

# Press Release

## Congress of Local and Regional Authorities

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## Congress calls on Ukraine for urgent improvement of electoral legislation

Kyiv, 01.11.2010 – A 23-member delegation of the Strasbourg-based Council of Europe Congress of Local and Regional Authorities yesterday observed the local elections in Ukraine. 33.6 million voters were asked to decide on city mayors and heads of villages and settlements, city and rural councils as well as on regional representatives. On the Crimean peninsula, a region with autonomous status within Ukraine, elections were also held for the Crimean Supreme Council. In the rest of Ukraine, this was the first time that elections had been held for the territorial self-governmental bodies of the country, without national elections taking place at the same time.

The Congress delegation was made up of elected representatives from 15 European countries, including four representatives of the EU Committee of the Regions. They observed the voting in different cities, towns and regions of Ukraine, especially in the communities surrounding the cities of Kyiv, Odessa, Kharkiv, Lviv, Chernivitsi as well as on the Crimean peninsula. On 11 and 12 October 2010, a Congress pre-election delegation had held talks with representatives of government and opposition parties, electoral bodies, NGOs, diplomatic circles and the media to assess the general political situation, the legal framework, the election campaign and the situation relating to the press and freedom of expression.

At a press conference on 1 November 2010, members of the delegation of the Congress of Local and Regional Authorities expressed concern over the electoral law for local and regional elections that had been passed by the Ukrainian Parliament just some weeks prior to the elections. They stated that as a consequence of this hastily drafted law, there were shortcomings with regard to the preparation phase, in particular, the registration of candidates and the composition of electoral commissions, the organisational framework and the counting of votes on election night. The latter was marked by a lack of training in some polling stations and, in general, by overly long counting procedures.

"Those who passed a law allowing for a politically unbalanced composition of election commissions, and providing, for example, that candidates can be removed from the lists at the last moment before the elections, should accept that the voting was not of a standard we would wish to see, namely, fully in line with the requirements of the European standards for fair, transparent and professionally organised elections," said Head of the Congress delegation Gudrun Mosler-Törnström (Austria, SOC).

"Voting day has exposed the weaknesses of the new electoral law, passed just three months before these local elections," added Teet Kallasvee (Estonia, EPP), on behalf of the EU Committee of the Regions. "We witnessed that those polling stations where the information about de-registration of candidates arrived at the last moment, opened their doors only one or two hours later for the voters. We observed how voters, because of overcrowded polling stations, had to form queues at the polling booths which could have put the secrecy of the vote in danger. There were between five and eight different ballots

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to be filled-in with dozens of parties and candidates, and, as a consequence, overlong voting procedures.“

The delegation members also expressed concerns with regard to reports that faked and incorrect ballots could have been put into circulation. Furthermore, because of the complicated vote counting that is only vaguely described by the electoral law and due to the fact that decisions could be taken by a quorum of three out of the 18 members of election commissions, lawsuits are to be expected after the announcement of the results. "Surveys showed that before the elections, around 60 percent of the population expected fraud and manipulation. The credibility of the political system in Ukraine has suffered again. This we can say already before we know the final results, which will be the case only in a couple of days", underlined Congress Rapporteur Nigel Mermagen (United Kingdom, ILDG).

The delegation of the Congress of Local and Regional Authorities of Europe called on the Ukrainian authorities to draw immediate conclusions from the local elections and to improve the electoral legislation: "The Congress welcomes the fact that Ukraine has held local elections for the first time without carrying out a national ballot at the same time. We are also pleased that, with the exception of some incidents at certain locations, voting ran generally smoothly. This shows that efforts have been made to give local self-government a high priority. It is therefore only logical to create a legal framework for electing local and regional self-governmental bodies fully in line with European standards. This requires the weaknesses of the existing legislation to be remedied as quickly as possible", stressed Gudrun Mosler-Törnström.

"Ukraine has already shown it can do better - for example, in the presidential elections earlier this year. With the Council of Europe and its experts in the various institutions, such as the Congress or the Venice Commission, Ukraine has a dependable partner at her side to achieve what is, according to President Yanukovich himself, at the top of the agenda, namely the creation of a unified electoral code for the country to ensure genuinely democratic elections," she concluded.