

The Congress of Local and Regional Authorities



20th SESSION

Strasbourg, 22-24 March 2011

Local elections in Ukraine (31 October 2010)

Recommendation 303 (2011)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the Committee of Ministers' Statutory Resolution (2000)1 on the Congress of Local and Regional Authorities of the Council of Europe;

b. the principles laid down in the European Charter of Local Self-Government (ECLSG) which was ratified by Ukraine on 11 September 1997.

2. The Congress points to the importance of genuinely democratic elections and to its specific mandate and role in the observation of local and regional elections in Council of Europe member countries.

3. It stresses that the Congress observes elections only upon invitation by the countries. Just as the monitoring process of the European Charter of Local Self-Government, election observation missions are conceived as co-operation activities.

4. It expresses its will and availability to participate in activities aimed at strengthening local democracy as well as electoral processes in Ukraine.

5. The Congress welcomes the willingness of the Ukrainian authorities to receive international observers. However, it regrets that for these local elections the official invitations to international observers were sent only four weeks before election day which created difficulties in the preparations for the observation missions.

6. The Congress notes with satisfaction that, for the first time, local elections were held separately from parliamentary ones as recommended by Congress Recommendation 192 (2006).

7. It also notes with satisfaction that, in general, the polling process was conducted in a calm and orderly manner.

¹ Debated and adopted by the Congress on 24 March 2011, 3rd sitting (see document [CG\(20\)7](#), rapporteur: Nigel MERMAGEN, United Kingdom (L, ILDG))



8. The Congress welcomes the improvements observed in regard to the certification of voters' lists in comparison to previous elections.

9. However, the Congress regrets to note that shortcomings remain in respect of the legal framework concerning local electoral processes in Ukraine:

a. a new law on local elections (the law on Elections of Members of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Settlement, City Mayors) came into force only three months before the elections and was amended on 30 August 2010, only two months prior to the elections;

b. this new law made changes, in particular, to: party registration requirements; the composition of electoral commissions; the possibility of independent candidatures; as well as electoral timelines. Provisions of this law had serious impacts on the quality of conduct of local elections in Ukraine. During its meetings and visits the Congress delegation was also informed of problems that some candidates had faced in registering to run in the elections as well as allegations of 'cloning' of opposition party branches;

10. The delegation also regretted that, due to the rushed time frame in which the local elections took place, there were shortcomings in the preparation for the elections. Notably insufficient training for electoral commission members which contributed to organisational problems and procedural violations, as well as the vagueness of the law and the number and size of ballot papers which led to an overlong complicated election count.

11. Taking into account the previous comments, the Congress invites the Ukrainian authorities to take all necessary steps:

a. to continue the practice of submitting electoral legislation on local and regional elections in Ukraine to the Council of Europe Venice Commission for opinion, prior to adoption by the Parliament;

b. to refrain from adopting new or changing existing electoral provisions within one year of elections, in compliance with the recommendations of the Venice Commission.

In the new electoral provisions, the following concerns, which were observed during the local elections of 31 October 2010, should be addressed:

- clearer explanations on how posts in electoral commissions are appointed;
- a more balanced political representation in electoral commissions at all levels;
- reconsideration of the electoral timetable to allow time for campaigning on the issues and training for electoral commissions;
- allowing independent candidates to run in local elections, in particular, as mayoral candidates;
- restriction of home voting to cases where it is absolutely necessary and requiring supporting documentation;
- systematic and standardised training programme for all members of electoral commissions coordinated by the Central Election Commission;
- a less time consuming counting procedure;
- that the electoral complaint and appeal system be brought into compliance with the recognised European standards;
- tighter control of the ballot design and printing process and that the order on ballot papers is decided by the drawing of lots;

c. to send invitations to international election observers as soon as possible, after the date of elections has been decided;

d. to ensure a centralised official publication of election results within a reasonable time frame;

e. to reconsider the location of some of the polling stations because of their small size and difficult accessibility, in particular for voters with physical disabilities;

f. to ensure that – in parallel with the electoral reform process – a substantial reform of local self-government structures will be accomplished, according to the principles of the Congress European Charter of Local Self-Government;

g. in respect of the different ongoing reform projects in Ukraine (constitutional, electoral, local and regional democracy), to strive for a wide political consensus and, for a transparent and participatory process involving civil society;

h. to ensure that journalistic freedoms and media pluralism are protected.