

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 303 (2011)<sup>1</sup> Local elections in Ukraine (31 October 2010)

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

*a.* the Committee of Ministers' Statutory Resolution (2000)<sup>1</sup> relating to the Congress of Local and Regional Authorities 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.

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 states.

3. It stresses that it observes elections only upon invitation from the states, and that like the monitoring process of the European Charter of Local Self-Government, election observation missions are conceived as co-operation activities with the countries concerned.

4. The Congress expresses its will and availability to participate in activities aimed at strengthening local democracy and electoral processes in Ukraine.

5. It 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 preparation of these 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) on local and regional elections in Ukraine (observed on 26 March 2006).

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

8. It also welcomes the improvements observed with 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.* in particular a new law on local elections (the Law on Election of Members of the Verkhovna Rada of the Autonomous Republic of Crimea, of Local Councils and of

Mayors of Villages, Cities and Local Communities) 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; and electoral timelines. The provisions of this law had serious impacts on the quality of the 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 their preparation. Insufficient training for electoral commission members, in particular, contributed to organisational problems and procedural violations, and the vagueness of the law and the number and size of ballot papers led to an overlong and complicated election count.

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

*a.* continue the practice of submitting all electoral legislation on local and regional elections in Ukraine to the European Commission for Democracy through Law (Venice Commission) for opinion, prior to adoption by the Parliament;

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

Various problems were observed during the local elections of 31 October 2010, and these should be addressed in the new electoral provisions. These should include:

– clearer explanations of 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 sufficient time for debate of key issues during the electoral campaign and for training members of the electoral commissions;

– permission for independent candidates to run in local elections, in particular as mayoral candidates;

– restriction of home voting to cases where it is absolutely necessary, with a requirement for supporting documentation;

– systematic and standardised training programmes for all members of electoral commissions co-ordinated by the Central Election Commission;

– a less time-consuming counting procedure;

– changes to the electoral complaint and appeal system to bring it into compliance with recognised European standards;

– tighter control of the ballot design and printing process and ensuring that the order of candidates on ballot papers is decided by the drawing of lots;

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

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

*e.* 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.* carry out – in parallel with the electoral reform process – a substantial reform of local self-government structures, according to the principles of the European Charter of Local Self-Government;

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

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

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1. Debated and adopted by the Congress on 24 March 2011, 3rd Sitting (see Document [CG\(20\)7](#), explanatory memorandum), rapporteur: N. Mermagen, United Kingdom (L, ILDG).