

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 386 (2016)¹ Observation of local elections in Ukraine (25 October 2015)

1. Following the invitation by the Minister of Foreign Affairs of Ukraine to observe the local elections organised on 25 October 2015, the Congress of Local and Regional Authorities refers to:

a. Article 2, paragraph 4 of the Committee of Ministers' Statutory Resolution (2000) 1 relating to 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 (ETS No. 122), which was ratified by Ukraine on 11 September 1997;

c. Congress Resolution 395 (2015) on revised rules and procedures of the Congress.²

2. It reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance and that observation of political participation at territorial level is a key element in the Congress' role as guardian of democracy at local and regional level.

3. The Congress welcomes the fact that the Ukrainian authorities continued their efforts to advance the democratic consolidation process and that the 2015 local elections were carried out in an overall calm, transparent and well-organised manner.

4. It recognises that the electoral staff at the level of precincts largely managed to ensure voters' rights on election day, despite the complexity of the legal background and procedural inconsistencies.

5. It notes with satisfaction that voter registration was, by and large, inclusive and voters were generally able to express their will freely and without intimidation.

6. It confirms that the electoral environment was competitive, involving many parties and candidates, but heard with regret about inconsistent registration of candidates and that the law did not allow for independent candidates at all territorial levels, irrespective of the size of the territorial unit.

7. However, it is concerned about allegations of widespread vote-buying and attempts to bribe members of the electoral administration, in particular in areas where the race between candidates was very close, and about attacks on candidates and campaign workers in some areas.

8. In the light of the above, the Congress suggests that further improvements can be made in respect of the electoral legislation and the practical side of electoral management and therefore invites the Ukrainian authorities to:

a. overhaul the overall legal framework of local elections while respecting international standards and good practices

in electoral matters, in order to achieve inclusiveness of decision making as well as guaranteeing predictability and consistency of legislation;

b. reconsider the use of different electoral systems in different territorial units, according to the respective number of inhabitants, in order to establish more clarity for voters and the election administration, to avoid under-representation and over-representation of certain constituencies on councils (of regions, districts, cities and city districts) and, in conclusion, to strengthen the correlation between the voters' will and the election result;

c. in conformity with paragraph b., improve the ballot-paper design and the access to information on candidates and programmes for voters in order to increase clarity for them, particularly as to the consequences of voting for a particular candidate or party;

d. review the procedures for the appointment and dismissal of members of electoral bodies, in order to avoid arbitrary decision making and corrupt practices and ensure depoliticisation and professionalism at all levels of electoral administration;

e. revise the procedure for candidate registration, in order to avoid politically motivated exclusions and allow for independent candidates nominated by organised groups of voters, for all units of territorial government;

f. address the issue of tabulation of results and resolve technical problems;

g. improve the implementation of existing legislation on electoral fraud and violations of regulations related to campaign and party financing.

9. Furthermore, the Congress encourages the Ukrainian authorities to take measures for the strengthening of independent media coverage of local elections, including the obligation to clearly label paid-for political content and to promote issue-oriented coverage of the elections.

10. The Congress invites the Ukrainian authorities to address the issue of the right to vote of internally displaced persons (IDPs) sufficiently in advance of the next local elections. In particular, the residence criteria should be clarified, in accordance with the respective provisions of Congress Recommendation 369 (2015) on electoral lists and voters residing *de facto* abroad.³

11. Despite the conflict in the eastern regions of Ukraine and the constitutional deadlock related to the status of Donetsk and Luhansk regions, the ongoing decentralisation process and the territorial reform need to be pursued. The Congress reaffirms its support for the Ukrainian authorities in their efforts to strengthen local and regional democracy.

1. Discussed and adopted by the Congress on 23 March 2016, 2nd Sitting (see Document [CG30\(2016\)07-final](#), explanatory memorandum), rapporteur: Jakob (Jos) Wielen, Netherlands (L, EPP-CCE).

2. See, in particular, Chapters XVIII and XIX on the practical organisation of election observation missions and on the implementation of a post-electoral dialogue.

3. Recommendation 369 (2015) can be found at [Recommendation 369 \(2015\)](#).