



COMMITTEE OF VOTERS OF UKRAINE

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PRECINCT ELECTION COMMISSIONS GROSSLY UNPREPARED TO ADMINISTER THE ELECTION

AUDIT OF VOTER REGISTRY FINDS APPROXIMATELY 5% OF ENTRIES ARE ILLEGITIMATE

ILLEGAL STATE INTERFERENCE IN CAMPAIGN CONTINUES

Ukraine's 33,006 precinct election commissions, which will administer the October 31 presidential elections in their respective polling sites, are grossly unprepared for their duties. "We estimate that one half of all commissions are operating in violation of the election law," says Ihor Popov, Chairman of the Committee of Voters of Ukraine (CVU), a non-partisan election monitoring organization. Some precinct commissions lack proper office space and supplies, others fail to post the voter registry for public inspection, still others suffer from serious personnel shortcomings. "Around 20% of commissions are not working during regular business hours, and 3% of them don't appear to exist at all," reports Popov. "The scale of administration problems makes us worry that millions of people will not be able to cast ballots on election day."

One particular source of concern is the quality of the voter registry. CVU conducted an audit of 1204 precincts and discovered that 38% of them did not comply with the legal requirement to post the voter registry for public inspection. In the remainder, CVU found that approximately 5% of the entries were illegitimate. These voters had either died or moved away but their names remain on the registry. This artificial inflation of the voter registry gives corrupt precinct commissions the opportunity to cast ballots on behalf of these dead or otherwise absent citizens.

State and local government officials continue to interfere illegally in the election process by using the power of their offices to support the campaign of Prime Minister Viktor Yanukovich and by impeding the activities of some of his opponents, as well as those of non-partisan civic organizations. Recently, many of these activities have involved the forced participation of teachers and students in pro-Yanukovich events or organizing work.

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COMMITTEE OF VOTERS OF UKRAINE

REPORT ON THE PRE-ELECTION ENVIRONMENT

OCTOBER 4 to 15, 2004

(English-language version)

The Committee of Voters of Ukraine (CVU) is a national, non-governmental organization that has been monitoring election campaigns in Ukraine for over ten years. CVU observes the degree to which election processes conform to national legislation and international democratic standards.

Presidential elections in Ukraine are scheduled for October 31st, 2004. In the first half of October, CVU observed the activities of national and local governments, election commissions, political parties, candidates' headquarters, the courts and the mass media. CVU representatives are present in all 27 administrative regions of Ukraine.

This English-language report is an abbreviated version of CVU's Ukrainian report issued October 19th. All of CVU's reports as well as more information on the organization can be found at: www.cvu.org.ua. (Ukrainian/English)

Summary of Findings:

1. Precinct election commissions (PECs) are grossly unprepared to administer the election. Approximately one-half of PECs operate in some violation of the election law.
2. The voter registry represents a serious weakness in the electoral system. In 38% of precincts, voters are not able to inspect the registry in order to correct errors. In the remainder, approximately 5% of the entries are illegitimate. Voters listed have either died or moved away, yet their names remain on the registry.
3. The work of the 225 territorial election commissions (TECs) has improved significantly from an administrative standpoint. However, more and more commissions are showing political bias towards some candidates.
4. State and local government officials continue to interfere in the election process to support the campaign of Prime Minister Yanukovych and to impede the work of his opponents. CVU is especially concerned about pressure placed on teachers and students to involve themselves in the campaign on behalf of Mr. Yanukovych.
5. Law enforcement authorities do very little to ensure that the election law is respected. In some cases, the police themselves interfere in the conduct of campaigns.

Recommendations

- TECs need to take much greater responsibility for the preparedness of the PECs in their areas. Where PEC members are behaving inappropriately, they should be replaced.
- Both TECs and PECs should ensure that citizens have access to voter registries and should work actively to correct inaccuracies.

- PECs should respect the law and provide the necessary means for the proper administration of the election.
- State officials should refuse to campaign for political candidates and should refrain from using their power and resources for the benefit of any candidate. Law enforcement authorities should thoroughly investigate all reports of election violations and prosecute those believed to have broken the law.

MAJOR FINDINGS

Serious Shortcomings in the Work of Precinct Election Commissions

CVU observers have noted a number of significant problems in the work of PECs. Of the thousands of PECs we visited during the first half of October, approximately 20% were closed: either the building was locked or no member of the commission was present. Another 16% had no public sign posted to indicate the PEC's existence. And in 3% of precincts, CVU found no PEC located at the publicly listed address!

Polling sites that are closed deprive the public of the important opportunity to examine the voter registry and to appeal to the commission or to a court should they find errors. Besides the closed PECs, CVU found that an additional 18% of PECs that were open but where no registry was available. Where CVU observers were able to audit the registries, we found that, on average, 4.8% of the registered voters were dead, while another 5.3% were no longer living at the address given.

Some errors were minor, while others were significant. In Melitopol, in PEC #46 of TEC #82, the registry contained the names of military personnel from detachments that had been disbanded over a year ago. In Ivano-Frankivsk region, the polling sites of TEC #87 together contain over 400 duplicate entries and the names of 500 additional voters born in 2005.

It is common for PEC commissioners to refuse to perform their duties. Across the country, approximately 10-15% of PEC members have resigned. Worse, many commissioners, especially those representing minor candidates, simply refuse to attend meetings, making it difficult for some PECs to gather a quorum.

PECs are slowly being provided with the necessary resources and equipment to allow them to function adequately. Urban PECs are generally better supplied than those in rural areas. One of the most common shortcomings is that commissions are not given enough copies of the election law. In some areas, such as Sevastopol, commissioners are not able to read Ukrainian but no Russian-language copies are available. At present, CVU estimates that 10% of polling stations will be placed in premises that are too small to accommodate voters on election day.

Illegal Government Interference in the Election Campaign

State officials continued their illegal interference in the election process, either to support the candidacy of Prime Minister Yanukovich or to thwart the activity of his competitors. Many state employees are working for Yanukovich during regular business hours and state resources (money, premises and equipment) are used for his benefit. Higher-ranking state officials abuse their positions to coerce lower-level employees to take part in the Prime Minister's campaign. During the first half of October, CVU noted the particular involvement of public school teachers and students, who are forced to take part in pro-Yanukovich activities.

I. In support of Viktor Yanukovich

Kherson: An senior administrator at Kherson State University, Iryna Shaposhnykova, is trying to expel a student, L. Yeryomicheva, after the student filed a complaint against the governor for illegally campaigning in favor of Yanukovich. The charge against Yeryomicheva is absenteeism, including the day of classes she missed in order to be in court to file her complaint.

Kherson: Students were made to attend a pro-Yanukovich rock concert on October 4 where their supervisors took attendance.

Donetsk: The head of the state-run propane company in Slavyansk has obliged consumers in debt to the company either to pay their debt in full or sign an unofficial contract that they will vote for Yanukovich.

Vinnitsa: The inhabitants of the village of Konstantynivka have been told that construction of a natural gas pipeline to the village will be stopped unless they vote for Yanukovich.

Sumy: The head of the Bilopillya rayon administration, Voldoymyr Grechany, held a meeting with members of various PECs where he asked “Does everyone here understand who is going to win the election? Raise your hands if you do not.” No one raised their hand.

Sumy: The department of transportation in Sumy has recommended to private contractors that they place Yanukovich posters in their busses.

Khmelnitsky: Teachers and students at the Khmelnitsky Pedagogical Institute were required to fill out government supplied questionnaires that asked them the voting preference of each member of their families.

Khmelnitsky: The head of the department of education in Izyaslavsk rayon, L. Demjanuk, visited the principal of every school and directed them to organize a Yanukovich campaign display on school grounds.

Lviv: High school students in Mykolaiv were made to attend a pro-Yanukovich public meeting on October 7.

Lviv: Workers at the railway station have been directed to campaign for Yanukovich.

Cherkassy: Local authorities in Uman are forcing collective farms to pay for pro-Yanukovich folk concerts.

Cherkassy: Workers at the Shevchenko office of the Odessa railway are instructed to vote for Yanukovich and are told that only he will ensure they keep their high wages.

Chernivtsi: Citizens receiving public services from the state-run “Chernivtsispetskomuntrans” bureau are made to sign a list saying they will vote for Yanukovich.

Sevastopol: State officials staff the Yanukovich campaign headquarters during work hours.

Rivne: The head of the Rivne rayon administration, Anatoliy Kaminsky, expressed his support for Yanukovich in an interview in a state-owned newspaper.

II. To discredit or obstruct the activities of other candidates and of civic organizations

Dnipropetrovsk: The deputy mayor of Nikopol, V. Reshetnikov, ordered a Yushchenko event be moved from the town square to a more remote place.

Dnipropetrovsk: State officials in Pavlohrad organized their subordinates to tear down or deface all the Yushchenko posters in the city. Local police were informed in advance and did not interfere.

Dnipropetrovsk: On October 12, police arrested Kostiantyn Lyaskenko, Yushchenko's official representative in constituency #35, on the grounds that he had defaced one of his own campaign posters.

Khmelnitsky: Local officials throughout the region took various measures to prevent people from attending a rally featuring Yulia Tymoshenko on October 9. Drivers had their licenses seized, vehicles were called in for sudden inspections or stopped on the roads.

Mykolaiv: The regional administration has issued a written warning to "Dana", a non-partisan civic group working on voter education projects, to stop their activities on the grounds that only political parties have the legal right to be involved in election processes.

Kherson: A meeting between voters and Socialist Party leader Oleksandar Moroz in a state-owned building was interrupted by an unexplained power failure.

Chernivtsi: Police detained a group of young people campaigning for Yushchenko on October 2.

Volyn: A bus taking passengers to a rally with Yulia Tymoshenko on October 8 was inexplicably stopped and detained by police.

Formation of Observer Group to Travel to Western Ukraine

CVU continues to receive information on possible plans to bring election observers from Eastern to Western Ukraine. These plans appear not to involve legitimate election observers, but tough young men whose purpose may be to disrupt the election process. Recently, the organizers of this project in western areas (Chernivtsi, Ivano-Frankivsk and Ternopil regions) met in Kyiv, where they were instructed to try to invalidate the elections in as many polling places as possible.

Dissemination of False and Slanderous Information; Dirty Campaigning

Slanderous leaflets and publications continue to appear in different areas of the country. Many target Viktor Yushchenko, accusing him of leading Ukraine towards civil war and of being too friendly to the United States. CVU recorded some instances of the distribution of anonymous, slanderous anti-Yanukovych materials as well. Despite earlier appeals, the National Railway continues to allow the distribution of slanderous campaign materials on its passenger cars.

Criminal Violence against Political Activists and Property

There has been no reduction in the number of incidents of criminal violence in the election campaign. Law enforcement authorities continue to take virtually no action to investigate attacks nor to prevent new ones.

Cherkassy: The farm of Ivan Peresunko, the leader of a pro-Yushchenko civic group, was attacked on October 5 and all his animals were poisoned. The attackers painted a slogan on the fence “This will happen to everyone”.

Cherkassy: The Socialist Party’s print shop, which is located in a secondary school, was destroyed in an explosion on October 10th.

Donetsk: Oleksandar Zaitsev, a 17-year old Yushchenko activist, was attacked while passing out leaflets.

Dnipropetrovsk: Four strangers beat up Yushchenko’s deputy campaign manager in Zavodsky, Serhiy Liakh, on the night of October 8.

Dnipropetrovsk: Yanukovych campaigners were attacked by three strangers in Nikopol on October 2nd. Their campaign literature was destroyed.

Zakarpattia: A truck carrying 1.5 tons of Yushchenko leaflets (printed in Hungarian for the Hungarian minority in the region) was impounded by police on October 10. The following day the leaflets, while under police guard, were seized by a group of “skinheads” and burned.

Lviv: A Yanukovych campaign tent was attacked and destroyed on October 6.

Dispute Resolution

CVU lodged 26 formal complaints to courts on election-related disputes during the first half of October. Sixteen other disputes were taken to local prosecutors’ offices or election commissions. Most of these involved violations in the formation of PECs, the inactivity of PECs, incidents of illegal campaigning or the interference of state officials in the election process. In general, the legal system is proving to be incapable of dealing with election disputes in a consistent, fair and timely way. One persistent problem is that judges mistakenly base their decisions solely on Ukraine’s Civil and Procedural Codes, without taking into account the presidential election law.