

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 192 (2006)¹ on local and regional elections in Ukraine (observed on 26 March 2006)

The Congress,

1. Referring to:

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

b. the principles laid down in the European Charter of Local Self-Government which was ratified by Ukraine on 11 September 1997 and entered into force in that country on 1 January 1998;

c. its Recommendations 48 (1998) and 102 (2001) on local and regional democracy in Ukraine, in which it invited the Ukrainian Authorities to take several measures aimed at ensuring full compliance of Ukraine's relevant legislation and policies with the commitments undertaken in respect of the European Charter of Local Self-Government;

d. its reports on the 1998 and 2002 local and regional elections in Ukraine presenting its findings further to the monitoring of the elections and in which the Congress invited the Ukrainian Authorities to take several measures aimed at ensuring full compliance of the organisation and conduct of local and regional elections with international electoral standards;²

e. its Resolutions 68 (1998) and 123 (2001) on local and regional democracy in Ukraine in which, determined to follow the implementation of the recommendations it addressed to the Ukrainian authorities on the basis of its second monitoring report on the situation of local and regional democracy in Ukraine, it entrusted the Institutional Committee of the Congress to follow closely developments in this regard and to take all necessary steps to assist the Ukrainian authorities in achieving this goal;

f. the conclusions of the round table on the local and regional elections of 26 March 2006 in Ukraine;

g. its report on the local and regional elections held on 26 March 2006 in Ukraine detailing the findings of the Congress observation mission and making suggestions aimed at ensuring the full compliance of future local and regional elections with international electoral standards;

h. the conclusions of the International Election Observation Mission regarding the observation of parliamentary elections in Ukraine on 26 March 2006 and the report of

the Parliamentary Assembly of the Council of Europe on the said elections,

2. Recalls the role of the Congress in monitoring elections, in particular local and regional elections, based on the premise that the holding of free and fair local and regional elections and their organisation in accordance with international electoral standards is essential with a view to ensuring the legitimacy of the institutions, building up a democratic system based on sound foundations, and establishing the grounds for good governance at local and regional level;

3. Wishes to bring the attention of the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to the recommendations presented below;

4. Commends the Ukrainian authorities for the progress achieved in order to be able to conduct the 26 March 2006 elections basically in line with international standards in electoral matters, principles and values;

5. Welcomes the decision taken by the Verkhovna Rada (Ukrainian Parliament) at the beginning of April 2006, to withdraw provision 7, Article 30 of the Law on Status of Local Councils' Deputies of Ukraine, which enabled criminal cases to be brought against local councils' deputies only upon the decision of the corresponding council and therefore granted members of local councils extensive immunity against criminal and administrative investigations, thereby presenting, in the view of the Congress, a clear threat to local democracy;

6. Notes, however, that:

a. elections in Ukraine are still regulated by different laws and that this is a source of confusion, repetition and inconsistency;

b. the concurrent holding of several elections on 26 March 2006 was both detrimental to local and regional elections and resulted in a large number of operational problems which seriously undermined the progress made by the Ukrainian authorities in conducting elections in full conformity with international electoral standards and in an efficient manner;

c. major inaccuracies still remain with regard to the registration of voters in Ukraine;

d. the Law on the Election of Deputies of the Supreme Council of the Autonomous Republic of Crimea, Local Councils, Village Settlements and City Heads fails to include a provision allowing the involvement of non-partisan domestic observers in the monitoring of local and regional elections;

e. there are problems related to the setting-up of district and precinct electoral commissions and a lack of adequate training of all electoral commission members;

f. certain polling stations are still inadequate, and most polling stations are inaccessible for people with disabilities and present accessibility difficulties for elderly persons.

7. Invites the Ukrainian authorities to take all the necessary measures aimed at implementing the following recommendations, namely to:

a. consider the possibility of undertaking a codification of the entire election legislation in a single law;

b. organise future local and regional elections separately from parliamentary elections;

c. pursue efforts aimed at improving the registration of voters in an accurate manner and at correcting errors regarding voter registration;

d. ensure that the Law on the Election of Deputies of the Supreme Council of the Autonomous Republic of Crimea, Local Councils, Village Settlements and City Heads is amended so as to include a provision allowing non-partisan domestic observers to monitor local and regional elections;

e. ensure that all electoral commission members receive professional, timely and adequate training and suggests with a view to this, that:

i. any special education and training programme be drawn up and organised, *inter alia*, with the assistance of the Council of Europe's Venice Commission;

ii. such training be carried out in co-operation with the Congress, to take advantage, *inter alia*, of the experience of the European Network of Training Organisations for local and regional authorities (ENTO);

f. ensure that polling stations are adapted to the needs of the voters and are adequate and suggests, with a view to this:

i. that polling stations be, as far as possible, made more accessible for the elderly and for people with disabilities;

ii. that the law on the number of voters per polling station be re-examined and consideration be given to having a number of sub-polling stations in each building.

8. Renews its readiness to support and assist the Ukrainian authorities in their efforts to implement the above-mentioned recommendations and to consolidate local and regional democracy all over the country, in conformity with Ukrainian commitments in respect of the European Charter of Local Self-Government.

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1. Debated and adopted by the Congress on 1 June 2006, 3rd Sitting (see Document CG (13) 10, draft recommendation presented by D. Lloyd-Williams (United Kingdom, R, ILDG), rapporteur).
 2. CG/BUR (4) 132 rev, CG/Bur (8) 164.