

Press Release

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Ukraine parliamentary elections: free and fair conduct of elections is crucial for the country's democratic credibility

Strasbourg, 06.09.2007 – The continuing ability of Ukraine to organise free and fair elections in line with Council of Europe standards, as in 2006, is essential for Ukraine's credibility as a democratic nation, the pre-electoral mission of the Parliamentary Assembly of the Council of Europe (PACE) concluded at the end of its visit to Ukraine(*).

The generally free and fair conduct of the 2006 parliamentary elections is considered by many, Ukrainian citizens most importantly, as one of the key achievements of the democratic changes of 2004. This legacy should not be squandered. It is therefore essential that all actors play by the rules that democratic elections demand, and resist the temptation to play with the rules themselves, as has been the case in the past.

It is of crucial importance that all electoral stakeholders accept the results of the elections, and not resort to legal and political tinkering and brinkmanship to change the expression of the free will of the people. Maintaining public confidence in the electoral process is essential for the consolidation and further development of democracy in Ukraine.

The delegation was heartened by the clearly expressed political will of all political stakeholders to organise democratic elections in line with the high standards that were set in 2006. The continuing freedom of the media, as well as equal campaign possibilities for all electoral contestants, bode well in this respect. The delegation welcomed the visible, more issue-based, campaign, that will help voters to make a clear choice about the future development of their country.

The election administration seemed to be well prepared and ready to meet the challenge of organising these elections in the short time frame available. The delegation expresses its hope and confidence that all legal deadlines will continue to be met.

However the delegation also noted a number of serious concerns. Some of the recent changes to the laws that govern these elections are not an improvement and may be at odds with Council of Europe commitments and standards for democratic elections. In this respect the risk of politicisation of the Constitutional Court, and delays in delivering its judgments on the constitutionality of the amendments to the electoral law, are of concern. Recess is neither admissible, nor a valid excuse for these delays. The delegation reiterates the position of the Assembly that any perceived political pressure on the Constitutional Court is unacceptable in this context.

The recent amendments to the law which allow people to be removed from the voters' lists if they travel abroad unduly limits the right to vote and are contradictory to Council of Europe standards. Moreover, they raise issues with regards to the privacy of citizens and seem to be discriminatory.

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The Parliamentary Assembly brings together 318 members from the national parliaments of the 47 member states.

President: René van der Linden (Netherlands, EPP/CD); Secretary General of the Assembly: Mateo Sorinas.

Political Groups: SOC (Socialist Group); EPP/CD (Group of the European People's Party); ALDE (Alliance of Liberals and Democrats for Europe); EDG (European Democratic Group); UEL (Group of the Unified European Left).

The delegation welcomes any measures that facilitate citizens' exercise of their right to vote. However, the removal of any justification necessary to vote at home is problematic in the context of Ukraine, where home voting was used in the past as an avenue for electoral fraud. The CEC should use its legal powers to set clear regulations for home voting in order to ensure its transparency and eliminate any possibilities for abuse. The use of home voting by inexplicably large number of voters during the upcoming elections would raise serious concerns with regard to the electoral process.

The delegation welcomes the efforts by the authorities to improve the accuracy of the voters' lists. However, their decentralised compilation raises concerns that multiple registrations for the same voter, and hence the possibility for multiple voting, cannot be excluded.

The increased politicisation of the CEC, as clearly apparent during the party registration process, is of concern to the delegation. All parties should instruct their members on the CEC to work fully impartially in the interest of the democratic process, and not of a single party. In addition, lower level election commissions should be formed in a manner that truly ensures their political plurality.

Despite the overall positive media climate, some concerns remain, including a lack of transparency of media ownership, absence of public broadcaster and independent media regulation body, as well as the use of hidden political advertising.

The appointment of local and regional government officials as campaign managers may blur the distinction between state and party functions and could be perceived by the public as proof that the abuse of administrative resources is not a thing of the past. The delegation calls upon all parties to resist any temptation to use administrative resources for their own benefit.

Lastly, the delegation expresses its deep concern over the continuing intertwining of political and business interests, which clearly hampers the democratic development of the country.

These elections are only a step towards the resolution of the current constitutional crisis in Ukraine. A grand political compromise on the constitutional arrangements for Ukraine (including a new electoral system), based on the separation of powers and agreed upon by all political forces, is the only way out of the current situation. The ownership of this process is in the hands of the Ukrainian people, and their democratically elected representatives, alone. The Assembly continues to stand ready to help the Ukrainian people in this important but difficult task.

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(*) The pre-election delegation visited Kyiv from 4 to 6 September 2007. The cross-party delegation was composed of Hanne Severinsen (Denmark, ALDE), Head of Delegation, Abdülkadir Ateş (Turkey, SOC), Renate Wohlwend (Liechtenstein, EPP/CD), Mevlüt Çavuşoğlu (Turkey, EDG) and Bjørn Jacobsen (Norway, UEL). During its visit, the delegation met with the Chairman of the Verkhovna Rada, the Prime Minister and the Deputy Ministers of the Interior and Foreign Affairs, the Chairman of the Central Election Commission, the Chairman of the Constitutional Court, the Secretariat of the President, a cross-section of political parties running in these elections, the international community in Ukraine, the Chairman and Secretary of TEC 222, as well as representatives of the mass media and NGO communities.

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