

COMMITTEE OF VOTERS OF UKRAINE
LONG TERM OBSERVATION REPORT
ON THE 2002 PARLIAMENTARY ELECTIONS

FEBRUARY 23 – MARCH 10, 2002

SUMMARY

In October 2001, the Committee of Voters of Ukraine (CVU) began its long-term observation of the 2002 parliamentary election process. CVU is a non-partisan citizens' election monitoring organization with 160 branches throughout Ukraine. CVU will report regularly until the March 31, 2002 elections.

Between February 23rd and March 10th, 225 long-term observers visited 622 cities and 712 political party branches, and attended 578 events conducted by political groups. CVU observed the same kinds of violations as in the previous three-week period. Some types of violations decreased in number, while others increased.

Each time a problem was reported to an observer, the head of the regional CVU organization called the individual making the report to verify it and obtain details. In many cases, witnesses are reluctant to talk about violations, fearing retribution from their employers or others.

CVU has noticed a few positive developments since its last report. In the past three weeks, voter education programs in the mass media have become more robust. Likewise, election commissioners are receiving practical training from non-governmental organizations. Some television stations have also been showing debates between various political leaders.

Nonetheless, the pre-election period continues to be marked by substantial violations of Ukrainian law. The main types of offences recorded by CVU during the last week of February and first two weeks of March were:

- Campaigning by state officials or use of state resources to support favored political candidates and groups. The bloc 'Za Edu' (For a United Ukraine) was the principal, but not exclusive beneficiary of this support.
- Government pressure on certain political parties, candidates, and media outlets.
- Interference in election campaigns through violence, threats of violence or destruction of campaign materials;
- Illegal campaign practices by candidates offering free goods and services to voters and distributing unregistered campaign materials.

Executive branch interference in the election process has decreased somewhat since the previous three week period, although it remains a key feature of the electoral environment. As before, the principal beneficiary of this assistance is the bloc 'Za Edu' and its candidates in single mandate constituencies. Much of this interference takes place openly; in many cases, government officials involve themselves in the electoral process in an apparent attempt

to win favor with their superiors. Although CVU has witnessed fewer instances of this kind of violation, this does not necessarily suggest that executive branch officials are behaving more impartially. In many cases, they have simply shifted their attention away from the parliamentary elections to oblast (state) and local races, which are not covered in this report.

Conversely, legal provisions requiring free and transparent campaigning are being ignored with increasing frequency. Criminal interference in campaigns has gone up; in turn, parties and single-mandate candidates are breaking the election law more often.

Some candidates, parties, and citizens whose rights have been infringed are beginning to lodge formal complaints with election commissions and the courts. Some commissions have responded by warning parties and candidates accused of campaign violations to respect the law. No state officials have been punished for abuse of office, however. While CVU has uncovered no evidence that state interference in the election has been ordered by senior government authorities, neither have these authorities punished any accused lawbreakers or acted preemptively to ensure neutrality on the part of their subordinates.

Election Commissions

The country's central and constituency election commissions appear to be functioning relatively well. Most are following proper procedure and trying to respond to appeals in a timely manner. Where problems with district commissions do exist, they are more likely to be found in eastern and southern regions of Ukraine.

The formation of polling-place election commissions (PECs) has not gone smoothly, however. Instead, this process has been marked by confusion and numerous violations of proper procedure. Detailed information on the make-up of the country's roughly 33,000 PECs was supposed to be released by February 27th [Article 21.13 of the election law], but this requirement was not observed in most areas. Hence, an analysis of the make-up of the commissions is not possible at this time.

CVU is concerned that the provisions of Ukraine's election law that provide for multi-partisan representation on election commissions have not been respected in spirit. In many areas, local executive bodies have taken advantage of the weaknesses of political parties to appoint election commissioners who nominally represent a party but who are, in practice, loyal to the local administration alone. CVU has witnessed numerous cases where election commissioners are unaware even of identity of the party they are supposed to represent. Clearly, a good deal of the blame for this problem also lies with the parties, which have been incapable of recruiting trusted members to serve as commissioners in many parts of the country.

MAJOR VIOLATIONS

Partisan Involvement by Local and National Executive Branch Officials

Although slightly less frequent than in the past, partisan interference by executive branch officials into the election process is the most serious violation CVU observed. This involvement is in direct contravention of the election law, which requires "impartial treatment of parties (blocs) and candidates ... by bodies of state power, bodies of local self-government, their officials and officers, and heads of enterprises, institutions, and

organizations.” [Article 10.2.7]. Most executive branch interference is intended to assist the bloc ‘Za Edu’ and its candidates in single-mandate constituencies. A majority of these activities takes place openly, as if government officials wish to be seen, by their superiors, to be supportive of this bloc.

Some violations involve the expression of partisan support by powerful executive branch officials who also encourage subordinates to follow suit. As a result of these directives, employees of the state or of state-owned industries, as well as students in public schools, are made to engage in various campaign activities. In other cases, favored candidates are given access to state resources, such as transportation, office space, and media.

Ukrainian legislation permits state officials to stand as partisan political candidates. It is nonetheless illegal for them to use state property to campaign. To avoid confusion, CVU has recorded only those cases where such candidates have explicitly used state resources on their own behalf.

Some examples:

- *Volyn Oblast*: More than 450 employees of educational institutions in the city of Lutsk were made to attend a meeting with the national Minister of Education and Science, V. Kremen on March 6th. Billed as an official meeting with the Minister, it was instead an occasion for Kremen to campaign for his party, the Social Democratic Party United (SPD(u)).
- *Volyn Oblast*: The head of the Horihiv raion educational department, T. Sereda, ordered school directors to organize teachers to work in polling places on election day. Each teacher is to tell voters that they should vote for ‘Za Edu’.
- *Kirovograd Oblast*: M. Yatskanich, the head of the Kirovograd raion administration, is campaigning for the SPD(u) during working hours, using a government vehicle. On March 4th, Yatskanich arranged for some of the raion’s teachers to be taken to meet former president Leonid Kravchuk, now a senior SPD(u) official.
- *Dnipropetrovsk Oblast*: On February 20th, P. Kravchenko, deputy head of the oblast state administration, ordered teachers and students at Dnipropetrovsk National University to vote for ‘Za Edu’.
- *Kyiv Oblast*: The rector of the Tax Academy, P. Melnyk, a parliamentary candidate for ‘Za Edu’, regularly holds meetings with teachers and students, where he instructs them to conduct door to door campaigning on his behalf.
- *Kyiv City*: The city-owned sound system on Independence Square and Kryshchatyk Avenue broadcasts campaign advertisements for the ‘Yednist’ (Unity) bloc of Kyiv mayor O. Omelchenko.
- *Luhansk Oblast*: Workers at the Luhanska coal mine have been warned that they will not be paid unless they vote for ‘Za Edu’. A meeting has been organized in every pit to explain to the miners what is expected of them.
- *Odesa Oblast*: The city government has ordered transport workers to place campaign materials for ‘Za Edu’ in the windows of their vehicles.
- *Sumy Oblast*: The oblast administration called a meeting of city mayors and raion administrators at which they were instructed to work for ‘Za Edu’.
- *Sumy Oblast*: Local government officials report that they have been compelled to write resignation letters to be used against them in the event they are not seen to be sufficiently supportive of ‘Za Edu’ and its candidates.

- *Khmelnysk Oblast*: B. Khoptian, the head of the Chemeretsky raion administration has used his subordinates to organize campaign events for ‘Za Edu’ and its candidate, A. Chikala.
- *Kherson Oblast*: During staff meetings, the head of the Novokahovska local council encouraged support for ‘Za Edu’ parliamentary candidate, O. Tislenko.
- *Cherkasy Oblast*: Government officials in Chornobaiv raion procured more than 100 cars to take workers to the neighboring Zolotonisly raion so that they could campaign for ‘Za Edu’ candidate, P. Dusheiko. The wishes of Chornobaiv officials run counter to those of their counterparts in Zolotonisky, who are actively supporting SPD(u) candidate, B.Gubsky, instead.
- *Cherkasy Oblast*: The directors of state enterprises ZAT “Temp” and ZAT “Wooden Factory” have ordered their workers to vote for the ‘Yabluko’ (Apple) party and its candidate, O. Leschinsky.
- *Chernivtsy Oblast*: Students of the Bukovinsky financial-economic institute have been taken from their lessons so that they may disseminate leaflets and other campaign material for ‘Za Edu’ candidate V. Pryadka, the rector of the institute.

Local Executive Branch Pressure on Some Political Parties, Candidates and Mass Media

CVU observed a larger number of cases of pressure being put on selected political movements and media outlets by local executive branch officials. This interference involves, for instance: refusal of media access to some political forces; denial of permission to conduct campaign activities; and harassment of candidates and their supporters. Circumstances are particularly serious in Poltava, where oblast authorities have prevented most major parties from campaigning.

Some examples:

- *Vynytsa Oblast*: The first 15 minutes of ‘Nasha Ukraina’ (Our Ukraine) leader Victor Yuschenko’s appearance on ‘VITA’ television was inexplicably scrambled.
- *Zaporizhzhia Oblast*: Deputy head of the Lenin raion administration, A. Blyzniuk, accompanied by local police, forced students who were observed placing legal campaign posters to remove and destroy them. Blyzniuk threatened the students with expulsion if they did not obey.
- *Lviv Oblast*: The principal of a local school in Dobrotvir forced two of his teachers (representing ‘Batkyvshchina’ (Fatherland) and ‘Nasha Ukraina’) to resign from the election commission on which they served. The teachers were accused of damaging the educational process.
- *Luhansk Oblast*: On night of March 4th, all the billboards of ‘Yabluko’ were suddenly removed in Luhansk city, even though the party had paid for them through the end of March.
- *Dnipropetrovsk Oblast*: Police officers in Zhovtnevy raion prevented activists from the Communist Party from posting legal campaign materials at officially-designated locations.
- *Mykolaiv Oblast*: On March 5th, the commission of the constituency #129 rejected the registration of SPD(u) candidate Hurinchuk for the sole reason that he did not declare a car he had reported stolen in 1998.
- *Mykolaiv Oblast*: During her visit to Mykolaiv on March 3rd, ‘Batkyvshchyna’ leader Yulia Tymoshenko had a public meeting with voters inexplicably cut short by local

authorities. Tymoshenko's presentation on "Tonis" TV was canceled after sanitation officials suddenly closed the station for the day.

- *Poltava Oblast*: The local militia detained a group of students passing out leaflets for 'Nasha Ukraina' and threatened them with expulsion from their universities.
- *Poltava Oblast*: 'Batkyvshchyna' activists who had placed campaign materials on their own balconies were physically threatened. Four men, who identified themselves as KGB officers, entered one apartment and demanded that the materials be removed. When the residents refused, the officers promised that they would have their way, even if it meant leaving "corpses" in the apartment.
- *Kharkiv Oblast*: Representatives of local law enforcement seized materials from a 'Batkyvshchyna' campaign worker in Borova village. They also tried to intimidate him into stopping future campaigning.
- *Kherson Oblast*: On February 28th, staff members of the local pedagogical university prevented 'Nasha Ukraina' campaigners from distributing leaflets. The party activists were also confined for several hours.
- *Chernivsti Oblast*: Singer Oksana Bilozir, who is campaigning for 'Nasha Ukraina', was denied access to concert facilities in Khotyn despite having a signed contract.

Campaign-Related Violence and Property Damage

There is a growing number of incidents of violence or threats of violence against political party activists throughout the country. Likewise, the campaign headquarters and election materials of some blocs and candidates have been attacked with increasing frequency. In many cases, those parties and candidates victimized by administrative harassment are the same as those subjected to criminal violence.

Some examples:

- *Crimea*: On February 27th, Liudmyla Lytvynenko, an official in the parliamentary campaign of Tetyana Krasikova, was attacked on the street.
- *Kirovohard Oblast*: On February 25th, the deputy campaign manager for Liberal Party candidate Tabalov was beaten. On the 26th, the candidate's car was set on fire, as was that of one of his supporters the following day.
- *Zhytomyr Oblast*: A campaigner worker for 'Nasha Ukraina' was beaten in Novohrad Volynski by unknown persons.
- *Lviv Oblast*: On February 26th, former political prisoner and poet Iryna Sennyk was severely beaten by several young men who broke into her apartment. Earlier that evening, Sennyk had given a speech in Truskavets in support of V. Yuschenko and 'Nasha Ukraina'.
- *Lviv Oblast*: Two unknown persons beat Evhen Shylnyk, head of commission # 122 in Drohobych on February 28th.
- *Poltava Oblast*: On March 10th, 'Batkyvshchyna' activist S. Osavulenko was beaten while distributing the bloc's newspaper. She suffered a concussion. When Osavulenko complained to the local authorities, they requested that she show them her written permission to campaign.
- *Vinnitsia Oblast*: Several 'Nasha Ukraina' billboards were damaged in Vinnitsia city on the night of March 4th. The office of SDPU(u) in Zhmerynka was attacked the same evening.
- *Zacarpattia Oblast*: Four billboards of the bloc 'Za Edu' were destroyed.

- *Zacarpattia Oblast*: ‘Batkyvshchyna’ campaign materials were destroyed in the town of Mukachevo in an apparently orchestrated operation.
- *Kyiv City*: On the night of February 26th, the headquarters of parliamentary candidate Oles Doniy was robbed. Computers and lists of supporters and volunteers were taken.
- *Kirovograd Oblast*: Between February 25th and March 5th, several ‘Nasha Ukraina’ billboards were damaged in Kirovograd city.
- *Mykolaiv Oblast*: Ten ‘Nasha Ukraina’ billboards have been damaged in the past three weeks.

Illegal Campaigning

As was the case in previous months, a number of candidates in single-mandate constituencies have been distributing small goods and services to voters in an effort to influence their decision on election day. Such activity is prohibited by Ukraine’s election law: “Conducting of election campaigns accompanied by giving-out of money or by free or preferential distribution of commodities, services, works, securities, credits, lotteries or any other material values shall be prohibited” [Article 56.6].

CVU has also observed a large number of technical violations of those provisions of the election law that govern campaigning. Many blocs and candidates have been printing campaign materials that lack the necessary publication and circulation information [Article 52.7]. Likewise, many candidates have failed to register their campaign materials with the relevant election commission [Article 52.4 and 52.6]. In some cases, local authorities have added to the confusion by failing to provide areas for the legal placement of campaign posters as required by law [Article 52.8].

The incidence of these types of violations has risen substantially. All the major parties and blocs are committing these offenses, with the greatest number of violations coming from the most active campaigners, ‘Nasha Ukraina’, ‘Za EDU’, ‘Batkyvshchina’, ‘Yednist’, SPD(u), ‘Yabluko’ and “Women for the Future”. The fact that no previous violations of these regulations has been punished appears to have led to a feeling of impunity among election campaigners.

RECOMMENDATIONS

- Senior executive branch officials should ensure that their subordinates maintain a position of strict neutrality towards political blocs and candidates. This requires educating state employees about their legal responsibilities, investigating reports of abuses, and disciplining law-breakers;
- State officials who are participating in the election as candidates should follow President Kuchma’s recommendation and take a “vacation” from their jobs;
- The Central Election Commission and its subordinate bodies should immediately publish the identities of all polling-place election commissioners across the country. The CEC should change the composition of any district or polling-place commission whose leadership is not multi-partisan;

- Parties, candidates, and citizens should submit complaints of violations to the relevant election commission and to the prosecutor's office. These bodies, in turn, should act swiftly to punish violations of the law;
- Foreign states and international organizations should be aware of the behavior of political groups, politicians and enterprises and should limit their contacts with those that violate principles of fair elections;
- Voters should refuse to support candidates who do not campaign according to the law.