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UKRAINE

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Monitoring of the pre-election situation in Ukraine (15.08.2012—15.09.2012)

The electoral process

Social organisations and official observers report numerous instances of the use of administrative resources and bribing voters during the election campaign.

01.08.2012—04.09.2012

The Civil Network 'Opora' ('Support') called the Party of Regions the main violators of the rules of conducting the campaign in August 2012. According to the rating, the parties that violate the rules by the number of incidents in August, the Party of Regions ranks first with 188 violations of the law, the second are self-nominated candidates with 47 violations, the third - the Communist Party with 6 cases of breach of the law. Among the most serious violations is the use of administrative resources (109 incidents recorded in all regions of Ukraine and 76 majority districts), bribery of voters (103 cases in 23 regions and 82 districts) and obstruction of the activity of parties and candidates (58 incidents in 20 regions and 38 districts). After the information was published by the 'Opora', neither the law enforcement agencies, nor the Central Election Commission or the subjects of the electoral process gave an appropriate response to these systemic violations.

Source:

<http://oporaua.org/news/2255-pjatyj-zvit-za-rezultatamy-zagalnonacionalnogo-sposterezhennja-parlamentski-vybory-2012-serpen>

20-29.08.2012

In Kharkiv, Odessa and Crimea Provinces, gross violations of the electoral law were committed: the Party of Regions have placed their symbols on government buildings and institutions. On the 29th of August, 2012, Ukrainian Parliament Commissioner for Human Rights Valeria Lutkovska visited Odessa Province in order to verify the statements on the placement of party flags on buildings of state institutions. V. Lutkovska held a meeting with the head of the Odessa Regional State Administration Eduard Matviychuk, during which she expressed her concern over the incidents of placing party flags on public buildings.

Sources:

<http://tyzhden.ua/News/58253>

<http://www.pravda.com.ua/rus/news/2012/08/29/6971663/>

21.08.2012

The Civic Movement 'Spilna Sprava' ('The Common Cause') reported the use of the work of public hospi-

tals in the political agitation. At the initiative of the head of the Odessa Regional State Administration Eduard Matviychuk, an event 'National medical examination', during which the voters were encouraged to vote for the Party of Regions and pro-government candidates, was held. Symbols of the Party of Regions were displayed on the walls of hospitals and on clothing of medical workers. Also, in the premises of hospitals, propaganda materials were also handed out.

Source:

<http://www.spilnasprava.com/wp/?p=11268>

24.08.2012-01.09.2012

Unlawful incidents of bribing voters with the use of minors in political agitation were reported. On the 24th of August, 2012, candidate David Zhvania gave 275 sets of school uniforms to one of general education schools in Odessa Province. On the 1st of September, 2012, Odesskiy Appellate Administrative Court recognised these actions as vote buying. Also, on the same day, in the Kiev Province (the town of Belaya Tserkov), MP from the 'Batkivshchyna' ('Fatherland') party Vitaliy Chudnovskiy gave gifts to schoolchildren. And, at school № 3 of Irpen town (Kiev Province), MP from the Party of Regions, Piotr Melnik gave books which had been published at public expense; still, the books were handed over in packages with his name and logo.

Sources:

<http://podrobnosti.ua/criminal/2012/09/02/855661.html>

http://gazeta.ua/ru/articles/politics/_byutovec-razdal-podarki-shkolnikam-v-okruge-v-beloj-cerkvi/453661

27.08.2012-06.09.2012

General Prosecutor's Office will investigate into the incidents of forcing the Kiev university students to vote for their rector. On the 27th of August, 2012, at the press conference, Head of the Civic Association 'Self-Defense' Igor Dombrovskiy reported that the Rector of the National University of State Tax Service, the candidate of the Party of Regions, Piotr Melnik, has forced students to vote for him. Moreover, relatives of students and university workers have been forced to take absentee ballots and to go to vote to Irpen, to the electoral district № 95, where Melnikov is running for the post. On the 6th of September, 2012, Deputy Chairman of the Central Election Commission, Zhanna Usenko-Chornaya appealed to the General Prosecutor's Office with a request to investigate into these incidents. Also, Z. Usenko-Chornaya noted a large number of voters who intend to temporarily change registration and vote in Piotr Melnik's electoral district.

Sources:

http://gazeta.ua/articles/politics/_propiska-pid-kievom-regional-aktivno-zaselyae-okrug-svojjimi-viborcyami/452679

<http://www.pravda.com.ua/articles/2012/09/3/6971977/>

<http://www.pravda.com.ua/rus/news/2012/09/6/6972191/>

The reaction of the international community to the political situation in Ukraine

In connection with the politically motivated convictions of the opposition leaders, representatives of the European Parliament express their doubts regarding the democratic nature of the election and urge the government to fulfill its obligations towards the European Union.

30.08.2012

The Ukrainian authorities cancelled the works, conducted jointly with the European Union, on the preparation of the Electoral Code. This information was aired on the 30th of August, 2012 by the Head of the EU Delegation to Ukraine Jose Manuel Pinto Teixeira. According to his words, Ukraine has made a

commitment to the EU to adopt the Electoral Code, which would define the rules for all future elections and would not allow to create new legislation for every new election to comply with the interests of those in power. But in 2011, the Ukrainian government has stopped works on the Code and, on the personal instruction of President Yanukovich, it developed a new system, in which 50% of the parliament is to be elected in majority districts. Teixeira said that in the democratic world there is no case of a country where the president would make a decision on the electoral system.

Source:

<http://www.pravda.com.ua/articles/2012/08/30/6971710/>

20.08.2012-14.09.2012

On the 20th of August, 2012, Chairman of the Committee on Foreign Affairs of the European Parliament, Elmar Brok, stated that the parliamentary elections in Ukraine, in fact, can already be considered as undemocratic. According to him, politically motivated conviction of Y. Tymoshenko and Y. Lutsenko as well as the pressure exerted on opposition politicians reduce the chances of free and fair parliamentary elections. The politician noted that he did not see any action of the Ukrainian authorities towards implementation of the latest European Parliament resolution on Ukraine.

On the 10th of September, 2012, Secretary General of the Council of Europe, Thorbjørn Jagland, also informed that the imprisonment of one of the opposition leaders constitutes a problem, when it comes to the recognition of the parliamentary elections in Ukraine.

In a joint communique issued on the 14th of September, 2012, European Commissioner Stephen Füle, Swedish Foreign Minister Carl Bildt and MEP Elmar Brok expressed their regret that two important leaders could not take part in the elections because of the court trials that did not meet international standards of fair trial.

Sources:

<http://tyzhden.ua/Politics/58229>

<http://glavred.info/archive/2012/09/10/145033-6.html>

<http://www.pravda.com.ua/rus/news/2012/09/14/6972762/>

11.09.2012

The European Union would like to see progress in the Ukrainian electoral justice, holding of free and fair elections and the restoration of reforms within the framework of the Agenda for the association. This information was published by the EU High Representative for the Common Foreign and Security Policy, Catherine Ashton, as she was speaking at a session of the European Parliament in Strasbourg.

Source:

<http://www.unian.ua/news/524470-es-hoche-bachiti-progres-v-ukrajini-i-stavit-u-priklad-moldovu.html>

The elections-2012 in Ukraine: 'dirty' technologies in operation

The use of "dirty" electoral technologies, abuse of administrative resources, numerous cases of bribery of voters, politically motivated convictions of opposition leaders, as well as exerting pressure on the opposition media confirm that the government has not fulfilled its obligations towards the European community to ensure fair and democratic elections.

Almost no election campaign in Ukraine goes by without the use of 'dirty' manipulative technologies. It is not just about formal violations of the electoral law, but in general, *the low moral level of the election campaign*. During the first month after the official start of the parliamentary elections of 2012, almost 300 cases of violations of election laws have been reported.

The reason for this lies also in the electoral system itself. The deputy head of the Central Election Commission Andrey Magera explains that majority districts include a smaller number of voters, so the price of a single vote increases and candidates from the majority districts are ready to fight for every voter by all means. Also, in order to win in districts, it is enough to gain not the absolute majority (over 50%), but the relative majority of votes [1].

Ruling party's methods of fight: vote buying and the abuse of administrative resources

Over the last month and a half, Party of Regions has shown a tendency of growth in its rating. Also, the support of the 'Blow' and the Communist party rose slightly. If we compare the data of the recent sociological research made by the company Research & Branding Group, the Democratic Initiatives Foundation, the Rating Sociological Group and other, the Party of Regions has gained more than 23%. Not much behind is the United Opposition with the support of over 22% of voters. 'The Blow', Vitaliy Klitschko's party has gained approx. 10.5%, and the Communist Party - more than 8.5%. Close to a 5% parliamentary threshold are: the 'Ukraine-Forward!' party (almost 4%) and the 'Svoboda' ('Liberty') (3.8%).

It can be assumed that the growth of the ruling party's rating was the result of an extensive use of administrative resources. *Indeed, in the rating of violators of the electoral law, the Party of Regions has taken the lead*, with the number of nearly 200 violations of the law. For comparison, the Communist Party of Ukraine has violated election law six times, and the

United Opposition - 4 times.

A common method is bribing voters with food packages or things. Only during last month, Civic Network 'The Support' has noted 103 cases of bribery of voters in 23 regions of Ukraine [2]. The Head of the Committee of Voters of Ukraine, Oleksandr Chernenko, believes that direct bribery of voters is the most dangerous threat for the electoral process. Now it is turning into a mass phenomenon and may lead to simply to cases of buying the votes at some ballot stations. The expert believes that during these elections voters are concentrated on potential profit. People are frustrated by the lack of qualified candidates, and they are ready to vote at least for those who are paying money [3].

Administrative resources are especially strongly used at the local level. For example, the heads of regional state administrations openly support the candidates of the Party of Regions and take part in official events with them. The management of enterprises forces workers to vote for the Party of Regions and campaign for it during working hours - for example, such steps have been undertaken by the administration of the Poltava GOK [4]. Also, journalists of the TVi channel reported that the Ministry of Labour and Social Policy has provided 12,000 'social workers' who are paid from the state budget, to campaign for the Party of Regions. Beginning and ending of the financing for these people coincide with the beginning and the end of the election campaign [5]. However, Deputy Prime Minister Sergey Tigipko refuted this information.

The abuse of administrative resources is also reflected in the fact that the projects of local authorities, which are financed from the state budget, are represented as individual achievements of the candidates. For example, the son of Prime Minister Mykola Azarov, the candidate Aleksey Azarov, along with the Chairman of Donetsk Regional State Administration Andriy Shishatskiy, officially inaugurated the pipeline which was built for public money [6]. The inauguration was accompanied by propaganda for the ruling party. Another example: the candidate David Zhvania from Odessa Province campaigned for the Party of Regions and distributed 130 bicycles, purchased for budgetary funds, to postmen [7].

Government's pressure on society and journalists

Well-publicised were the cases of forced voting and bringing voters from other districts. The current law

allows voters to change their place of voting and vote for majority district candidates in the districts in which they do not reside. In August, 2012, the media reported shocking cases of forcing students of the Kiev National University of State Tax Service to vote for the Rector Piotr Melnik. Relatives of the students were also forced to do that. It is significant that more than 900 voters from other districts have expressed a desire to vote in Piotr Melnik's district. Many people wish to vote for absentee ballots and in the district of another rector - member of Parliament from the Party of Regions, Maksim Lutskiy (National Aviation University of Ukraine) [8]. Yet another example of such fraud was aired by parliamentary candidate from the 'Blow' party, Igor Opadchii. He claims that parliamentary candidate in his district No. 215, Galina Gerega, is planning to bring 10 000 employees of a large retail chain 'Epitsentr', in which she is the owner, to Kiev in order to vote for her [9].

The sharp increase in the number of violations of journalists' rights and legal claims against the media has been confirmed by monthly monitoring of freedom of speech, conducted by the Mass Media Institute. With elections approaching, the main violation of the rights of journalists has been *obstructing the performance of official duties* and censorship. Because of the censorship, the STB TV channel was left by renowned Ukrainian journalist Olga Komarova. She expressed unwillingness to serve the interests of the government [10]. In another example, after the editor-in-chief of the 'MIG' Odessa channel refused to promote the image of the Party of Regions, the local authorities have blocked the budget of the channel and journalists did not receive their salary.

International observers made a stand for the opposition channel TVi, which at the end August 2012 began to disappear from the air. A large number of cable operators disabled the broadcasting of the TVi in the Eastern regions of Ukraine (where the ruling party has predominant influence) [11]. In general, the head of the 'Equality of opportunity' Committee, Aleksandr Chekmyshev, stated that in the pre-election segment in the media, the Party of Regions clearly dominates. Only online media show a high level of quality information [12].

Among other violations, documented by international observers and NGOs, we should name violations regarding the display of outdoor advertising as well as anti-advertising, aimed at discrediting political opponents. According to the European Network for Election Monitoring (ENEMO), the Communist Party has been holding its campaign on official posters in

the Kiev Metro. Also in Lutsk, the 'Freedom' Party puts posters on bus stops, and the candidates from the Party of Regions commit such violations in a number of areas [13].

'The Blow', Vitaliy Klitschko's party, also reports numerous incidents of damage of outdoor advertising of the party. In 'The Blow', it has been noted that throughout Ukraine advertising agencies that have concluded agreements with the party for placement of outdoor advertising, complain that pressure is being exerted on them by local authorities [14]. Vitaliy Klitschko's party has repeatedly reported cases of contragitation and the use of "black PR" towards the party.

Unsufficient public resistance against violations

It should be noted that the massive use of 'dirty' technologies in the election confirms *not only a low level of political culture, but also a weak development of the civil society*. Indeed, in most cases, the citizens themselves are willing to be subjected to manipulative technologies, expecting lots of money or gifts from the parties. For example, voters in Mariupol fought for free umbrellas from the Party of the Regions [15]. Therefore, politicians allow themselves to say: there is nothing wrong in the use of administrative resources, as long as people benefit from it [16].

Only 14% of Ukrainians believe in fair elections [17]. Moreover, the Ukrainian society, as opposed to European, takes 'dirty' methods of political struggle as the norm. Politicians *do not feel the political responsibility for their actions* and therefore continue to play 'dirty' games.

Thanks to the work of public and international observers for the parliamentary elections in Ukraine, the cases of the 'dirty' electoral technologies have received wide publicity, which caused the reaction of the Central Election Commission and the General Prosecutor's Office.

Representatives of the European Parliament have expressed their doubts regarding the democratic nature of the upcoming elections and urged the authorities to fulfill their commitments towards the European Union. It not only concerns the violations of election law, but also politically motivated convictions of opposition leaders: Yulia Tymoshenko and Yuriy Lutsenko. Regrets about the fact that two prominent opposition leaders cannot take part in the elections, were also expressed by the Chairman of the Committee on Foreign Affairs of the European Parliament Elmar Brok, the Secretary General of the Council of Europe Thorbjorn Jagland and other MEPs [18].

The European Parliament is going to send a delegation of 15 members, who will observe the elections in Ukraine. The EP delegation will be a part of the International Election Observation Mission, which will include representatives from the Office of Democratic Institutions and Human Rights of the Parliamentary Assembly of the Council of Europe, the OSCE and NATO.

Much-publicised violations during the election campaign have put in question the legitimacy of the election. Therefore, it is crucial that Ukrainian and European civil society cooperate in the field of monitoring of the implementation of commitments taken by the Ukrainian government towards the European Union. Much depends on the Ukrainian society itself; in fact, it should be the one putting pressure on the government to save democracy. Former U.S. Secretary of State Condoleezza Rice is of the same opinion: "I have faith in the power of democratic institutions, but I also believe in the power of people's vote. The world is following the case of Yulia Tymoshenko and how elections will be conducted in Ukraine next month" [19].

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