the right to send a member of the commission vested with an advisory vote to the district commission (Article 33-1). In this regard, it is recommended to legislatively consolidate the inclusion of all candidates in the election commissions, on the district and territorial levels as well, with the right of an advisory vote.

According to the law, the powers of a member of a district commission with the right of an advisory vote can be prematurely terminated, including the cases of acts that discredit this commission. Thus, the corresponding decision is taken directly by the election body on the basis of a wording having undesirable ambiguity (“acts that discredit”). In this regard, the fact of a gross violation of the electoral law established by a court decision or a guilty verdict against a given member of the district commission as part of the criminal process seems to be a more acceptable basis for the early termination of powers of members of the district commission with an advisory vote.

Thus, in general, national legislation contains the regulatory prerequisites for organizing parliamentary elections by election commissions acting on a collegial basis and not directly reporting to other public authorities.

Procedure and conditions for the resolution of electoral disputes

An objective and timely resolution of electoral disputes is an integral component of international electoral standards.

According to the law, decisions and actions of an election commission can be appealed to a higher commission, and in cases stipulated by law, also in court (Articles 33, 37). The decision of the bodies that formed the election commission may be appealed within three days from the date of its adoption, respectively, in the regional, Minsk city, district, city courts by the entities that nominated their representatives to the commission. The complaint must be signed by the head of the political party (organizational structure), another public association (organizational structure), the head of another organization (structural unit), citizens who nominated a representative to the commission by submitting an application. The court considers the complaint within three days, its decision is final (Article 34).

The Central Commission, within its competence, exercises control over the implementation of election legislation; appeals of citizens and organizations are subject to peer review if decisions on them are made by lower commissions. At the initiative of the head of the Central Commission or at the request of at least one third of its members, other appeals of citizens and organizations are considered at a meeting of the Central Commission; appeals that do not require peer review, on behalf of the head of the Central Commission, are considered by members of the Central Commission, as well as by employees; decisions of the Central Commission may be appealed to the Supreme Court in cases stipulated for by law (Article 33).

Complaints about violation of the electoral law are submitted to the commissions, state bodies and organizations no later than within ten days from the day of the election. Applications submitted after the deadlines are left without consideration, applicants shall be notified. At the same time, appeals related to the right to vote, the right to participate in a referendum received on election day are considered immediately, and appeals that contain information requiring verification are considered no later than ten days from the day of receipt. The applicant has the right to familiarize himself/herself with materials related to the consideration of his/her appeal. Complaints about decisions of commissions are considered at meetings of commissions; the date, time and place of the meeting are provided to the applicant, who is entitled to be present when considering the complaint (Articles 49-1).

In particular, at a meeting of a precinct commission, dissenting opinions of members of the commission are considered, as well as complaints and allegations of violations during voting or vote counting. The protocol sent to the higher commission shall be accompanied by special opinions of members of the commission, statements by proxies of candidates and other persons about

violations committed during the voting or during the counting of votes, and the decisions of the commission (Articles 44, 55).

The procedural protection of active suffrage, in particular, is ensured by the right of every citizen to appeal against not inclusion, improper inclusion in or exclusion from the list, as well as inaccuracies in the list of citizen data. An application for incorrect data in the list is considered by the precinct commission, which is obliged to consider the application immediately, on the day before and on election day, make the necessary corrections to the list, or give the applicant a copy of a reasoned decision to reject his/her application. This decision can be appealed to a higher commission, which is obliged to consider the complaint no later than three days, and immediately on the day of voting. The decision of the precinct commission may also be appealed no later than five days before the election to the district, city court, which is obliged to consider the complaint within three days. The decision of the district, city court is final. Correction in the list in accordance with the decision of a higher commission or court shall be made immediately by the precinct commission (Article 21).

The procedural protection of passive suffrage, in particular, is ensured by the obligation of the administration to issue a copy of a reasoned decision if the proposal to hold a meeting (conference) is rejected at the initiative of a group. This decision can be appealed within three days from the date of the decision by the initiators of the meeting to the district, city court. The court decision is final (Article 63). The refusal to register an initiative group for the nomination of candidates by the district election commission may be appealed within three days from the date of the decision to refuse the higher commission by a person who intends to nominate a candidate, and the decision of the higher commission may be appealed within the same period to the regional, Minsk city and district courts. The court of competent jurisdiction must examine the complaint within three days (Article 65).

The decision of the district election commission on cancelling the decision to register a candidate for deputy may be appealed by the candidate to the regional, Minsk city territorial election commission within three days from the date of the decision, while the decision of the relevant election bodies may be appealed against in the regional, Minsk city courts. The court considers the complaint within three days, its decision is final (Article 69).

The decision of the district election commission on the refusal to register a candidate may be appealed by the person nominated as a candidate to the relevant regional, Minsk city territorial election commission within three days from the date of the decision, while the decision of the relevant election bodies within the same period may be appealed to the regional, Minsk city court. The court considers the complaint within three days, its decision is final (Article 68).

The decision of the district election commission on the recognition of the withdrawal of a candidate without good reason may be appealed by a candidate in the regional, Minsk city court within three days from the date of the decision. The court considers the complaint within three days (Article 69).

If a warning is issued to a person nominated as a candidate, or to an initiative group that has nominated a candidate, or to a candidate registered in the prescribed manner by territorial election commissions (regional, Minsk city, Minsk city), such a decision may be appealed by the relevant person to the Central Commission within three days from the day the decision is made by the lower level election commission.

The decision of the Central Commission on warning to the person nominated as the candidate, or the initiative group that has nominated the candidate, or to the candidate registered in the prescribed manner can be appealed to the Supreme Court of the Republic of Belarus within three days from the date of the Central Commission decision. The Supreme Court of the Republic of Belarus considers the complaint within three days, its decision is final (Article 49).

In case of errors, inconsistencies in the protocols of precinct and district election commissions, as well as other violations made during the vote or in the counting of votes, the Central Commission has the right to decide on the recount of votes by the relevant district election commission. An application for the recount of votes shall be submitted to the Central Commission no later on than the third day after the election. The recount of votes is carried out by the district election commission in the presence of a member (members) of the Central Commission, and, if necessary, precinct election commissions (Article 81).

Violation of the principle of equality of rights of candidates from the moment of their registration for speaking at pre-election and other meetings, in the press, on state radio and on state television can be appealed to the district, territorial and central commissions (Article 74).

The district election commission may invalidate the election if during the election, counting of votes or determining the election results, violations of the requirements of the electoral law were made that affected the election results. A complaint about such a violation shall be submitted by the candidate for deputy to the district election commission no later than on the third day after the election. The decision of the district election commission may be appealed to the regional, Minsk city territorial election commission within three days from the date of its acceptance, and the decision of the regional, Minsk city territorial election commission to the Central Commission within the same period (Article 82, Clause 4).

The regional, Minsk city territorial election commission may invalidate the election if during the election, counting of votes or determining the election results, violations of the requirements of the law were made that affected the election results. The decision of the regional, Minsk city territorial election commission may be appealed by a candidate for deputy in the Central Commission within three days from the date of its adoption (Article 83).

According to the law, the Central Commission may invalidate the election if during the election, counting of votes, or determining the election results, there were violations of the requirements of the electoral law that affected the

election results or did not allow reliable determination of the results of the voters' will; this decision may be appealed by a candidate within three days from the day of its adoption in the Supreme Court (Article 84). It seems that such actions of the Central Commission in the event of revealing circumstances that indicate the violations of the electoral legislation represent not an optionally exercised power (opportunity), but an obligation that should be reflected in the text of the law.

In general, the appeal procedure set forth in the law, as well as a clear delineation of the competences of the state authorities (electoral commissions, courts) that examine electoral complaints, are consistent with the provisions of international acts (clause 97 3.3. 2. I of the Code of Good Practice in Electoral Matters). Along with this, the lack of the possibility of judicial challenge of the decision of the Central Commission on the determination of the election results affects the prerogatives of the court as an institution of public authority, whose exclusive competence belongs to the final resolution of disputes on law.

Thus, national legislation contains a significant part of the regulatory prerequisites for the effective consideration of electoral complaints and the restoration of violated electoral rights.

As it was established during the legal examination carried out by the International Institute for Monitoring Democracy Development, Parliamentarianism and Suffrage Protection of Citizens of IPA CIS Member States, the legal regulation of the preparation and conduct of the election to the House of Representatives of the National Assembly of the Republic of Belarus generally complies with the international standards in the field of democratic elections.

The national legislation contains the basic regulatory and institutional prerequisites that allow to organize and conduct parliamentary elections based on a system of independent electoral bodies observing the principles of universal, equal, direct suffrage and secret ballot; allow to observe the rights of citizens and their associations during the elections, as well as to maintain proper transparency of the electoral process.