

# **Election Observation Mission Republic of Ukraine 29 March 1998**

**OSCE Office for Democratic  
Institutions and Human Rights**

**OSCE Parliamentary Assembly**

**Council of Europe  
Parliamentary Assembly**

## **Preliminary Joint Statement issued on 30 March 1998 by the OSCE and the Council of Europe Parliamentary Assembly**

The following statement is based upon the reports of 243 Short Term Observers including 6 from the Council of Europe Parliamentary Assembly, and the observation of 16 Long Term Observers. On election day observers visited more than 1,200 polling stations and were present in 60 % of the Oblasts.

This is a preliminary statement. No final assessments can be drawn until the vote count and verification procedure have been completed, and the results have been published. A comprehensive report will be issued in the coming weeks which will contain more detailed analysis and recommendations.

### **Summary of Conclusions**

**The Ukrainian Elections were conducted under a generally adequate legal and administrative framework. However, the campaign was marred by incidents of violence, arrests and actions against candidates and abuse of public office that represent a serious shortcoming in the conduct of the campaign, and raise questions about the neutrality of the state apparatus in the election.**

**Further steps could have been taken to ensure the full participation of returned Tatars in the election, and a better possibility for them to be represented in the Crimean Parliament.**

**The late passage of laws and regulations caused confusion and uncertainty about the electoral process.**

**The media played a critical role in the election campaign, but not a neutral role. Both state and private media clearly promoted particular parties over others. There were a number of disturbing incidents during the campaign of newspapers and TV stations experiencing pressure, such as financial inspections or legal actions, from state authorities, which served to somewhat curtail the freedom of the press.**

**On election day the process was carried out in a generally peaceful and orderly manner. The complexity of the system did, however, cause problems in the polling stations. The capacity of voting booths was too low and open voting and family voting is still common problem. The observers reported a very great effort in polling stations to complete the voting process.**

### **The Legal Framework**

The late passage of some laws relating to the elections was regrettable, in particular the law on the election to the Parliament of the Autonomous Republic of Crimea, and a number of regulations governing the process, such as the number of choices each voter could indicate on the ballot for the elections to the Oblast and Rayon Councils. The Constitutional Court's late consideration of the appeal against the constitutionality of the law regarding candidates standing in both single-member and multi-member

constituencies further increased uncertainty during the campaign.

The Election Observation Mission regrets that the arrangements for electing the mayors of Kyiv and Sevastopol have not been resolved, and that it has not been finally decided how these positions can come under locally elected jurisdiction, instead of being appointed by the central authorities.

The legal framework for the Parliamentary elections, the elections to the Crimea Parliament and to local bodies is extremely complex. Four different electoral systems were in effect, and the systems for the election of the Oblast and Rayon Councils particularly added to the complexity. A consolidation of the law relating to the parliamentary elections and the law relating to the local elections should be considered, and the **Central Election Commission should be given a leading role for all elections.**

#### The Autonomous Republic of Crimea

Out of a total of 165,000 Crimean Tatar returnees of voting age only approximately 80,000 are Ukrainian citizens, and thus enjoy the right to vote. Of the remaining 85,000 non-citizens, approximately 15,000 are stateless and 70,000 are citizens of other CIS states, mostly Uzbekistan. The Election Observation Mission strongly supports the efforts of the OSCE Mission to Ukraine and High Commissioner on National Minorities to simplify procedures for issuing citizenship to all returned Tatars. The Observation Mission regrets the failure of initiatives for granting returnees with permanent residence, regardless of citizenship, the right to vote. Such an arrangement was made for the 1994 parliamentary elections, and by repeating the arrangement the representative nature of the Crimean Parliament would have been greatly increased.

The 100 Deputies to the Crimean Parliament are elected in single-member majoritarian constituencies. The quotas for the national minorities which existed in the outgoing Parliament have been abolished. The new system does not guarantee a population of the size of the Tatars (11%) representation in the local parliament, because Crimean Tatar settlements are widely scattered throughout the peninsula with no large concentrations. The Election Observation Mission strongly regrets that a system guaranteeing representation for a significant minority has not been established in the Crimean Parliament.

#### Odesa

The situation in Odesa up to and including election day is of great concern. Since the beginning of the year there has been a series of violent incidents, including the shooting of the Chairman of the Odesa City Election Commission, the kidnapping of the Chairman of a City District Election Commission and the storming of the City Council by armed militia. There have been a number of accusations concerning responsibility for these incidents. The incidents have resulted in an intimidating environment, which does not serve the election process.

The decision by a court, which was not accepted by the City Election Commission, on the eve of the election to reject the incumbent Mayor of Odesa as a candidate served to increase tension and confusion.

#### The Campaign

In most parts of the country the campaign was carried out in a relatively peaceful manner. However, there were a number of incidents of violence which constitute an extremely unfortunate background to the election process. In addition, the authorities made arrests and took other actions, ostensibly against criminal activity. The pattern of incidents created a negative atmosphere for conducting an electoral process in several regions.

Unfortunately, one of the characteristics of the campaign has been abuse of public office by some officials in order to promote one particular candidate, sometimes themselves. Whilst the ruling of the Constitutional Court on public officials running as candidates does not foresee their forced resignation, it should be ensured that state resources and position are not abused.

### Media

There has been a noticeable increase in the scope and political diversity of media since the last parliamentary elections. Some TV channels offered innovative new programming for covering the campaign, which attracted large numbers of viewers. However, the level of balanced information and analysis available to voters, enabling them to make an educated assessment of the parties, was lacking. This was partly due to the strong party affiliation of most media, which whilst completely legal, does have implications in this instance on the level of journalistic standards and objectivity.

State media, which is reliant on public funds, has an obligation to neutrality. Whilst the state media, both electronic and print, appears to have met its obligations under the law to print the election material of all parties and blocs, statistics from the European Institute for the Media show that state TV had a clearly negative bias and editorial coverage of Hromada Party and the Communist Party and a clear promotion of the People's Democratic Party. Such coverage is significant because approximately 80% of Ukrainians rely upon the electronic media in general, and state TV in particular, for their information.

Coverage of party campaigns using paid airtime varied significantly. This may in a large part be due to the cost of airtime being prohibitive to many. However, it would be highly disturbing if the claims of some parties being denied the ability to purchase airtime were proven to be founded.

According to statistics from European Institute for the Media, private TV stations on both the regional and national levels, also showed clear bias to particular political parties.

A number of print media faced investigations by the authorities during the election campaign. If any illegal activities are proven to have taken place, then appropriate action should be taken. However, the campaign period is highly sensitive and any actions against media representing opposition to the executive authority created tension and suspicion. The legal measures taken against the newspapers *Pravda Ukrainy* and *Vseukraïnskiye Vedomosti* are indicative of the financial and structural vulnerability of the media in Ukraine to pressure from the state authorities. These cases call into question Ukraine's commitment as an OSCE participating State and its obligation as a Council of Europe member state to respect the rights and freedoms of the press.

### Election Day

On election day the process was carried out in a generally peaceful and orderly manner. The complexity of the system did, however, cause problems in the polling stations. The observers reports included:

- The polling stations did not have sufficient capacity in voting booths and generally in the rooms

to receive the number of voters assigned to it and to handle the number of elections that were to take place simultaneously

- In a majority of polling stations open voting and family voting were the predominant practise
- The counting in the Polling Stations took very long time, particularly due to the variety of systems being used for the various elections
- In some instances polling stations had campaign material posted on the premises
- In many instances police or local officials were present in the polling station, sometimes playing an intrusive role
- It was reported to some observers that some military units may have been instructed on which party or candidate to vote for.

The instructions on reconciliation of votes in the polling stations were not sufficiently detailed and clear.

Polling station officials should be commended for their tremendous effort, often under very difficult circumstances.

*Upon invitation from the Central Election Commission of the Republic of Ukraine conveyed in a letter of 6 January 1998 from the Ministry of Foreign Affairs, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission in Ukraine for the 29 March Parliamentary elections. The Council of Europe Parliamentary Assembly was invited to observe the elections by the Supreme Rada of Ukraine.*

*Mr. Kåre Vollan was appointed by the ODIHR as the On-site Co-ordinator in January, upon being seconded by the Government of Norway.*

*Mr. Andras Barsony, Vice President of the OSCE Parliamentary Assembly and member of the Hungarian Parliament, was designated by the OSCE Chairman-in-Office as a Special Co-ordinator to the Election Observation Mission.*

*Mrs Pilar Pulgar was appointed Head of the Council of Europe Parliamentary Assembly delegation.*

*This statement is based upon the collective findings of observers seconded by 30 countries, by parliamentarians and public officials representing the OSCE Parliamentary Assembly, The OSCE Mission to Ukraine, the Council of Europe Parliamentary Assembly, the OSCE Participating states, local Embassies, as well as a number of NGOs. In total, 243 short term observers and 16 long term observers were deployed throughout the Republic of Ukraine.*

*This Election Observation is also part of the Council of Europe Parliamentary Assembly monitoring of Ukraine.*

*For more information, please contact the OSCE/ODIHR Election Observation Mission telephone (+380-44) 229 59 45 / Facsimile (+380-44) 229 75 09, The OSCE/ODIHR, Warsaw, Poland, Telephone (+48-22) 625 70 40 / Facsimile (+48-22) 628 69 67, The OSCE Parliamentary Assembly, Rådhusstræde 1, DK-1466 Copenhagen K, Denmark, Telephone (+45) 33 32 94 00 / Facsimile (+45) 33 32 55 05 or The Council of Europe, Strasbourg, France, Telephone (+33) 3 88 41 25 74 / Facsimile (+33) 3 88 41 27 89.*