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Observation of local elections in Ukraine (25 October 2015)

Monitoring Committee
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Recommendation 386 (2016)	3
Explanatory memorandum.....	5

Summary

Further to the invitation by the Ukrainian authorities, the Congress deployed an enlarged delegation – including 28 members from the Congress itself, 11 from the Parliamentary Assembly and four from the EU Committee of the Regions – to observe the local elections held on 25 October 2015. From 1 to 3 October 2015 a pre-election visit was organised in Kyiv. On Election Day, 24 Congress' teams, involving in total 56 observers from 25 European countries, monitored the procedures in some 240 polling stations, aimed at electing Heads, Mayors and Councils at different levels of territorial government. The entire Congress mission was closely co-ordinated with other international organisations, notably OSCE/ODIHR and the observers from the European Parliament.²

The vote took place in a challenging social, economic, humanitarian, and security environment, arising, in particular, from the illegal annexation³ of the Crimean Peninsula by the Russian Federation and the temporary control of parts of the territory of the Donetsk and Luhansk Oblasts by illegal armed groups. Moreover, they

1 Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group

ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

2 The Congress neither observed the second-round elections on 15 November nor the postponed elections in Mariupol, Krasnoarmiisk and Svatove on 29 November 2015.

3 See Resolution 68/262 on the Territorial integrity of Ukraine adopted by the General Assembly of the United Nations on 27 March 2014

were held against the background of the current decentralisation reform and the constitutional challenges it poses.

On the whole, the voting and counting processes on E-Day were competitive, well organised and transparent in most of the country and the campaign, in general, showed respect for the democratic process.

Nevertheless, there is a continued need for reform, in particular, due to different factors:

- the complexity of the legal framework for grassroots' elections including the procedural provisions;
- the practice of arbitrary decision making along political lines by parts of the electoral administration;
- unclear provisions for the funding of political parties;
- the lack of independent media coverage coupled with the dominance of powerful economic groups;
- uncertainties related to the current process of decentralisation entailing constituencies of altered size and form as well as changed competences for the local tier of government.

Therefore, at the center of the Congress' recommendations, is the profound revision of the legal framework of local elections, in line with international standards and good practices, in order to attain a de-politicised and professional electoral administration. It insists on effective fraud prevention. Furthermore, the Congress encourages the Ukrainian authorities to strengthen the role of independent media in electoral campaigns and to limit the influence of powerful economic groups. All in all, the integrity of the electoral process needs to be addressed in order to increase public confidence in elections and to establish – what is considered the essence of a democratic vote – a strong correlation between the voters' will and the election result.

Observation of local elections in Ukraine (25 October 2015)

RECOMMENDATION 386 (2016)⁴

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 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 (ETS No. 122) which was ratified by Ukraine on 11 September 1997;

c. Congress Resolution 395(2015) on its Rules and Procedures.⁵

2. It reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance and 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 places with tight races between candidates, and about attacks on candidates and campaign workers in some areas.

4 Preliminary draft recommendation approved by the Monitoring Committee on 12 February 2016 in Paris.

Members of the committee:

P. Receveur (Chair), *T. Akyurek* (alternate: *F. Genk Unay*), *M. Angelopoulos*, *L. Ansala*, *Z. Antic*, *S. Batson* (alternate: *L. Gillham*), *V. Belikov*, *J-M. Belliard* (alternate: *J-C. Frécon*), *M. Bespalova*, *P. Billi*, *A. Bogdanovic*, *E. Bohlin* (alternate: *H. Hammar*), *Z. Broz*, *A. Buchmann*, *X. Cadoret*, *S. Chernov*, *L. Ciriani*, *M. Cools*, *J. Costa*, *J. Dillon*, *R. Dodd*, *G. Doganoglu*, *J. Folling*, *M. Gauci*, *S. Guckian* (alternate: *D. Geoghegan*), *M. Guegan*, *I. Hanzek*, *S. Harutyunyan* (alternate: *L. Avetyan*), *E. Harvey*, *B. Hirs* (alternate: *M. Hollinger*), *J. Hlinka*, *A. Ibrahimov*, *G. Illes*, *D. Jikia*, *H. B. Johansen*, *M. Juhkami*, *K. Kaiser* (alternate: *L. Foerster*), *C. Kalogirou* (alternate: *P. Filippou*), *L. Kovacs* (alternate: *A. Magyar*), *L. Kroon* (alternate: *H. Bergmann*), *C. Lammerskitten*, *F. Lec*, *J-P. Liouville*, *A. Lubawinski*, *T. Margaryan* (alternate: *E. Yeritsyan*), *D. Milovanovic*, *V. Mitrofanovas*, *M. Monesi*, *D. Narmania*, *S. Paunovic*, *Z. Pava* (alternate: *M. H*), *H. Pihlajasaari*, *G. Pinto*, *A. Pruszkowski*, *R. Rautava*, *J. Rocklind*, *N. Romanova*, *R. Schafer*, *L. Sfirloaga*, *D. Shakespeare*, *I. Shubin*, *V. Shumada* (alternate: *V. Oluyko*), *S. Siukaeva*, *A-M. Sotiriadou*, *P. Thornton*, *A. Torres Pereira*, *M. M. T. Turel*, *A. Ugues*, *K. Van Overmeire*, *V. Varnavskiy* (alternate: *A. Borisov*), *L. Verbeek*, *B. Voehringer*, *J. Wiene*, *D. Wrobel*, *S. Yerolatsites* (alternate: *A-M. Kremmou*).

N.B.: The names of members who took part in the vote are in italics.

Secretariat of the committee: *S. Poirel*

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

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

a. overhaul the overall legal framework of local elections respecting international standards and good practices in electoral matters, in order to achieve inclusiveness of decision making as well as 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- and overrepresentation 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 para. *b.*, improve the ballot-paper design and the access to information on candidates and programmes for voters, in order to increase clarity for them, notably as to the consequence of their ballot (did they vote for a specific candidate or for a party);

d. review the modalities on appointment and dismissal of members of electoral bodies, in order to avoid arbitrary decision making and corrupt practices and ensure de-politicisation 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 IDPs' (Internally Displaced Persons) right to vote with sufficient time before 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.⁶

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.

⁶ Recommendation 369(2015) can be found at <https://wcd.coe.int/ViewDoc.jsp?id=2304185&Site=COE>

Observation of local elections in Ukraine (25 October 2015)

EXPLANATORY MEMORANDUM⁷

1. Introduction

1. Following an invitation by the Minister of Foreign Affairs of Ukraine, the Congress observed the local elections held in Ukraine on 25 October 2015.⁸ These were the first elections to be organised further to the adoption of the new Law on Local Elections, adopted on 14 July 2015 on the basis of the so-called Knyazevych draft.⁹

2. The main electoral mission took place from 22 to 26 October 2015 and comprised an enlarged delegation – including 28 members from the Congress itself, 11 from the Parliamentary Assembly and four from the EU Committee of the Regions. Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC) served as Head of the delegation and Jos WIENEN (Netherlands, L, EPP-CCE) as Rapporteur. On Election Day, 24 Congress teams, involving in total 56 observers from 25 European countries, monitored the election of Heads, Mayors and Councils at different levels of territorial government in approximately 240 polling stations throughout the country. They also observed parts of the counting process.

3. A pre-electoral delegation composed of four Congress' members, headed by Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC), and three members of the Secretariat visited Kyiv from 1 to 3 October 2015 to evaluate the state of preparations and the political climate prior to the vote.

4. The good co-operation with OSCE/ODIHR and the European Parliament (EP) should be highlighted in this context. A joint press conference with OSCE/ODIHR and the EP delegation was organised on 26 October 2015 in Kyiv, to present preliminary findings and conclusions.¹⁰

5. Further details, programmes and deployment areas of the Congress' delegation can be found in the appendices.

6. The Congress of Local and Regional Authorities in Europe has most recently observed local elections in Ukraine in 2010¹¹ and in 2014.¹²

7. The following report focuses specifically on issues arising out of exchanges held with Congress' interlocutors in the context of the local elections held on 25 October 2015 and on observations made by the members of the delegation on Election Day.

8. The Congress wishes to thank all those who met the delegation for their open and constructive dialogue. It thanks the Ukrainian authorities and Ambassador Vladimir RISTOVSKI, Head of the Council of Europe Office in Kyiv, and his team for their valuable support in preparing this mission. Special thanks go to Tana de ZULUETA, Head of the OSCE/ODIHR Election Observation Mission, and to her team for the open exchange of views and the fruitful co-operation.

⁷ With the contribution of Pr. Reto Steiner, Professor for Public Management, University of Bern, Switzerland.

⁸ The second round took place on 15 November 2015. Local elections in Mariupol, Krasnoarmiisk and Stavote had to be postponed to 29 November 2015 due to irregularities with the printing of the ballots. As far as international observers are concerned, only OSCE/ODIHR monitored these elections.

⁹ In June 2015, three different drafts of the Law were registered, one submitted by the faction of the Fatherland party, another drafted by an expert group including representatives from civil society and a third one, the so-called Knyazevych draft, registered by the MP Vadim Denisko (Petro Poroshenko Bloc).

¹⁰ See also the Statement of Preliminary Findings and Conclusions by International Election Observation Mission (IEOM), a common endeavor by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Congress of Local and Regional Authorities of the Council of Europe (Congress) and the European Parliament (EP), dated 27 October 2015.

¹¹ The final report adopted by the Congress in March 2011 can be found at <https://wcd.coe.int/ViewDoc.jsp?Ref=CG%2820%297&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=CACC9A&BackColorLogged=EFEA9C>

¹² The final report adopted by the Congress in October 2014 can be found at <https://wcd.coe.int/ViewDoc.jsp?Ref=CPL%2827%294&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=CACC9A&BackColorLogged=EFEA9C>

2. Political context and decentralisation

9. The 2015 local elections were held against the backdrop of an armed conflict in eastern Ukraine and a constitutional reform process aiming, in particular, at decentralisation. The planned transfer of a number of executive functions from central state administrative bodies to the elected local councils raised the stakes for political parties and candidates.

10. No elections took place in the Autonomous Republic of Crimea, the city of Sevastopol and, as described in resolutions of the Central Election Commission (CEC), in certain areas of Donetsk and Luhansk regions (*Oblasts*) which have been declared by the Parliament as temporarily occupied territories. In addition, the CEC declared the holding of elections not possible for security reasons in some territories of the two *Oblasts* administered by civil-military administrations of the Ukrainian authorities.¹³ This made it impossible for over 5 million voters in these areas to vote.

11. A decentralisation legislative package is still being in the decision-making process. The Ukrainian Parliament adopted it in a first reading in August 2015, after the Constitutional Court gave a positive opinion. However, a second and potentially last reading is still needed but, during the January 2016 plenary week, the amendments on decentralisation were not further considered by the Parliament. At the same time, it approved changes to the rules of procedure in order to accelerate the decision-making process on Constitutional amendments. However, the 300 votes necessary to adopt amendments of the Constitution in the context of the current decentralisation process remain highly controversial.

12. The decentralisation package has been criticised by some of the Congress' interlocutors during pre-electoral meetings for being too vague and containing inconsistencies, in particular regarding the definition of territorial units such as *Communities* and *Raions* and for the establishment of the *Prefect* institution.¹⁴ Discussants also referred to Article 18 providing for temporary Constitutional amendments related to a special status of some territories. Given the unstable situation in the eastern territories, there is fear in some political camps that a special status for the Donetsk and Luhansk regions maybe a step towards secession. This situation has led to the weakening of the unity of the governing coalition and to the current deadlock with regard to the decentralisation package.

3. Administrative structure at local and regional level

13. Ukraine is a unitary state with three levels of local government. At the first level, there are 24 *Oblasts* (regions)¹⁵ which constitute the largest administrative-territorial units. Also at this first level, there are two cities with special status: Kyiv (as the capital of Ukraine) and Sevastopol in Crimea. Finally, at this first level, the Autonomous Republic of Crimea used to have significant independence on local issues, with its own Constitution, *Verkhovna Rada* (Parliament) and Council of Ministers.

14. At the second level, there are *Raions* (districts) and Cities (within 25 Cities so-called City *Raions do exist*, throughout Ukraine there are 111 such units). This means that each *Oblast* is divided into *Raions* (districts) and Cities. In total, there are 490 *Raions* in Ukraine - the number of *Raions* per *Oblast* varying between 11 and 27. Moreover, there are 178 Cities of Regional Significance with their own local governing bodies – the number varies from one *Oblast* to another. At the third and lowest level of local government, there are villages and settlements with their own local governing bodies.

15. The 2015 local elections were the first ones held in 159 Territorial Units that voluntarily merged further to the reform of local self-government.¹⁶

13 CEC Resolutions Nos. 207 and 208 declared that it was not possible to organise elections for 91 Local Councils in Donetsk and 31 Local Councils in Luhansk *Oblasts*. In addition, no elections for Regional Councils were held in the two *Oblasts*. According to the CEC, these decisions were based entirely on the information provided by military/civil administrations and affected 525,588 voters from both *Oblasts*.

14 According to the interlocutors the Congress met in Kyiv on 1 October 2015.

15 The *Oblasts* are: Vinnytsya, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Zakarpattya, Zaporizhyya, Ivano-Frankivsk, Kyiv, Kirovohrad, Luhansk, Lviv, Mykolayiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytsk, Cherkasy, Chernivtsi and Chernihiv.

16 According to the CEC decision dated 9 September 2015.

4. Electoral management

a. Legal framework and electoral system

16. Local elections in Ukraine are primarily regulated by the Constitution and the Law on Local Elections, hereafter “the Law”, as well as by regulations of the Central Election Commission (CEC).¹⁷ The local elections were the first held after the adoption of the new Law on Local Elections (on 14 July 2015). The new legislation introduced a combination of three electoral systems for the 2015 local elections. It also provided for a possibility to recall elected Mayors and Council members by a petition initiated by voters, and, for the first time, introduced the requirement of at least 30 per cent representation of each gender on a party list, but it did not provide for any sanctions for political parties that failed to comply.¹⁸ The Law did not foresee voting for internally displaced persons (IDPs).¹⁹

17. A first-past-the-post system, also called relative majority system, in single-member constituencies, was used for Heads of settlements, villages, towns/cities with less than 90,000 voters. Councillors of settlements and villages were also elected through this system. This means that the candidate who got the biggest number of votes in his/her constituency was elected in a single-round election. Independent as well as party-nominated candidates could run for the elections in these constituencies.

18. For the 35 cities²⁰ with 90 000 voters and above, a two-round system was used for the election of the Mayor. This means that if none of the candidates got an absolute majority of voters in the first round, a second round was organised. The winner was the candidate who got the simple majority of votes in the second round.

19. A third election system, which applied for Councillors of regions (*Oblast*), districts (*Raion*), cities and city districts, was more controversial and prompted questions. The elections for the respective Councils were held according to the proportional system in multi-member constituencies. A candidate running in a specific constituency on the list of the local party branch was elected if his/her party won more than 5% of the votes in the whole territorial unit – *Oblast*, *Raion*, city or city district (7% if it is a bloc). The second condition was that he/she got the biggest amount of votes, compared to other candidates from the same list in other constituencies of the respective territorial unit. This means a candidate who got the biggest amount of votes in his/her consistency, but whose party did not receive at least 5% of the votes in the whole territorial unit, was not elected. Contrary to this, the only condition for the leading candidate on the regional/district/city/city district party list (or bloc) to be elected was that his/her party or bloc passed the relevant threshold.

20. The new Law did not provide the participation of independent candidates for Councils of regions (*Oblast*), districts (*Raion*), cities and city districts as well as for Mayors of cities with over 90,000 voters. Only candidates nominated by political parties were entitled to run, on nomination of the respective party branch at territorial level. Independent candidates could only run for Head of territorial unit at the level of settlements, villages, towns/cities with less than 90,000 voters.

21. The distribution of seats in the Councils elected through the proportional system was calculated by dividing the number of votes cast for parties that passed the 5% threshold by the number of seats available in the Council. Despite the fact that Ukrainian lawmakers referred to the system as an “open list”-system, this was not conformable to usual practice, since voters were not given the possibility to choose among different candidates (which is normally a feature of “open list”-systems).

22. This newly-introduced electoral system was difficult for voters to understand and for the election commissions to implement. Congress’ interlocutors raised concern that the complexity and the functioning of the system would possibly lead to results that have only a weak correlation with the voters’ will (some constituencies being over-represented while others remain less represented or not represented at all).

17 Other relevant legislation includes the Law on the CEC, the Law on the State Voter Register, the Law on Political Parties, the Code of Administrative Procedure, and the Criminal Code.

18 On 23 September 2015, the CEC adopted a regulation clarifying that non-fulfilment of the 30% gender quota requirement cannot be the ground for rejection of registration of candidate lists. The Kyiv Administrative Court of Appeals ruled that this clarification was illegal, which was later overruled by the High Administrative Court.

19 First instance courts rejected all complaints filed by IDPs to be included in voter lists. In one case, the Kyiv Administrative Court of Appeal overturned the decision of the lower level court ruling that the IDP certificate is a proof of registration, and obliged the PEC to include an IDP from the Crimean peninsula in the voters’ list.

20 Decision taken by the Central Election Commission, based on the State Voter Register Data.

23. The new electoral system also gives more power to the political parties, especially the bigger ones, since the threshold has been increased from 3 to 5% for political parties and to 7% for electoral blocs. The lack of opportunities for independent candidates is at odds with respective Council of Europe standards.²¹

24. A total of 168,450 electoral constituencies were established by the respective Territorial Election Commissions (TECs). The Law clearly stated that the boundaries of single mandate districts should be contiguous, but lacked clarity with respect to this requirement for multi-mandate districts.²² By law, the number of voters should be equally distributed among the constituencies, however, the distribution of voters and delimitation of constituencies rests solely at the discretion of TECs with no criteria for legally permissible deviations. The Law included a 20 % cap for the share of Councillors representing a city in a regional Council which disadvantaged large urban areas, such as Kharkiv, Odesa and Lviv,²³ and favoured smaller municipalities in these regions. This is inconsistent with the principle of equality of the vote and thus, at odds with Venice Commission standards.²⁴

25. As stated by the Congress and the OSCE/ODIHR after Election Day, and despite long-standing recommendations, notably by the Venice Commission of the Council of Europe, the legal framework for local elections in Ukraine continues to be fragmented. It contains gaps and ambiguities and lacks clarity, in particular with regard to candidate registration, party and campaign finance rules, electoral dispute resolution and media regulations, among other issues. In order to clarify various aspects of the Law, the Central Election Commission issued a number of regulations throughout the electoral process. However, it did not fully address the existing uncertainties in a timely manner. These shortcomings were aggravated by inconsistent implementation of the legislation by lower-level election commissions and courts, including on candidate registration. All in all, the legal framework falls short of some Council of Europe commitments and other international standards which are essential to ensure the integrity of several key aspects of the electoral process.²⁵

b. Electoral administration bodies

26. The 2015 local elections were administered by the Central Election Commission (CEC), 10,778 Territorial Election Commissions (TECs)²⁶, and 29,261 Precinct Election Commissions (PECs).²⁷ The CEC has been holding regular open sessions and operated collegially overall, meeting the legal deadlines. Most CEC resolutions were passed unanimously, however issues related to candidate registration, IDP voting, and gender quota were passed either with dissenting opinions or with a split vote, reflecting the controversy and sensitivity of these issues.

27. Some stakeholders have challenged the legitimacy of the Central Election Commission on the grounds that mandates of most of CEC members have expired.²⁸ Decisions along political lines, abuse of authority by TECs and evasion of open discussions on sensitive issues during sessions were reported to the members of the Congress' delegation. This undermined key principles of collegiality, transparency and impartiality, as well as confidence in some commissions.²⁹ In the later stages of candidate registration process, the CEC faced consistent resistance and even obstruction of the process by several TECs that refused to implement the CEC and courts' decisions. Consequently, the CEC requested the General

21 In particular with the Congress' standards, as laid down in the Recommendation on "Criteria for standing in local and regional elections", adopted at the 28th Congress' Session: "The Congress recommends ... independent candidates be allowed to stand in all local and regional elections, without unduly restrictive requirements of financial deposits and supporting signatures".

22 All four electoral districts in Berehovo district (Zakarpattia *Oblast*) for example, lacked contiguity among the administrative units that comprise each district.

23 In Kharkiv, Odesa and Lviv *Oblasts* between 55 and 31% of the population live in the regional centers. According to lit. I.2.2.2 of the Code of Good Practice of the Venice Commission, seats must be evenly distributed among the constituencies.

24 The Code of Good Practice in Electoral Matter published by the Venice Commission of the Council of Europe establishes a standard of 10% for maximum standard deviation.

25 Statement of Preliminary Findings and Conclusions, International Election Observation Mission, Ukraine, Local Elections 25 October 2015

26 Two levels of TECs have to be distinguished: "higher level" TECs have been constituted in each *Oblast*, the city of Kyiv and other *Oblast* capital cities whereas "lower level" TECs have been formed at the level of cities of *Oblast* importance, rayons within *Oblast* and rayons within the city of Kyiv.

27 Interim report (9 September-8 October 2015), OSCE/ODIHR Election Observation Mission, Ukraine, Local Elections, 25 October 2015

28 The 15 members of the CEC, five of whom are women, are appointed for a seven-year term by Parliament, on the President's proposal. On 13 March 2014, the Law on the CEC was amended enabling CEC members to continue to fulfil their functions after their term expired.

29 Article 11 of the Law stipulates that the electoral process is based on the principles of legality, political pluralism, collegiality, transparency and impartiality.

Prosecutor's office to ensure implementation of those decisions and dissolved itself some TECs which made unlawful decisions.³⁰

28. The complexity of the Law raised concerns among the commissioners and affected their performance, in particular regarding the respect of standardised procedures.³¹ Some technical aspects during the preparatory phase also proved difficult because many TECs lacked sufficient financial and other operational resources.³² In particular, the printing of ballots, which was the responsibility of local TECs, was controversial in some areas and caused turmoil contributing to a lack of trust in the process.³³ Overall, most TECs finally overcame challenges and organised the process adequately as has been observed on Election Day.

29. TECs and PECs were formed based on nominations from eligible political parties and candidates. The existing formula for the composition of TECs and PECs puts parties with Parliamentary factions at an advantage, since in addition to the two guaranteed seats, they could also participate in the lottery for allocation of the remaining seats.³⁴ Analysis of the distribution of executive positions among the 640 TECs formed by the Central Election Commission demonstrates that faction parties were over-represented.³⁵ Regarding the gender issue, the higher the election management body, the less women were involved. If women held 75% of positions in "lower level" TECs, including 72% of female Heads, they were 50% of them in "higher level" TECs and 39% were appointed Head of these TECs.³⁶

30. A number of interlocutors of the Congress' delegation voiced allegations of corrupt practices related to the trading of seats in the commissions by so-called 'technical' candidates and parties. This raised questions regarding the integrity and impartiality of election commissions and further undermined the trust in election administration. By law, nominating subjects are free to recall their nominees from the commissions up until Election Day.³⁷ Arbitrary replacements,³⁸ for instance, of chairpersons, affected the work of several commissions and this practice is at odds with international standards.³⁹ In several *Oblasts*, TEC members also reported intimidation and threats against them.⁴⁰

31. The formation process of the Precinct Election Commissions (PECs) varied from region to region, depending on the competence of election commissions and the consistency of implementation of procedures. In some areas, the PEC formation process mirrored local political party rivalries and resulted in partisan decision-making, causing mistrust and dissatisfaction among the stakeholders.⁴¹ The rate of replacement of PEC members in some of *Oblasts* reached as much as third already before Election Day. However, nationwide, the rate was much lower than for previous elections.⁴²

30 The CEC had to terminate the powers of seven TECs that resisted to implement CEC's and courts' decisions. In some instances, the CEC had to replace some members in the newly formed commissions to resolve deadlocks on registration of candidates.

31 According to the representatives of the NGOs the Congress' delegation met in Kyiv, preparations of Election Day were not made following coherent procedures in all districts.

32 A high number of TECs expressed concern regarding the limited size of their financial allocation and the late transfers of funds. A few observers reported that some TECs had to fund their operations, initially, from their members' private funds.

33 For instance, in Mariupol, decision of the city TEC regarding the selection of print house caused dissatisfaction among the stakeholders who challenged the legality of TEC decision alleging fraud. Dissatisfaction of local stakeholders grew into protests in front of the ballot printing company. In Ternopil city, the print house did not destroy extra ballots as per legal and contractual requirements, which led to police investigation.

34 The Code of Good Practice of the Venice Commission states that political parties should be equally represented on election commissions.

35 The CEC formed 640 TECs in *Oblasts*, *Raions*, cities of regional importance and Kyiv, and districts in Kyiv, which in turn formed TECs at the level of cities, city districts, villages and settlements. According to the OSCE/ODIHR monitoring, the biggest share of executive positions in these 640 TECs were allocated to the Petro Poroshenko Bloc-Solidarity (18%), followed by *Batkivshchyna* (16%), the People's Front (13%), the Opposition Bloc (12%), the Radical Party (RP) (11%), with the remaining 30% being distributed among a large number of other contestants.

36 According to the figures reported in the Final report on monitoring of women participation in the electoral process at 2015 local elections in Ukraine released by the NGO "Committee of Voters of Ukraine"

37 The Code of Good Practice of the Venice Commission recommends "bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable..." (II.3.1.77).

38 For instance, the Head of Holosiivskiy city district TEC in Kyiv city was recalled during the PEC formation process. This also occurred in Krasnoarmiisk city TECs.

39 Paragraph 20 of the 1996 General Comment No. 25 of the International Covenant on Civil and Political Rights (ICCPR) emphasizes the need to conduct the electoral process fairly, impartially and in line with established laws compatible with the Covenant. Section II.3.1.b of the Venice Commission's Code of Good Practice in Electoral Matters states that independent and impartial electoral commissions must be set up at all levels.

40 For instance, Haysin district TEC in Vinnytsia, Kotovsk city TEC in Odesa, Dnipropetrovsk city TEC and Bilhorod-Dnistrovskiy district TEC.

41 A protracted candidate registration process in Sloviansk city TEC affected the candidates' right to submit nominees for PEC membership. In another instance, the Krasnoarmiisk city TEC included in the lottery the nominees of withdrawn candidates.

42 According to the NGO OPORA, Preliminary observation summary of 25 October 2015 local elections, dated 23 October 2015. The document can be found at <http://www.oporaua.org/en/news/40742-1475-1446984246-zvit-poperedni-vysnovky-opory-shchodovyborchogo-procesu-na-miscevyh-vyborah-25-zhovtnja-2015>

c. Voter registration and voters' lists

32. Voters' lists for every Precinct were extracted from the database of the State Voter Register (SVR), which was overseen, at the national level, by the Central Election Commission. The SVR database is maintained by 669 Register Maintenance Bodies (RMBs). As of 23 October 2015, the SVR contained 28,808,774 voters, of which 589,745 were registered as permanently homebound. Voters were able to check their entries through the CEC webpage. Preliminary voters' lists were handed over to the PECs by 11 October together with personal invitations for voters. Thereafter, these lists were posted at the Precinct Election Commissions for public scrutiny. In general, Congress' interlocutors expressed trust in the voter registration system.

33. Unlike in 2014, no specific legislation was adopted to ensure Internally Displaced Persons (IDPs) to vote in the 2015 local elections. The integration of IDPs in local communities differs and does not necessarily enable their participation in these communities because whether they are only "located" or full "residents" is unclear according to law. Generally, the Congress recommends member States to implement voting rights of people that are not residing in a locality "with the necessary safeguards, so that effective electoral management, the integrity and transparency of electoral processes and the prevention of fraud or manipulation during local and regional elections are guaranteed".⁴³

34. Voters who were away from their voting addresses on Election Day were not able to cast their ballots, except for those voting in special election precincts established in medical institutions. Moreover, mobile ballot boxes were available at all polling stations in order to enable entitled citizens to vote at home. The process was supervised by PECs members in co-operation with police officers.

d. Registration of parties and candidates

35. A hundred and thirty-two political parties were registered with the Central Election Commission and were entitled to run for the 2015 local elections. Candidates' registration was possible until 1 October 2015 included. In total, more than 350,000 candidates stood for the positions of Mayors and Councillors throughout the country. A total of 168,450 positions of Mayors of cities, villages and settlements and for Councillors of village, settlement, city, city district, district (*Raion*) and regional (*Oblast*) Councils was submitted to the vote.⁴⁴ According to the CEC, women comprised about 35 per cent of all registered candidates for the proportional races and 13 per cent in mayoral races.⁴⁵

36. The Bloc Petro Poroshenko party, joined by the United Democratic Alliance for Reform – UDAR, fielded most of its candidates under the new party name – the Bloc Petro Poroshenko Solidarnist (BPPS). The People's Front (PF) chaired by Prime Minister Arseniy Yatsenyuk decided not to take part in the elections; its members mostly ran with the BPPS. The Communist Party of Ukraine (CPU) was banned by court decision.⁴⁶ Members of the once dominant and now dissolved Party of Regions (PoR) competed on other political party lists (mostly for the Opposition Bloc) or as self-nominated candidates for Mayoral positions.

37. According to Congress' interlocutors, inconsistencies in registration requirements were noticed,⁴⁷ in particular because the Law was very vague on the conditions of re-submission of incomplete registration files. The submission of incomplete files was a wide-spread ground for refusing the registration of candidates. In particular, candidates of the Opposition Bloc to the regional Council of Kharkiv and for the Mayor of Sloviansk (*Donetsk Oblast*) were denied the right to be registered for procedural reasons. In a number of instances, including Mariupol, Cherkasy, Kherson, Kharkiv, Berdyansk and Kamianets-Podilsky, the decisions by TECs with respect to the registration of certain candidates and party lists appeared politically motivated and designed to exclude certain political forces from participating in the elections.⁴⁸

43 Please refer to "Electoral lists and voters residing *de facto* abroad", Recommendation adopted by the Congress at its 28th Session in March 2015.

44 Statement of Preliminary Findings and Conclusions, International Election Observation Mission, Ukraine, Local Elections 25 October 2015

45 In the Final report on monitoring of women participation in the electoral process at 2015 local elections in Ukraine released by the NGO "Committee of Voters of Ukraine"

46 In May 2015, President Petro POROSHENKO signed the Decommunization Laws. On that basis, the Minister of Justice Pavel PETRENKO signed in July 2015 a decree banning different Communist parties from participating in future elections.

47 According to OSCE/ODIHR representatives, the Congress met on 1 October 2015 in Kyiv.

48 Statement of Preliminary Findings and Conclusions, International Election Observation Mission, Ukraine, Local Elections 25 October 2015

38. In most cases it received, the CEC ruled in favour of these candidates and asked the respective TECs to register them.⁴⁹ However, neither the CEC nor the courts were consistent in their decisions regarding non-registration of candidates, in some cases requesting TECs to reconsider the registration, but obliging TECs to register the candidates in other instances.⁵⁰ Furthermore, some TECs repeatedly denied registration of certain candidates, despite decisions by the CEC and courts mandating approval of the candidates' application.⁵¹

39. Generally speaking, the restrictive interpretation and inconsistent implementation of candidates' registration rules hindered the right to stand for candidates on an equal basis in several instances, contrary to Council of Europe recommendations and other international obligations and standards.⁵² Some of these cases continued throughout the pre-election period, with candidates being reinstated only by intervention of the CEC, in some cases shortly before the Election Day, undermining the equal opportunity to campaign. Moreover, this at times conflicted with the legal deadline for printing of ballots.

40. The Law provided for a 30% gender quota in two different articles. However, there were two conflicting decisions taken by two courts, which lead to inconsistent decisions from the election administration. One raises the non-respect of the gender quota as a legitimate reason not to register a candidates' list, in line with Article 4 of the Law. The other decision considers the gender quota not mandatory when it comes to candidates' registration because it is not listed in Article 46 providing criteria to register as a candidates' list.⁵³

41. Any citizen with the right to vote could stand for election irrespective of place of residence, except those with a criminal record not expunged for a grave crime, a crime against citizens' suffrage rights or for corruption. The new Law on Local Elections did not provide the participation of independent for Councils of regions (*Oblast*), districts (*Raion*), cities and city districts as well as for Mayors of cities with over 90,000 voters. Only candidates nominated by political parties were entitled to run, on nomination of the respective party branch at territorial level.⁵⁴ Independent candidates could only run in elections for Head of territorial unit at the level of settlements, villages, towns and cities with less than 90,000 voters. Such restrictive legislation on independent candidates is at odds with international standards⁵⁵ and the recommendations of the Congress.⁵⁶

e. Observers

42. The inclusive accreditation of observers contributed to the transparency of the electoral process. Citizen observer groups and international organisations could register an unlimited number of observers who have broad rights, including the right to attend sessions of all election commissions and to receive documents, including results protocols. In respect of domestic observers, the Central Election Commission registered 83 non-governmental organisations, including the NGOs *OPORA* and the Committee of Voters of Ukraine. All in all, more than 1,500 international observers were allowed to monitor the elections.

49 According to the CEC decision dated 7 October 2015. Another case concerns the registration of a mayoral candidate in the city of Melitopol (*Zaporijia Oblast*).

50 The CEC obliged to register the candidates in cases of Sloviansk, Kherson, Cherkasy city TECs and Kharkiv regional TEC. Administrative Courts in Zaporizhzhia, Rivne, Odesa, Volynsk and Zhytomyr obliged the TECs to register candidates, while Kherson, Lviv, Cherkasy, Dnipropetrovsk and Kirovohrad Courts were amongst those who requested reconsideration of registration.

51 Registration of the OB candidates was repeatedly denied by Kharkiv, Sloviansk, Berdiansk city TECs, of the NK by Kherson city TEC, and of the Free Democrats by Cherkasy city TEC. Article 99.8 of the Law prohibits election commissions to adopt decisions that in essence repeat the decisions recognized as illegal by the court.

52 Paragraph 15 of the General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights states that "any restrictions on the right to stand for election ... must be justifiable on objective and reasonable criteria". See also paragraph 24 of the 1990 OSCE Copenhagen Document, which provides that any restrictions on rights must be "strictly proportionate to the aim of the law". See also Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

53 Statement of Preliminary Findings and Conclusions, International Election Observation Mission, Ukraine, Local Elections 25 October 2015

54 Out of the 142 political parties which participation to the local elections has been registered by the CEC, 132 actually submitted the documents required by Law.

55 Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that "The participating States will... respect the right of citizens to seek political or public office, individually or as representatives of political parties or organisations, without discrimination."

56 Congress' Recommendation 375 (2015) on Criteria for standing in local and regional elections states that "independent candidates [should] be allowed to stand in all local and regional elections, without unduly restrictive requirements of financial deposits and supporting signatures".

5. Campaign and media environment

a. Financing

43. The use of lavish campaign funds by some contestants, coupled with the absence of ceilings on campaign expenditures, prevented the level playing field during the campaign period and is at odds with international good practice.⁵⁷ The expenditures for political advertisement prior to the registration of candidates were not included in any reports, thus raising concerns about the alleged widespread use of undeclared funds. The absence of crosschecking mechanisms and sanctions weakened the effectiveness of campaign finance oversight. A number of recommendations, notably by the Venice Commission, for the strengthening of transparency of campaign finance still need to be addressed.

b. The electoral campaign

44. The electoral campaign started on 5 September and lasted until 23 October included. Indeed, the Law provides a 24 hours' silent period prior to the Election Day, which was respected in most places according to the Congress' observers.

45. In general, the electoral campaign took place against a backdrop of growing disillusionment with the political establishment, an ongoing economic crisis and the slow implementation of anti-corruption policies. The campaign was dominated by national issues of reform, order and stability. Only a few contestants focused on local issues and on the actual powers and responsibilities of local representatives and Councils. According to the Committee of Voters of Ukraine,⁵⁸ only 50 parties were actively campaigning; among them 11 parties of nation-wide relevance.

46. Voters had a wide array of parties and candidates to choose from, with the exception of districts in Luhansk and Donetsk *Oblasts*.⁵⁹ A number of so-called "clone parties" participated in the election. These parties aim at competing for votes against other political parties. Names, electoral platforms and other symbols are almost similar and are a source of confusion for voters.

47. The campaign environment was competitive. However, according to Congress' interlocutors, it was dominated by wealthy donors and their vested interests who focused their resources on the mayoral and council races in *Oblasts*. The campaign was more visible in urban than in rural communities, and especially subdued in government-controlled territories in the Luhansk and Donetsk *Oblasts*.⁶⁰ Problems with the registration of some political parties and candidates resulted in the delay and interruption of candidates' campaigns and shaped the campaign debate in certain regions, in particular in eastern and southern *Oblasts*. Freedom of assembly was generally respected.

48. Parties and candidates with ample resources, and strong media connections used a variety of methods to campaign, including TV and radio advertisements, billboards, campaign tents, print materials, free concerts and rallies.⁶¹ Many parties had an active digital campaign and held meetings with small groups of voters.

57 See the General Comment No. 25 to Article 25 of ICCPR (International Covenant on Civil and Political Rights) and the 2003 Council of Europe Recommendation Rec(2003)4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns.

58 According to the interlocutors from the NGO "Committee of Voters of Ukraine", the Congress met on 1 October 2015 in Kyiv.

59 Fewer parties participated in government-controlled election districts of Luhansk and Donetsk *Oblasts* than in other regions with candidates mostly from the Opposition Bloc, the Petro Poroshenko Bloc-Solidarity, Our Land and *Batkivshchyna*. For some district council seats these four parties nominated comparably low numbers of candidates for party lists. Parties indicated that they had difficulties finding candidates, according to the report on "The 2015 Local Elections in Donetsk and Luhansk Oblasts of Ukraine" mentioned above.

60 According to the report on "The 2015 Local Elections in Donetsk and Luhansk Oblasts of Ukraine" prepared in the framework of the EU-funded Action «Providing consultations for civil society and local self-government regarding the administrative reform and conduct of local elections in October 2015». The report can be found at <http://www.oporaua.org/en/news/41918-problematic-aspects-of-elections-in-ukraine-a-view-from-inside-and-outside>

61 The OSCE/ODIHR Election Observation Mission observed 47 rallies, mainly held by mayoral candidates; of these 9 rallies by the BPPS, 7 by *Samopomich*, 5 by the NK an UKROP, 4 by *Svoboda* and the RP each, 2 by *Batkivshchyna* and 1 by the OB, Renaissance, Vinnytsia European Strategy (VES), Civil Position, Strong Ukraine, Sergey Kaplin Party of Ordinary People, People's Control, European Party of Ukraine, For Ukraine and For Concrete Actions each and 2 rallies organised jointly by a group of parties. On average, 34% young people and 45% women were represented in the rallies.

49. In some instances, government officials took an active role in the campaign, both as supporters and candidates.⁶² In other cases, incumbent Mayors and Councillors running for re-election initiated a series of amendments to Council decisions in order to fulfil electoral promises of the last campaign.⁶³ Incumbent candidates were allowed to campaign while in office, but campaign activities of these officials during working hours gave rise to a number of allegations regarding the misuse of administrative resources. The use of municipal websites for campaign purposes and distribution or posting of materials on public transport, which is prohibited by law, was noticed, in particular by OSCE/ODIHR long-term observers.⁶⁴

50. Also, members of the Congress' delegation and the OSCE/ODIHR Election Observation Mission received widespread allegations of vote-buying and observed candidates distributing food packages to low-income voters directly or through charity organisations.⁶⁵ In some areas, the campaign was also marred by threats and physical attacks targeting candidates and campaign workers.⁶⁶ Occasionally, intimidations were reported as reasons for candidates to withdraw, while some decided to contest mayoral races as non-partisan self-nominees because of pressure.⁶⁷

c. The media

51. The media sector reflects Ukraine's overall political climate. The growing power and politicisation of media groups affect both national and regional media. The political and business interests controlling the media often influence editorial policy and the malpractice of paid-for journalism is widespread.⁶⁸

52. The legal framework for the media comprises the Constitution and a plethora of laws that are generally conducive to freedom of expression. The Law on Local Elections governs the media's conduct throughout the electoral period.⁶⁹ NGO representatives⁷⁰ informed the Congress' delegation of a number of gaps and inconsistencies in the legal framework, in particular regarding equal access for candidates to media and regulations on political advertising. They pointed to the oligarchical ownership – in particular regards TV – as a major concern for the Ukrainian media landscape.

53. The long-drawn-out transformation of the National Television and Radio Company (NTRC) from a state-owned to a public broadcaster hampered independence and editorial freedom of this institution. A decision to discontinue the contracts of the staff at the NTRC regional branches led to self-censorship and an arbitrary application of the Law.⁷¹ Sixteen of 25 regional branches broadcasted only those election-related programmes that were paid for by parties and candidates, and just eight produced issue-oriented programmes at their expense.

54. The overwhelming presence of pre-fabricated media content was reported by Congress' interlocutors as one of the biggest problems with regard to transparency and ethics of journalism in Ukraine. So-called "jeansa", provided by political parties and other stakeholders with vested interest, were published as "editorial content" without labelling. Moreover, the amount of paid-for airtime exceeded the amount of time devoted to

62 Notably in Odesa, where the Governor actively took part in the campaign of the Petro Poroshenko Bloc-Solidarity mayoral candidate. The Renaissance mayoral candidate lodged a complaint related to that support but the Court did not satisfy the complaint.

63 The Kyiv city council published an order "On arrangement of providing funds for... fulfilment of pre-electoral programmes and assignments of voters by the Kyiv city mayor and deputies of the Kyiv city council". Other cases were observed in Chernihiv, Kryvyi Rih, and Ternopil.

64 For instance in Chernihiv, Dnipropetrovsk, Kharkiv, Kyiv, and Vinnytsia.

65 Among many cases reported in the media, the following concrete observations have been reported by the OSCE/ODIHR Election Observation Mission: in Kirovohrad, an "Our Land" mayoral candidate distributed food packages through his wife's charity fund; in Kyiv, two candidates from *Yednist* sold potato packages at a subsidised price; the incumbent Chernivtsi Mayor distributed food packages; in Mykolaiv, an "Our Land" candidate for city council sponsored a football match and distributed envelopes with cash.

66 Cf. reports of interlocutors of the OSCE/ODIHR Election Observation Mission.

67 In Rivne, the Opposition Bloc told the OSCE/ODIHR Election Observation Mission that it decided not to engage in an active public campaign due to apprehension about possible intimidation. In Vinnytsia, *Svoboda*, the Agrarian Party and the Opposition Bloc claimed that several of their candidates were pressured to withdraw or change party affiliation in order not to lose their public sector jobs.

68 According to the OSCE/ODIHR Election Observation Mission, long-term observers collected a great number of reports on biased coverage for or against particular candidates and/or local media's direct affiliation with specific political parties or their sponsors.

69 The Law forbids reporting on the campaign in the news, does not foresee any free air-time, envisages the possibility to pay for debates and, at the same time, stipulates equal allocation of time to all contestants.

70 In particular, representatives of the NGOs "Telecrytyka" and "the Institute of Mass Media) the Congress met in Kyiv prior to Election Day.

71 OSCE/ODIHR long-term observers visited 25 out of 26 local branches of the NTRC to assess the effect of the transformation. In 18 cases, the management admitted the persisting uncertainty, expected staff reductions and insufficient funding, six admitted self-censorship.

election-related news provided by the national broadcasters, as monitored by the OSCE/ODIHR during the electoral campaign.⁷²

55. The level playing field in the media was further compromised by the absence of comprehensive oversight or review of the media's compliance with legal provisions, such as their obligation to clearly label paid-for political content. The National Television and Radio Broadcasting Council (NTRBC) conducted media monitoring at the national and *Oblast* levels. However, the NTRBC lacked capacity and effective sanctioning powers and proved unable to take timely and resolute measures when necessary.⁷³

56. Of the 132 political parties registered for elections, only three were granted meaningful editorial coverage across the media landscape and provided with the ability to address the voters directly within the news and editorial programmes according to the OSCE/ODIHR media monitoring.⁷⁴ Key personalities in the mayoral races in Kyiv, Kharkiv and Dnipropetrovsk were the most visible political figures in broadcast media's election-related programming. With one exception, TV channels with a nationwide reach, predominantly featured two to three political parties within their prime time programming.⁷⁵

57. The parties with representatives in administrative positions, most notably the Petro Poroshenko Bloc – Solidarity as well as the incumbents, enjoyed additional coverage due to their institutional activities. President Poroshenko himself received about 13 per cent of the total time devoted to political reports, the coverage of his activities being largely positive according to the media monitoring lead by the OSCE/ODIHR⁷⁶. The pre-election coverage of print media did not provide for an alternative discourse in the form of independent or analytical editorial content. The Petro Poroshenko Bloc-Solidarity, the Ukrainian Union of Patriots, Our Land and the Opposition Bloc were the most visible in the newspapers.

d. Participation of women and minorities

58. For the first time, the Law introduced the requirement of at least 30% representation of each gender on a party list, but did not provide for any sanctions for failure to comply. According to the CEC, women comprised about 35% of all registered candidates for the proportional races and 13% in mayoral races. However, female candidates were largely absent from the media landscape, and a small number of them featured in the campaign across the country. Women were well-represented at the Central Election Commission and on the Territorial Election Commissions, including in leadership roles.

59. National minorities' participation in these elections was affected by the crisis in the east and the temporary control of parts of the territory by illegal armed groups, and the illegal annexation of the Crimean peninsula, which made it impossible to organise elections in those parts of the country.⁷⁷

6. Election Day

a. Voting

60. Election Day was calm and orderly in most of the places visited by the Congress' observers. Only isolated cases of tension, obstruction or intimidation were observed.

61. Some of the polling stations opened later than scheduled, due to long-drawn preparations or missing election materials. More generally, printing and distribution of ballots proved to be problematic. The security of the process and the quality of the ballots were widely questioned. Some of the problems included misspelling of candidates' names, printing in bold of some of the names or the presence of spots tainting the ballots. In other instances, ballots were delivered to wrong districts.⁷⁸

72 Statement of Preliminary Findings and Conclusions, International Election Observation Mission, Ukraine, Local Elections 25 October 2015

73 The NTRBC reviewed 52 news items and no fines were imposed; long-term observers from the OSCE/ODIHR Election Observation Mission visited all 26 regional branches of NTRBC where on average two employees are monitoring 56 media outlets.

74 The Opposition Bloc (19%), the Petro Poroshenko Bloc-Solidarity (18%), and Renaissance (5%).

75 According to the OSCE/ODIHR media monitoring, these parties were Renaissance and UKROP on 1+1, the Petro Poroshenko Bloc-Solidarity and the Movement for Reform on 5 Channel, the Petro Poroshenko Bloc-Solidarity, the Opposition Bloc and the Party of Resolute Citizens on Inter TV, TRK Ukraina and UA:First.

76 Statement of Preliminary Findings and Conclusions, International Election Observation Mission, Ukraine, Local Elections 25 October 2015

77 According to the 2001 census, ethnic Russians comprise 17.3% of the population, while another 12.3% identify as native Russian speakers. Of this total 14 million people, approximately 5.4 million live in Donetsk and Luhansk *Oblasts* and 1.9 million live on the Crimean peninsula. UNHCR reported that there were 1.46 million IDPs in Ukraine as of 7 September, three-quarters of whom lived in the eastern regions of Donetsk, Luhansk, Zaporizhzhia, Dnipropetrovsk and Kharkiv. According to the State Emergency Service, about half of the 21,000 Crimean IDPs were estimated to be Crimean Tatars.

78 In Khust, Zakarpattia, and Sumy.

62. Despite the overall positive assessment, some procedural problems were noted by Congress' observers and procedures themselves sometimes differed from one polling station to another. In particular, inconsistent voters' identification procedures were reported, including acceptance of copies of passports. Sporadically, carroussel voting has also been observed by members of the Congress' delegation.⁷⁹

63. The complexity of the combined electoral systems and the new procedures provided by the new Law created confusion among voters. The Congress' teams reported numerous cases of voters asking multiple questions on voting procedures and electoral systems to member of PECs.

64. In almost all the polling stations observed, transparency of the process was ensured and observers could follow procedures without any restrictions. However, most of the polling stations visited by Congress' teams were not accessible to people with disabilities.

65. Domestic NGOs encountered problems to register observers prior to Election Day, especially in *Oblasts* where the situation was particularly tensed, such as Dnipropetrovsk.⁸⁰ Registration problems mainly occurred because of inconsistencies in the interpretation of the Law and other procedural reasons.

66. Various media and NGOs were present outside a significant number of polling stations in order to conduct exit polls. However, the lack of identification of some pollsters as well as the methods employed to gather answers could create confusion among voters in some areas.

b. Counting

67. The closing, as well as the counting procedures observed by Congress' observers were assessed, in most of the cases, positively. However, due to the length of the process, tabulation following counting could not be observed by the Congress' delegation.

68. Some of the problems reported by the Congress' observers during the closing and counting were mostly due to failure of individual commissions to abide to established procedures notably related to the filling in of protocols, the accuracy of the counts and the reconciliation of the figures in the protocols.

69. According to the Law,⁸¹ the results should be established by the respective TECs within 5 days after Election Day for elections in single-mandate constituencies and within 10 days for elections in multi-mandate constituencies. However, there is no legal delay for TECs to deliver the final results to the CEC, thus nationwide results were not available for weeks.⁸²

70. The main reason why the tabulation process took a long time relates to the poor quality of protocols. In particular, protocols filled in by PECs were often containing errors in calculation and round-off of percentages, non-filled sections or the absence of the necessary signatures, according to domestic observers.⁸³ Therefore, protocols were often sent back to PECs to be corrected and vote recount was also organised after TECs examined complaints.

c. Appeals

71. The Law and the Code of Administrative Proceedings do not clearly define a single hierarchical structure of responsibility for the complaints and appeals process. Election commissions, first instance courts of general jurisdiction, as well as administrative courts all have jurisdiction to consider election-related complaints.

72. Following the Election Day, the Central Election Commission received 101 complaints. Out of a total of 304 complaints received since the start of the election process, most were rejected on technical grounds and only 19 were considered in session. All other complaints were considered by individual CEC members, whose decisions were communicated by letter and could not be appealed.⁸⁴

79 In Khmelnytski, Kharkiv and Chernivtsi.

80 According to the interlocutors from the NGOs OPORA and the Committee of Voters of Ukraine the Congress' delegation met in Kyiv prior to Election Day.

81 Respectively Article 85 and Article 86 for elections in single-mandate constituencies and elections in multi-mandate constituencies.

82 The NGO OPORA gathered information on the delays in publishing the results in each Oblast and the reasons of these delays: <http://www.oporaua.org/en/news/11191-exclusive-per-each-oblast-vote-tabulation-and-determination-of-election-results-in-local-elections>

83 <http://www.oporaua.org/en/news/11191-exclusive-per-each-oblast-vote-tabulation-and-determination-of-election-results-in-local-elections>

84 See Statement of Preliminary Finding and Conclusions of the Second Round of Local Elections by OSCE/ODIHR, 15 November 2015.

73. Following Election Day, courts adjudicated some 400 cases. The OSCE/ODIHR Election Observation Mission was informed of 118 requests for recounts related both to council and mayoral contests. Courts ordered recounts in 25 cases and the rest were rejected as unsubstantiated or on procedural grounds.⁸⁵ Additionally, in 140 cases, requests were made to declare elections invalid or as not held. Most of these were rejected on procedural grounds.⁸⁶

7. Turnout and election results⁸⁷

74. According to the Central Election Commission, the turnout of the first round of elections was 46.62% nation-wide. Such turnout was lower than expected by various stakeholders, especially in eastern regions.⁸⁸ However, it is comparable to the turnout in the 2010 local elections (46%) and even to the turnout of the 2014 Parliamentary elections (52.54%).

75. Moreover, as for previous elections, the difference in turnout between the different regions of Ukraine was rather big: 51.4% of the voters actually voted in the western regions whereas only 41.1% of them did so in the southern regions of Ukraine on 25 October.⁸⁹

76. Run-off elections⁹⁰ were held in Kyiv, 18 city regional centres⁹¹ and 10 large regional towns.⁹² In Kyiv and Lviv, the gap between the top candidate of the first round and his respective competitor was more than 30%, not inciting voters to go to vote on 15 November. The overall turnout in the cities where a second round was held was as low as 34.4%.⁹³

8. Developments from the 25 October (first round) to 15 November 2015 (second round)

77. According to the domestic NGO OPORA, the Central Election Commission took contradictory decisions on electoral systems.⁹⁴ It ruled that if it appeared that there were less than 90,000 voters on the voters' lists, no mayoral elections under the majority system should have been held and, as a consequence, no second round was to be organised. This rule applied in the city of Pavlohrad (Dnipropetrovsk *Oblast*), where the second round was cancelled after the Commission discovered after the Election Day that there were less than 90,000 voters on the lists. Thus, the CEC changed from a proportional to a relative majority system during the electoral process, creating uncertainty both for candidates and voters and potentially distorting the outcome of the election.

78. The CEC asked the Parliament to take legislative acts in favor of the holding of elections in Mariupol and Krasnoarmiisk on 15 November 2015. It was finally agreed that these elections were to be held on 29 November 2015, as approved by the Parliament on 10 November and President Poroshenko on 14 November.⁹⁵ The turnout in Krasnoarmiisk was 2.4% higher than nationwide and 2.2% higher in Mariupol. Both of these postponed elections passed quietly with the exception about tabulation of votes at election precincts and the disappearance of 329 mayoral election and 343 city council election ballots at one precinct, according to the NGO OPORA.⁹⁶

85 These court cases mostly concerned elections in various locations of Kherson, Kirovohrad, Kyiv, Odesa, Zhytomyr, Sumy, Zakarpattia, Vinnytsia, Dnipropetrovsk, Lviv, Ivano-Frankivsk *oblasts*.

86 In two cases, courts have satisfied the request and declared elections as invalid or not held. In two other cases courts have declared actions of the commission members illegal, and in one instance, prohibited TEC to publish the results. In the latter cases, the courts did not provide any further elaboration on the request to invalidate or declare elections as not held, and did not specify the consequences of their decisions.

87 See the appendix for details results of the elections nation-wide and in the main cities of Ukraine.

88 <http://www.ukrweekly.com/uw/wp/local-elections-held-with-lower-than-expected-turnout/>

89 For more details, see <http://www.oporaua.org/en/news/41080-618-1446984481-miscevi-vybory-promizhni-pidsumky-sposterezhennja-opory>

90 <http://en.interfax.com.ua/news/general/301590.html>

91 Vinnytsia, Lutsk, Dnipropetrovsk, Zhytomyr, Uzhgorod, Zaporizhia, Ivano-Frankivsk, Kirovohrad, Lviv, Mykolaiv, Poltava, Rivne, Sumy, Kherson, Khmelnytsky, Cherkasy, Chernivtsi and Chernihiv

92 Dniprodzerzhynsk, Kryvy Rih, Nikopol, Pavlohrad (Dnipropetrovsk region), Kramatorsk (Donetsk region), Berdiansk, Melitopol (Zaporizhia region), Bila Tserkva (Kyiv region), Kremenchuk (Poltava region) and Severodonetsk (Luhansk region)

93 <http://www.kyivpost.com/content/politics/as-runoffs-loom-voters-still-dont-know-many-results-401461.html>

94 <http://www.oporaua.org/en/news/11141-5758-1446984522-rozjasnennja-cvk-shchodo-povtornogo-golosuvannja-na-vyborah-miskyh-goliv-porushuje-pryncyp-pravovoi-vyznachenosti-i-maie-but>

95 <http://en.interfax.com.ua/news/general/301060.html>

96 <http://www.oporaua.org/en/news/41843-statement-on-observation-results-of-29-november-2015-regular-local-elections-in-cities-of-mariupol-and-krasnoarmiisk-donetsk-oblast>

79. In Odesa, the candidate Sasha Borovik and Governor Mihkel Saakashvili from Petro Poroshenko Bloc challenged the results because of reported allegations of fraud, during the campaign, the electoral process and the vote counting. The main reason of this mistrust in the official results was a mismatch between the results released by the election administration and exit polls: exit polls found that Sasha Borovik received about 31% and the counting gave him about 24%.⁹⁷ Sasha Borovik asked for recounting the ballots. The parallel vote count organised by OPORA showed that Gennadiy Trukhanov got 51.64% of the votes whereas Sasha Borovik received 24.78% of them.⁹⁸ Moreover, both the NGOs Committee of Voters of Ukraine and OPORA said they did not record violations that could have significantly affected the election results.

80. In Kryviy Rih (Dnipropetrovsk Oblast), citizens gathered for several rallies, claiming that the election was rigged.⁹⁹ A complaint filed by a Somopomich candidate requested a recount of votes, accusing the incumbent Opposition Bloc Mayor to have committed fraud.¹⁰⁰

81. The post-electoral period was also marked by the arrest of Hennadiy Korban, leader of UKROP, in Dnipropetrovsk on 31 October 2015. Korban was the candidate of UKROP for the Kyiv mayoral elections¹⁰¹ and is the former Deputy Governor of Dnipropetrovsk (2014-2015). He was accused by the Prosecutor General of Ukraine of leading an organised criminal group in the region of Dnipropetrovsk.¹⁰² A Kyiv Court ordered his house arrest until 31 December 2015.¹⁰³

9. Conclusions

82. The 2015 local elections were widely considered as an indicator for the authorities' capacity to pursue the reform course undertaken and, more generally, a mood barometer for the pro-Western orientation of the country. The vote took place in a challenging social, economic, humanitarian and security environment, arising, in particular, from the illegal annexation of the Crimean Peninsula by the Russian Federation and the temporary control of parts of the territory of the Donetsk and Luhansk Oblasts by illegal armed groups. In general, the electoral campaign – competitive and mostly showing respect for the democratic process – took place against a backdrop of growing disillusionment with the political establishment. The ongoing economic crisis and the slow implementation of anti-corruption policies were also significant features of the electoral environment.

83. Technically speaking, the elections were well organised overall, orderly and calm. The voting and the counting were transparent and international and domestic observers were given the opportunity to monitor the pre-electoral phase and the procedures on Election Day in an inclusive manner. Nevertheless, the complexity of the legal framework, introducing three different electoral systems for different units of territorial government, the lack of clarity of procedural provisions and inconsistent decision-making of the electoral administration caused problems in polling stations and confusion among voters with regard to the effect of their ballot (did they vote for a specific candidate or for a party).

84. Moreover, the dominance of powerful economic groups over the electoral process, and the fact that virtually all campaign coverage in the media was paid for, reflected the overall climate in the country where political and business interests are controlling the media and often influence the editorial policy. The overwhelming presence of pre-fabricated media content – without labelling – constitutes an additional problem with regard to transparency and ethics of journalism.

85. In conclusion, despite the progress achieved so far by the Ukrainian authorities to advance the democratic consolidation of the country, further efforts are needed in view of the next local elections. This includes the profound revision of the legal framework, the establishment of a de-politicised and professional electoral administration at all levels, effective fraud prevention, the promotion of independent candidates and of the role of independent media in electoral campaigns, with the overall aim of strengthening integrity of electoral processes and of increasing public confidence in elections.

97 <http://www.kyivpost.com/content/politics/incumbent-odesa-mayor-trukhanov-declared-winner-in-oct-25-mayoral-election-400817.html>

98 <http://www.oporaua.org/en/news/41103-1899-1446984496-rezultaty-paralelnogo-pidrahunku-golosiv-opory-na-vyborah-miskogo-golovy-odesa-ta-odeskoji-miskoji-rady>

99 <http://www.unian.info/society/1190877-kryviy-rih-rallies-against-local-election-fraud.html>

100 <http://www.kyivpost.com/article/content/ukraine-politics/kryvi-rih-commission-paves-way-for-mayoral-vote-recount-403581.html>

101 He received 2.6% of the votes in Kyiv on 25 October 2015.

102 <http://www.rferl.org/content/ukraine-election-ukrop-kolomoyskiy/27338295.html>

103 <http://en.interfax.com.ua/news/general/301922.html>

APPENDIX I

General results of the 2015 local elections:¹⁰⁴

Party Name	Result (Number of Representatives)
Petro Poroshenko Bloc-Solidarity	Over 9,000
Fatherland	Over 8,000
Our Country	Over 4,500
Opposition Bloc	Over 4,000
Agrarian Party	Over 3,000
Radical Party	Over 2,500
Ukrainian Association of Patriots (UKROP)	Over 2,000
Revival	Over 1,500
Freedom (Svoboda)	Over 1,500
Self-Reliance (Samopomich)	Over 900

Results in the main cities of Ukraine

Kyiv¹⁰⁵

Political party	Candidate for mayoral race	Mayor ¹⁰⁶		City Council ¹⁰⁷	
		1 st round	2 nd round	Percentage	Seats
Solidarity – Petro Poroshenko Bloc	Vitali Klitschko	40.6%	Scheduled for 15 Nov	43.33	52
Rishuchi Hromadiany (Resolute Citizens)	Boryslav Bereza	8.8%	Scheduled for 15 Nov	< threshold	-
Yednist (Unity) Party	Oleksandr Omelchenko (former Kyiv Mayor)	8.4%	-	12.50	15
Batkivschyna (Fatherland)	Volodymyr Bondarenko	7.9%	-	14.17	17
Samopomich	Serhiy Husovsky	7.7%	-	18.33	22
Svoboda	Oleksandr Myrny	4.4%	-	11.67	14
Opposition Bloc	Oleksandr Puzanov	4.2%	-	< threshold	-
Movement for Reform Party	Serhiy Dumchev	3.9%	-	< threshold	-
Democratic Alliance	Volodymyr Hatsko	2.8%	-	< threshold	-
UKROP	Hennadiy Korban	2.6%	-	< threshold	-

Dnipropetrovsk

Political party	Candidate for	Mayor	City Council
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¹⁰⁴ <http://carnegieendowment.org/2015/12/07/ukraine-reform-monitor-december-2015/impq>

¹⁰⁵ All figures were published by the CEC on its website.

¹⁰⁶ <http://en.interfax.com.ua/news/general/300692.html>

¹⁰⁷ <http://www.kyivpost.com/content/ukraine/solidarity-samopomich-batkivschyna-svoboda-and-yednist-parties-elected-to-kyiv-city-council-401216.html>

	mayoral race	1st round	2nd round	Percentage	Seats
Opposition Bloc	Oleksandr Vilkul	37.94	Scheduled for 15 Nov	39.06	25
UKROP	Borys Filatov	35.78	Scheduled for 15 Nov	32.81	21
"Hromadska Syl'a" Organization	Zahid Krasnov	12.43	-	10.94	7
Bloc Petro Porochenko - Solidarity	Maksym Kuriachyi	4.81	-	9.38	6
Revival	Anatoly Krupskiy	2.02	-	< threshold	-
Fatherland	Oleksii Chebeda	1.6	-	< threshold	-
Samopomich	-	-	-	7.81	5

Odesa¹⁰⁸

Political party	Candidate for mayoral race	Mayor		City Council¹⁰⁹	
		1st round	2nd round	Percentage	Seats
"Trust Deeds" party, incumbent Mayor	Gennadiy TRUKHANOV	51.34	No second round	42.19	27
Petro Poroshenko Bloc – Solidarity, supported by Governor SAAKASHVILI	Sasha BOROVIK	24.58		21.88	14
self-nominated, former Mayor	Eduard HURVITS	8.31		-	-
Sergei Kivalov Ukrainian Sea party, former Chair of the Central Election Commission	Sergei KIVALOV	5.49		9.38	6
Opposition Bloc	-			18.75	12
Samopomich	-			7.81	5

Lviv

Political party	Candidate for mayoral race	Mayor		City Council	
		1st round	2nd round	Percentage	Seats
Samopomich	Andriy Sadovyi	49.16	Scheduled for 15 Nov	37.5	24
Svoboda	Ruslan Koshulynskiy	12.25	Scheduled for 15 Nov	12.50	8
Hromadianska Pozytsia	Volodymyr Hirniak	11.03	-	10.94	7
Narodnyi Kontrol	Dmytro Dobrodomov	10.71	-	9.38	6
Petro Poroshenko Bloc - Solidarity	Oksana Yurynets	4.4	-	15.63	10
UKROP	Igor Zinkevich	3.31	-	7.81	5
Ukrainian Galician party	-	-	-	6.25	4

¹⁰⁸ According to the official results released by the CEC on its website : <http://www.cvk.gov.ua/wvm2015/pvm048pt001f01=100pt005f01=0pid102=9973pf7691=9973rej=0.html>

¹⁰⁹ According to the official results released by the CEC on its website : http://www.cvk.gov.ua/wvm2015/pvm057pid112=30pid102=9973pf7691=9973pt001f01=100rej=Opt00_t001f01=100.html

APPENDIX II

DELEGATION

Head of Delegation (Congress)

Mrs Gudrun MOSLER-TÖRNSTRÖM, SOC, R, Austria

Rapporteur (Congress)

Mr Jos WIENEN, EPP-CCE/PPE-CCE, L, Netherlands

Spokesperson of the Parliamentary Assembly

Mr Emanuelis ZINGERIS, EPP/CD-PPE/DC, Lithuania

Spokesperson of the EU Committee of the Regions

Mr Arnoldas ABRAMAVIČIUS, EPP, Lithuania

Congress

Ms Liisa ANSALA, ILDG/GILD, L, Finland

Mr Gunnar AXELSSON, SOC, L, Iceland

Mr Mehmet AYDIN, EPP-CCE/PPE-CCE, L, Turkey

Mr Jean-Marie BELLIARD, EPP-CCE/PPE-CCE, R, France

Mr Enzo BROGI, SOC, R, Italy

Ms Andrée BUCHMANN, SOC, R, France

Mr Xavier CADORET, SOC, L, France

Mr Marc COOLS, ILDG/GILD, L, Belgium

Mr Stewart DICKSON, ILDG/GILD, R, United Kingdom

Mr Antonio EROI, EPP-CCE/PPE-CCE, L, Italy

Mr Petros FILIPPOU, NR/NI, R, Greece

Ms Mary HEGARTY, EPP-CCE/PPE-CCE, R, Ireland

Mr Jaroslav HLINKA, ILDG/GILD, L, Slovak Republic

Ms Lelia HUNZIKER, SOC, L, Switzerland

Mr Mihkel JUHKAMI, EPP-CCE/PPE-CCE, L, Estonia

Ms Carmen KIEFER, EPP-CCE/PPE-CCE, L, Austria

Mr Nigel MERMAGEN, ILDG/GILD, L, United Kingdom

Mr Dobrica MILOVANOVIC, EPP-CCE/PPE-CCE, L, Serbia

Ms Randi MONDORF, ILDG/GILD, R, Denmark

Mr Muhrad QURESHI, SOC, R, United Kingdom

Mr Raymond TABONE, SOC, L, Malta

Mr Matteo TOSCANI, EPP-CCE/PPE-CCE, R, Italy

Ms Sevdia UGREKHELIDZE, EPP-CCE/PPE-CCE, R, Georgia

Mr Laurent WEHRLI, ILDG/GILD, L, Switzerland

Mr Petre ZAMBAKHIDZE, EPP-CCE/PPE-CCE, R, Georgia

Ms Nino ZURABISHVILI, SOC, L, Georgia

Parliamentary Assembly

Mr Claude ADAM, SOC, Luxembourg

Mr Imer ALIU, EPP/CD-PPE-DC, “the Former Yugoslav Republic of Macedonia”

Ms Ingebjørg GODSKESEN, EC/CE, Norway

Mr Alfred HEER, ALDE/ADLE, Switzerland

Ms Kerstin LUNDGREN, ALDE/ADLE, Sweden

Ms Marit MAIJ, SOC, Netherlands

Mr Andrea RIGONI, ALDE/ADLE, Italy

Ms Birutė VĖSAITĖ, SOC, Lithuania

Mr Jordi XUCLA, ALDE/ADLE, Spain

Ms Krýstina ZELIENKOVÁ, ALDE/ADLE, Czech Republic

EU Committee of the Regions

Mr Stewart MAXWELL, EA, United Kingdom

Mr Petr OSVALD, PES, Czech Republic

Mr Urmas SUKLES, ALDE, Estonia

Congress Secretariat

Mr Jean-Philippe BOZOULS, Director a.i./Head of the Department of Statutory Activities

Ms Renate ZIKMUND, Deputy Head of Service, Head of Division, Local and Regional Election Observation

Ms Martine ROUDOLFF, Assistant, Local and Regional Election Observation

Ms Ségolène TAVEL, Assistant to the Election Observation Mission

Mr Leonard CUSCOLECA, Assistant to the Election Observation Mission

Ms Arwen THIERRY, Communication Officer, Communication Unit

Mr Marco MIRANDA, Project Coordinator, Co-operation activities

Parliamentary Assembly Secretariat

Mr Chemavon CHAHBAZIAN, Head of the Election Observation and Interparliamentary Co-operation Division

Ms Daniele GASTL, Assistant, Election Observation and Interparliamentary Co-operation Division

European Commission for Democracy through Law (Venice Commission)

Ms Amaya UBEDA, Administrator

Experts

Mr Alain DELCAMP, Congress Adviser on Constitutional Matters

Mr Reto STEINER, Congress' Group of Independent Experts on the European Charter of Local Self-Government, expert on electoral matters

Council of Europe-Directorate of Communication

Mr Sandro WELTIN, photographer

PROGRAMME 22-26 OCTOBER 2015

Thursday, 22 October 2015

- 09:00 – 10:00 **Briefing of Congress' members by the Head of Delegation, Ms Gudrun MOSLER-TÖRNSTRÖM**, on findings of the pre-electoral mission
- Technical briefing by the Congress' Secretariat**
Venue: Fairmont Grand Hotel Kyiv, meeting room KYIV – 2
- 10:15 -11:15 **Background briefing by Mr Viktor TARAN, Chairman of the Centre for Political Studies and Analysis**, on the electoral framework of the 2015 local elections
Venue: Fairmont Grand Hotel Kyiv, meeting room KYIV – 2
- 11:15 – 11:30 Coffee break
- 11:30 – 12:30 **Background briefing by Mr Ihor KOLIUSHKO, Member of the Expert Group on decentralisation and local self-government reform, Director of the Centre of policy and legal reforms**, on recent developments of decentralisation further to the Constitutional reform in the context of the 2015 local elections
- Venue: Fairmont Grand Hotel Kyiv, meeting room KYIV - 2
- 12:30 – 13:30 Lunch break
- 13:45 – 15:00 **Briefing with members of the Associations** on recent developments of local self-government in Ukraine in the context of the 2015 elections
- Mr Volodymyr PARKHOMENKO, Association of Cities of Ukraine, Deputy Director of the Centre of legal analysis and drafting**
- Ms Valentyna POLTAVETS, Association of small cities and towns of Ukraine, Executive director**
- Mykola FURSENKO, Association of villages and settlement councils of Ukraine, Chairman**
- Serhiy CHERNOV, Association of regional and district councils of Ukraine, Chairman**
- Venue: Fairmont Grand Hotel Kyiv, meeting room KYIV – 2
- 15:00 – 15:15 Coffee break
- 15:15 – 19:00 **Meetings with Kyiv candidates/representatives of political parties on programmes and major topics** of the 2015 local elections:
- Serhiy HUSOVSKY, SAMOPONICH Party (mayoral candidate)
 - Hennadiy KORBAN, Ukrop Party (mayoral candidate)
 - Olexiy ZAKHARCHENKO, Batkivshchyna Party
 - Yulia OSMOLOVSKA, Party of Resolute People
- Venue: Fairmont Grand Hotel Kyiv, meeting room KYIV - 2
- 19:00 **Debriefing by the Head of the Delegation/Congress' Secretariat**
- Venue: Fairmont Grand Hotel Kyiv, meeting room KYIV – 2

Friday, 23 October 2015

- 8:15 – 10:00 **Welcome briefing for all members of the Election Observation Mission by the Head of Delegation, Ms Gudrun MOSLER-TÖRNSTRÖM**, on findings of the pre-electoral mission
- Presentation by Mr Alain DELCAMP, Congress' Advisor on Constitutional Matters**, on latest developments in the context of the constitutional amendments and the decentralisation reform
- Presentation by Ms Amaya UBEDA, Venice Commission**, on specificities of the electoral framework of the 2015 local elections
- Venue: Fairmont Grand Hotel Kyiv, meeting room BALLROOM
- 10:00 – 10:15 Coffee break
- 10:15 – 11:15 **Background briefing with Ambassadors of some Council of Europe countries and representatives of international organisations** on the political situation prior to the 2015 local elections (**Austria, Netherlands, UK, Germany and EU representative**) and **Head of the CoE Office Ambassador Vladimir RISTOVSKI**
- Venue: Fairmont Grand Hotel Kyiv, meeting room BALLROOM
- 11:30 – 13:30 **Briefing with the OSCE-ODIHR Election Observation Core Team and the delegation of the European Parliament**
- Venue: Fairmont Grand Hotel Kyiv, meeting room BALLROOM
- 13:30 – 14:30 Lunch
- 14:45 – 15:45 **Meeting with media representatives** on major issues of the 2015 local election campaign
- Mrs Oksana ROMANYUK, Director of the NGO Institute of Mass Information**
Mrs Diana DUTSYK, Executive Director of the NGO Telecrytyka
- Venue: Fairmont Grand Hotel Kyiv, meeting room BALLROOM
- 15:45 – 16:00 Coffee break
- 16:00 – 17:30 **Briefing with representatives of domestic and international NGOs** on monitoring the campaign and election observation
- Mrs Olga AYVAZOVSKA, NGO OPORA, Coordinator**
- Mrs Nataliya LYNNYK, NGO "Committee of Voters of Ukraine", Deputy Director**
- Mr Peter ERBEN, Mrs Vira NOSALCHUK, Mr Denys KOVRYZHENKO, IFES**
(International Foundation for Electoral Systems)
- Mrs Seema SHAH, IDEA (Institute for Democracy and Electoral Assistance),**
Programme Officer, Electoral Processes
- Venue: Fairmont Grand Hotel Kyiv, meeting room BALLROOM

17:45 – 18:15 **Briefing by Ms Ana RUSU, Division of Electoral Assistance, Democratic Governance Directorate, DG II**, on Council of Europe electoral assistance activities in Ukraine

Venue: Fairmont Grand Hotel Kyiv, meeting room BALLROOM

18:15 – 19:00 **Technical briefing for the delegation by the Congress Secretariat**, followed by the meeting with the interpreters and drivers

Venue: Fairmont Grand Hotel Kyiv, meeting room BALLROOM

Deployment of Election Observation teams operating in the regions

Saturday, 24 October 2015

11:00 – 12:00 **Briefing with OSCE/ODIHR Long Term Observers** in Kyiv and the region of Kyiv

Venue: Fairmont Grand Hotel Kyiv, meeting room KYIV - 2

Various times **Continuation of deployment of Election Observation teams** operating in the regions

Various times **Meetings of the Election Observation teams with OSCE-ODIHR LTOs** in the regions

Sunday, 25 October 2015

8:00 – 20:00 **Observation of the local elections (cf. deployment plan)**

as of 23:00 **Congress' midnight debriefing on E-Day**

Venue: Fairmont Grand Hotel Kyiv, bar

Monday, 26 October 2015

9:00 – 10:00 **Morning briefing for observers arriving from the regions**

Venue: Fairmont Grand Hotel Kyiv, reception hall

15:00 **Press conference: presentation of the Preliminary findings and conclusions in co-operation with OSCE-ODIHR**

Venue: Hyatt hotel

Various times **Departure of the Congress delegation**

APPENDIX III**DEPLOYMENT OF TEAMS****Congress, CoR and PACE members****A. KYIV 1**

- Ms Liisa ANSALA, Congress member
- Mr Stewart DICKSON, Congress member
- Ms Arwen THIERRY, Congress' Secretariat

English interpreter, car
Operating from Kyiv only

B. KYIV 2

- Ms Andree BUCHMANN, Congress member
- Mr Laurent WEHRLI, Congress member
- Ms Martine ROUDOLFF, Congress' Secretariat

French interpreter, car
Operating from Kyiv only

C. KYIV Oblast – CHERKASY - KREMENCUK

- Mr Jos WIENEN, Rapporteur
- Mr Reto STEINER, Congress' Expert
- Ms Renate ZIKMUND, Congress' Secretariat
- Mr Sandro WELTIN, photographer

English interpreter, minibus
Operating from Kyiv only

D. KYIV Oblast - CHERNIHIV

- Ms Gudrun MOSLER-TÖRNSTRÖM, Head of Delegation
- Mr Emanuelis ZINGERIS, Spokesperson PACE
- Mr Stewart MAXWELL, EU Committee of the Regions
- Mr Jean-Philippe BOZOULS, Congress' Secretariat
- Mr Chemavon CHAHBAZIAN, PACE Secretariat

English interpreter, minibus
Operating from Kyiv only

E. KYIV Oblast

- Andrea RIGONI, PACE member
- Amaya UBEDA DE TORRES, Venice Commission

English interpreter, car
Operating from Kyiv only

F. KYIV Oblast

- Alfred HEER, PACE member
- Ingebjorg GODSKESEN, PACE member

English interpreter, car
Operating from Kyiv only

G. KYIV Oblast

- Daniele GASTL, PACE Secretariat

English interpreter, car
Operating from Kyiv only

H. KYIV Oblast

- Ms Kerstin LUNDGREN, PACE member
- Mr Imer ALIU, PACE member

English interpreter, car
Operating from Kyiv only

I. RIVNE - ZHYTOMYR

- Mr Antonio EROI, Congress member
- Mr Petros FILIPPOU, Congress member

English interpreter, car
Night from 24-25 October in Rivne, back to Kyiv on E-Day night

J. POLTAVA – and Oblast

- Mr Raymond TABONE, Congress member
- Ms Nino ZURABISHVILI, Congress member

English interpreter, car
Outbound train on Saturday 24 October, staying from 24-25 October in Poltava, back to Kyiv on E-Day night

K. KHARKIV – and Oblast

- Ms Randi MONDORF, Congress member
- Mr Urmas SUKLES, EU CoR member

English interpreter, car
Operating from Kharkiv (outbound train on Saturday, 24 October, return flight to Kyiv on Monday, 26 October, morning)

L. DNIPROPETROVSK 1

- Mr Mihkel JUHKAMI, Congress member
- Ms Ségolène TAVEL, Congress' Secretariat

English interpreter, car
Operating from Dnipropetrovsk (outbound flight on Saturday, 24 October, return flight to Kyiv on Monday, 26 October, morning)

M. DNIPROPETROVSK 2 Oblast

- Mr Xavier CADORET, Congress member
- Mr Jean-Marie BELLIARD, Congress member

French interpreter, car
Operating from Dnipropetrovsk (outbound flight on Saturday, 24 October, return flight to Kyiv on Monday, 26 October, morning)

N. MELITOPOL/ BERDJANS' K – possibly MARYUPIL

- Mr Arnoldas ABRAMAVICIUS, EU CoR
- Mr Marco MIRANDA, Congress' Secretariat

English interpreter, car
Operating from Melitopol (outbound flight to Dnipropetrovsk on Saturday, 24 October, return flight to Kyiv on Monday, 26 October, morning)

O. ODESA 1

- Ms Carmen KIEFER, Congress member
- Mr Nigel MERMAGEN, Congress member
- Mr Leonard CUSCOLECA, Congress' Secretariat

English interpreter, car

Operating from Odessa (outbound flight on Saturday, 24 October, return flight to Kyiv /London on Monday, 26 October)

P. ODESA 2 - MYKOLAJIV

- Mr Marc COOLS, Congress member
- Mr Alain DELCAMP, Congress' Expert
- Mr Claude ADAM, PACE member

French interpreter, car

Operating from Odessa (outbound flight on Saturday, 24 October, return flight to Kyiv/Brussels on Monday, 26 October)

Q. ODESA 3

- Ms Kristyna ZELIENKOVA, PACE member
- Mr Andrej HUNKO, PACE member

R. ODESA 4

- Mr Jordi XUCLA, PACE member
- Mr Biruté VESAITE, PACE member

S. LVIV 1

- Ms Sevdia UGREKHELIDZE, Congress member
- Mr Dobrica MILOVANOVIC, Congress member
- Ms Marit MAIJ, PACE member

English interpreter, car

Operating from Lviv (outbound fast train on Friday, 23 October, return flight to Kyiv on Monday, 26 October, morning)

T. LVIV 2 - Oblast

- Ms Leila HUNZIKER, Congress member
- Mr Petre ZAMBAKHIDZE, Congress member

English interpreter, car

Operating from Lviv (outbound fast train on Friday, 23 October, return flight to Kyiv on Monday, 26 October, morning)

U. VINNYTSIA – UMAN

- Mr Jaroslav HLINKA, Congress member
- Mr Petr OSVALD, EU CoR

English interpreter, car

Night from 24-25 October in Vinnytsia, back to Kyiv on E-Day night

V. TERNOPII

- Ms Mary HEGARTY, Congress member
- Mr Muhrad QURESHI, Congress member

English interpreter, car

Operating from Lviv (outbound fast train on Friday, 23 October, return flight to Kyiv on Monday, 26 October, morning)

W. IVANO-FRANKIVSK

- Mr Gunnar AXELSSON, Congress member
- Mehmet AYDIN, Congress member

English interpretation, car

Operating from Ivano-Frankivsk (outbound flight to Ivano-Frankivsk on Friday, 23 October, late evening, return flight to Kyiv on Monday, 26 October, morning)

X. CHERNIVTSI

- Mr Enzo BROGI, Congress member
- Mr Matteo TOSCANI, Congress member

French interpreter, car

Operating from Ivano-Frankivsk (outbound flight to Ivano-Frankivsk on Friday, 23 October, late evening, return flight to Kyiv on Monday, 26 October, morning).

European Parliament members

A. KYIV

- Mr Andrej PLENKOVIĆ, Chair
- Mr Karl MINAIRE

B. ODESA

- Mr Tonino PICULA
- Mr Jussi HALLA-AHO
- Mr Julien CRAMPES

C. KHARKIV

- Ms Anna Maria CORAZZA BILDT
- Ms Kaja KALLAS, ALDE
- Ms Myriam GOINARD
- Ms Robert GOLANSKI

D. DNIEPROPETROVSK

- Ms Clare MOODY
- Mr Miroslav RANSDORF
- Mr Vincenzo GRECO

APPENDIX IV

PRESS RELEASES

Enlarged Congress' delegation observes local elections in Ukraine

[24/10/2015 14:30:00] Findings of the Congress' pre-electoral visit were presented by Gudrun Mosler-Törnström (Austria, SOC), Head of the Council of Europe's enlarged delegation to observe the local elections organised on 25 October 2015 in Ukraine, at a briefing session held on 23 October in Kyiv. For the first time, a Congress' delegation includes also members from the Council of Europe Parliamentary Assembly, in addition to the members of the EU Committee of the Regions. 'This underlines the exceptional situation and the great attention paid by the international community to these elections,' stated Mosler-Törnström. In the center of different briefings over the day were the complexity of the new electoral law, concerns about vote buying and electoral fraud, the performance of the electoral administration at different levels of government and the shortcomings of the media landscape in Ukraine. In addition to an exchange of views with Ambassadors of several Council of Europe member states and an in-depth briefing with the core team of the OSCE-ODIHR Election Observation Mission, the enlarged delegation held meetings with representatives of domestic NGOs and media researchers.

Ukraine local elections generally respected democratic process, but additional efforts needed to enhance public confidence, international observers say Ref. CG-PR 52 (2015)

KYIV, 26 October 2015 – Ukraine's local elections were competitive and well organized overall, and the campaign generally showed respect for the democratic process, international observers concluded in a statement issued today. Nevertheless, the complexity of the legal framework, the dominance of powerful economic groups, threats and physical attacks against candidates, and the fact that virtually all campaign coverage in the media was paid for all underscore the need for further reform. Additional efforts are needed to further enhance the integrity of and public confidence in the electoral process, the observers said.

The observers stressed that the elections took place in a challenging political, economic, humanitarian and security environment, characterized by the illegal annexation of the Crimean peninsula by the Russian Federation and the temporary control of parts of the territory of the Donetsk and Luhansk oblasts by illegal armed groups. This made it impossible for more than 5 million voters in these areas to vote. Despite resolute efforts by the Central Election Commission (CEC) to organize elections throughout the country, they could not be held in parts of the Donetsk and Luhansk oblasts or on the Crimean peninsula.

"In most of the country, despite the obscurity of the election law, polling staff largely managed to ensure voters the right to cast their ballots," said Tana de Zulueta, Head of the OSCE/ODIHR election observation mission. "There is an urgent need for harmonized and consistent election legislation, together with provisions designed to limit the power of money and vested interests both in the electoral process and over the media."

Despite the lack of clarity in the procedural provisions in the election law, the voting and counting processes on election day were transparent and largely well organized in most of the country. Elections were not held in Mariupol Krasnoarmiisk and Stavote. The printing and distribution of ballots proved problematic in many parts of the country. Tabulation was still ongoing at the time of the statement's release.

"Yesterday's local elections were the starting points of decentralization and territorial reform in Ukraine. Despite difficult circumstances, these elections were organized, by and large, in a satisfactory manner," said Gudrun Mosler-Törnström, Head of the delegation of the Congress of Local and Regional Authorities of the Council of Europe. "For the next elections, we encourage the authorities to revise the existing legislation in order to better reflect the voters' will at the grassroots level and, in particular, to allow for independent candidates in all races."

"In the view of the EP delegation, the elections were conducted largely in line with internationally recognized standards. After the 2014 presidential and parliamentary elections, the local elections were another milestone in the process of democratic consolidation," said Andrej Plenković, Head of the European Parliament delegation. "While congratulating the Ukrainian people and authorities for the efforts made so far, I would like them to vigorously address the shortcomings identified in the electoral process. We will continue to assist and support the ambitious reform agenda in order for Ukraine to make further progress on its European path through the implementation of the Association Agreement."

Voters had a wide array of parties and candidates to choose from and the campaign environment was competitive, although the resources provided by wealthy donors and associated business interests dominated mayoral and regional council races, in particular. The absence of ceilings on campaign expenditures further hindered the provision of a level playing field. There were widespread allegations of vote-buying, the observers said, and the campaign was marred by threats and physical attacks targeting candidates and campaign workers in some areas.

The election law was adopted less than four months before election day and in a non-inclusive manner. The legal framework continues to be fragmented, contains gaps and ambiguities, and lacks clarity, the statement says. The law does not provide for voting by internally displaced persons.

The CEC operated collegially overall and met legal deadlines. Politicized decisions, a lack of open discussion during sessions, arbitrary decision-making and the abuse of authority by territorial election commissions undermined confidence in them, the observers said. A number of interlocutors alleged corrupt practices in the trading of seats on precinct commissions.

The political and business interests controlling the media often influence editorial policy, and paid-for coverage is widespread, the statement says. The legal framework overregulates pre-election coverage, although the provisions are poorly defined. The incomplete transformation of the National Television and Radio Company from a state-owned to a public broadcaster hampered its independence and editorial freedom. Media monitoring by the ODIHR election observation mission showed that only three registered parties were granted meaningful editorial coverage, and most television channels with a national reach each predominantly featured two to three political parties in their prime time coverage.

The restrictive interpretation and inconsistent implementation of candidate registration rules in several instances hindered candidates' rights to stand on an equal basis, and negatively affected their opportunity to campaign. In a number of instances, decisions on registration by lower commissions appeared to be politically motivated and designed to prevent certain candidates and party lists from taking part, although the CEC and the courts often intervened to restore candidates' rights.

There was general trust expressed in the voter registration system, the observers said.

National minority representation was hindered by the fact that the elections were not held throughout the territory of Ukraine, as well as by aspects of the election legislation, especially the inability to run independently in local council races and the increased five per cent threshold for party lists.

Congress calls on Ukraine to pursue the course of electoral reform and decentralisation

[28/10/2015 16:00:00] Improvements of the legal framework for local elections, measures to fight electoral fraud and corrupt practices and progress in terms of decentralisation and territorial-administrative reform were addressed by Congress' Vice-President and Head of Delegation Gudrun MOSLER-TÖRNSTRÖM, Austria, R (SOC), at the Kyiv press conference concluding the observation of the 2015 local elections. The Congress' who deployed its largest ever mission to observe these elections – including also 12 members from the Parliamentary Assembly of the Council of Europe and four from the EU Committee of Regions, all in all 57 observers from 25 countries – visited on Sunday, 25 October, some 240 polling stations throughout the country, with the exception of those parts where elections could not be held. “These local elections were the starting point of decentralisation and territorial reform in Ukraine”, underlined MOSLER-TÖRNSTRÖM. “Despite difficult circumstances and some irregularities, they were organised in an overall satisfactory manner. For the next elections, we encourage the authorities to revise the existing legislation in order to better reflect the voters' will at the grassroots level and, in particular, to allow for independent candidates in all races”, she concluded.