

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

FEBRUARY 1 – 22, 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.

During the first three weeks of February, 100 groups of long-term observers visited 504 cities and 581 political party branches, and attended 315 events conducted by political groups. CVU found that the violations of the election process it observed were more serious than those in the previous reporting period.

During the last three months of 2001, CVU monitored violations of fundamental political freedoms and human rights. With the official start of the campaign period on December 31st, 2001, the meaning of the term "violation" has been expanded to include contraventions of Ukrainian election legislation.

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.

The main types of violations recorded by CVU during the first three weeks of February were:

- Campaigning by state officials or use of state resources to support favored political candidates and groups. The block 'Za Edu' (For a United Ukraine) was the overwhelming beneficiary of this support.
- Government pressure on certain political parties, candidates, and media outlets.
- Criminal 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 increased markedly since January and is now dedicated almost exclusively to the support of the 'Za Edu' bloc. 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. These efforts may be in response to the relatively low levels of public backing for 'Za Edu', as reported in opinion polls. CVU is very concerned that the remainder of the electoral process will be

marred by even greater executive branch interference, especially if the popularity of ‘Za Edu’ is not seen to rise.

CVU has uncovered no evidence that state support for ‘Za Edu’ has been ordered or coordinated by the bloc’s leadership or senior government authorities. In recent weeks, in fact, a number of cabinet ministers and government officials running for office have followed President Kuchma’s recommendation that they take a “vacation” from their positions. On February 26th, the President repeated his call for strict neutrality on the part of executive branch officials.

Although no violations of the law were punished during the first three weeks of February, CVU has noticed that candidates, parties, and citizens whose rights have been infringed are beginning to lodge formal complaints with election commissions and the courts. The number of such complaints, when compared to the number of violations, is still quite low, however.

MAJOR FINDINGS

Partisan Involvement by Local and National Executive Branch Officials

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]

The number of these cases is rising dramatically: CVU observed three times as many abuses during the first three weeks of February than during the entire month of January. Almost all executive branch interference is intended to assist the bloc ‘Za Edu’ and its candidates in single-mandate constituencies.

Some violations involve the expression of partisan support by powerful executive branch officials who also recommend to subordinates that they 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:

- *Kharkiv Oblast:* Public school teachers were obliged to attend a meeting in support of parliamentary candidate V. Potapov, mayoral candidate B. Sydor and other ‘Za Edu’ candidates, at which the teachers were urged to work on the candidates’ behalf. The following day, the Izyum secondary school was closed so that children could distribute Potapov’s campaign materials.

- *Vinnitsya Oblast*: Governor Y. Ivanov frequently campaigns for ‘Za Edu’ while traveling around the oblast on official business.
- *Donetsk Oblast*: On February 7th, the mayor of Gorlivka, V. Rogach, ordered administrators of state institutions to have no contact with any party except ‘Za Edu’.
- *Donetsk Oblast*: State workers at the “Stirol” factory have been campaigning, on public time, for plant manager, M. Yanovsky (‘Za Edu’).
- *Dnipropetrovsk Oblast*: During the meeting with entrepreneurs, Y. Zayets, the Deputy Head of the City Executive Committee ordered that no billboard advertising be allowed for any party except ‘Za Edu’.
- *Dnipropetrovsk Oblast*: The head of Zhovtnevy raion executive committee, V. Lukashova pressured subordinates and also paid them 40 hryvnia (\$8) to campaign for ‘Za Edu’ and its candidate, S. Bychkov. The candidate’s campaign literature is stored in raion executive committee headquarters.
- *Zakarpacie Oblast*: The head physicians of all the hospitals in Tyachiv raion force their subordinates to campaign for ‘Za Edu’. Strangely, almost all the physicians are prominent members of the Social Democratic Party of Ukraine (United).
- *Lviv Oblast*: According to the ‘Yabluko’ (Apple) party, teachers in one of the raions were not given their bonuses. Instead, they were told that the money had been given as a voluntary donation to an unnamed bloc.
- *Rivne Oblast*: Governor M. Soroka, speaking on behalf of the oblast government, endorsed ‘Za Edu’ at a public rally on February 9th.
- *Poltava Oblast*: At an official meeting of the Poltava raion council on February 20th, its chairman, P. Matiokha urged support for ‘Za Edu’.
- *Kherson Oblast*: The oblast administration adopted a resolution expressing support for ‘Za Edu’.
- *Chernivtsy Oblast*: Senior officials in Novoselytsky, Glybotsky, Khotynsky, and Khotyn raions campaign for ‘Za Edu’ during working hours, using official transportation and other public resources.
- *Chernivtsy Oblast*: On February 9th, most newspapers of the local state mass media published ‘Za Edu’ advertisements for free.
- *Zaporizhie Oblast*: The official oblast newspaper (#27) published an advertisement of ‘Za Edu’ for free.
- *Cherkassy Oblast*: ‘Za Edu’ campaign literature was distributed together with the official oblast newspaper “Nova Doba”.

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.

Some examples:

- *Crimea*: On February 11 at 7 p.m. electrical power to the city of Simferopol city was cut just as a film about Yulia Tymoshenko, leader of the ‘Batkivshchyna’ (Fatherland) party, was due to be aired on television.

- *Dnipropetrovsk Oblast*: Some teachers at high school #57 were made to sign letters of resignation when their director discovered they were members of ‘Spravedlyvist’ (Fairness) bloc. She had been trying to force them to support ‘Za Edu’.
- *Dnipropetrovsk Oblast*: Radio Liberty is being jammed in some areas by local authorities.
- *Donetsk Oblast*: A ‘Batkivshchyna’ party meeting the village of Panteleymonivka was disrupted, without apparent cause, by local police. Party representatives say the police forced them to take down ‘Batkivshchyna’ posters attached to their own balconies.
- *Zaporizhie Oblast*: Local authorities in the town of Tokmak forced the ‘Yabluko’ party to take down the banner on party headquarters. They authorities explained that Governor Kartashov was due to visit the town and would be offended to see the banner. Also, ‘Yabluko’ members were forced to park the party’s car as far away as possible in order not to disturb the governor.
- *Zaporizhie Oblast*: Parliamentary deputy V. Ponedilko, of the Communist Party, was prevented from using the state-owned “Orbita” concert hall for a campaign event despite having a signed contract.
- *Kyiv Oblast*: ‘Nasha Ukraina’ (Our Ukraine) parliamentary candidate B. Buts was fired was his state job without cause or due process.
- *Kirovograd Oblast*: ‘Nasha Ukraina’ leader Victor Yushchenko was abruptly refused access to public television and radio while visiting the oblast. ‘Nasha Ukraina’ had written agreements with the media ensuring Yushchenko’s appearance and had widely publicized the events.
- *Lviv Oblast*: Local officials in Kamianka-Buzky raion ordered the directors of cultural and educational institutions to charge exorbitant rental fees to all political forces except ‘Za Edu’.
- *Mikolaiv Oblast*: A public meeting of Winter Crop Generation Team was disrupted by raion officials who then destroyed the party’s leaflets. The Winter Crop official responsible for organizing the meeting was threatened by the Deputy Head of the Bashtan raion administration.
- *Mikolaiv Oblast*: Victor Yushchenko’s appearance on local television was disrupted by a mysterious 20-minute power outage. Likewise, his scheduled meeting with voters at the “Unist” cinema was abruptly cancelled.
- *Mikolaiv Oblast*: The print run of the ‘Ukrainsky Pivden’ (Ukrainian South) newspaper, which highlighted Yushchenko’s visit to the area, was suddenly halted. According to the paper’s chief editor, the printing house discovered “technical difficulties” after the paper was examined by local authorities.
- *Poltava Oblast*: On February 14th, the “Ltava” television station denied access to Victor Yushchenko despite a signed contract. The station director explained that since Yushchenko did not sign the agreement personally, he did not have the right to appear.
- *Poltava Oblast*: Under pressure from state officials, local distributors have refused to carry five independent local newspapers, “Poltavska Dumka”, “Pryvatna Sprava”, “Nova Poltava”, “Novy Den” and “Informbulletin”.
- *Sumy Oblast*: The private business of B. Tkachenko, a candidate for Mayor of town of Lebedyn, was closed by local government order after Tkachenko complained publicly that he was being harassed by local government officials.
- *Ternopil Oblast*: Electrical power was cut off to the town of Chortkiv for one-half hour during the television debate between representatives of ‘Batkivshchyna’ and the ‘Yednist’ (Unity) bloc.

Criminal Interference in Election Campaigns

As in January, there continue to be incidents of violence or threats of violence against political party activists. With the start of legal campaign activities on February 9th, a new phenomenon has emerged in which the campaign headquarters and election materials of some blocs and candidates have been destroyed by unknown persons.

Some examples:

- *Poltava Oblast*: On February 7th, parliamentary candidate V. Gorayev ('Yabluko'), was attacked, in an attempted kidnapping, by assailants armed with guns. Gorayev had received a number of anonymous threats if he did not withdraw his candidacy.
- *Zakarpacie Oblast*: On February 10th, in Kirovograd, A. Dorogan, a representative of 'Yabluko' parliamentary candidate L. Lozova was violently attacked outside Lozova's house.
- *Chernivtsy Oblast*: Y. Tsaryk, head of 'Batkivshchyna' in the town of Dubivka, was violently attacked, along with a party volunteer.
- *Donetsk Oblast*: The chief of 'Batkivshchyna' in Kostyantyniv rajon was threatened by representatives of 'Za Edu' candidate M. Komar, also the head of the raion state administration.
- *Lviv Oblast*: On February 15th, four unknown persons asked a mechanic at the "Vysoky Zamok" publishing house to destroy the printing machine. The company publishes about 30 newspapers, representing a range of political opinion.
- *Rivne Oblast*: On February 18th, unknown persons ransacked the offices of 'Nasha Ukraina' in Rogytne and Berezne raions. V. Chervoniy, the bloc's leader in the oblast, has accused the local police of failing to investigate the incident properly.
- *Chernivtsy Oblast*: Unknown persons broke into the 'Nasha Ukraina' headquarters in Glybotsky rajon. All the party's campaign material was stolen.
- *Dnipropetrovsk Oblast*: In the town of Pavlograd some unknown persons destroyed a billboard of 'Nasha Ukraina' bloc. Three 'Nasha Ukraina' billboards were illegally replaced by ones by 'Za Edu'.
- *Zakarpacie Oblast*: Two large 'Nasha Ukraina' billboards were destroyed in Uzhgorod and Mukachevo on February 9th.

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].

These violations are quite widespread but appear to be mostly the result of ignorance or poor planning. 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].

RECOMMENDATIONS

- Senior executive branch officials should act swiftly to 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;
- Parties, candidates, and citizens should submit complaints of violations to the prosecutor's office;
- 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 fairly.