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Ukraine local elections generally respected democratic process, but additional efforts needed to enhance public confidence, international observers say

KYIV, 26 October 2015 – Ukraine's local elections were competitive and well organized overall, and the campaign generally showed respect for the democratic process, international observers concluded in a statement issued today. Nevertheless, the complexity of the legal framework, the dominance of powerful economic groups, threats and physical attacks against candidates, and the fact that virtually all campaign coverage in the media was paid for all underscore the need for further reform. Additional efforts are needed to further enhance the integrity of and public confidence in the electoral process, the observers said.

The observers stressed that the elections took place in a challenging political, economic, humanitarian and security environment, characterized by the illegal annexation of the Crimean peninsula by the Russian Federation and the temporary control of parts of the territory of the Donetsk and Luhansk oblasts by illegal armed groups. This made it impossible for more than 5 million voters in these areas to vote. Despite resolute efforts by the Central Election Commission (CEC) to organize elections throughout the country, they could not be held in parts of the Donetsk and Luhansk oblasts or on the Crimean peninsula.

"In most of the country, despite the obscurity of the election law, polling staff largely managed to ensure voters the right to cast their ballots," said Tana de Zulueta, Head of the OSCE/ODIHR election observation mission. "There is an urgent need for harmonized and consistent election legislation, together with provisions designed to limit the power of money and vested interests both in the electoral process and over the media."

Despite the lack of clarity in the procedural provisions in the election law, the voting and counting processes on election day were transparent and largely well organized in most of the country. Elections were not held in Mariupol Krasnoarmiisk and Stavote. The printing and distribution of ballots proved problematic in many parts of the country. Tabulation was still ongoing at the time of the statement's release.

"Yesterday's local elections were the starting points of decentralization and territorial reform in Ukraine. Despite difficult circumstances, these elections were organized, by and large, in a satisfactory manner," said Gudrun Mosler-Törnström, Head of the delegation of the Congress of Local and Regional Authorities of the Council of Europe. "For the next elections, we encourage the authorities to revise the existing legislation in order to better reflect the voters' will at the grassroots level and, in particular, to allow for independent candidates in all races."

"In the view of the EP delegation, the elections were conducted largely in line with internationally recognized standards. After the 2014 presidential and parliamentary elections, the local elections were another milestone in the process of democratic consolidation," said Andrej Plenković, Head of the European Parliament delegation. "While congratulating the Ukrainian people and authorities for the efforts made so far, I would like

them to vigorously address the shortcomings identified in the electoral process. We will continue to assist and support the ambitious reform agenda in order for Ukraine to make further progress on its European path through the implementation of the Association Agreement.”

Voters had a wide array of parties and candidates to choose from and the campaign environment was competitive, although the resources provided by wealthy donors and associated business interests dominated mayoral and regional council races, in particular. The absence of ceilings on campaign expenditures further hindered the provision of a level playing field. There were widespread allegations of vote-buying, the observers said, and the campaign was marred by threats and physical attacks targeting candidates and campaign workers in some areas.

The election law was adopted less than four months before election day and in a non-inclusive manner. The legal framework continues to be fragmented, contains gaps and ambiguities, and lacks clarity, the statement says. The law does not provide for voting by internally displaced persons.

The CEC operated collegially overall and met legal deadlines. Politicized decisions, a lack of open discussion during sessions, arbitrary decision-making and the abuse of authority by territorial election commissions undermined confidence in them, the observers said. A number of interlocutors alleged corrupt practices in the trading of seats on precinct commissions.

The political and business interests controlling the media often influence editorial policy, and paid-for coverage is widespread, the statement says. The legal framework overregulates pre-election coverage, although the provisions are poorly defined. The incomplete transformation of the National Television and Radio Company from a state-owned to a public broadcaster hampered its independence and editorial freedom. Media monitoring by the ODIHR election observation mission showed that only three registered parties were granted meaningful editorial coverage, and most television channels with a national r each predominantly featured two to three political parties in their prime time coverage.

The restrictive interpretation and inconsistent implementation of candidate registration rules in several instances hindered candidates’ rights to stand on an equal basis, and negatively affected their opportunity to campaign. In a number of instances, decisions on registration by lower commissions appeared to be politically motivated and designed to prevent certain candidates and party lists from taking part, although the CEC and the courts often intervened to restore candidates’ rights.

There was general trust expressed in the voter registration system, the observers said.

National minority representation was hindered by the fact that the elections were not held throughout the territory of Ukraine, as well as by aspects of the election legislation, especially the inability to run independently in local council races and the increased five per cent threshold for party lists.

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