



HELSINKI COMMISSION BRIEFING

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STATEMENT

by Civil Network OPORA

on the parliamentary elections results

OPORA notes setback of Ukraine in holding democratic elections. The 2012 parliamentary campaign was characterized by an artificial restriction of competition within the electoral process and by flagrant violations of the principle of equal opportunities for political parties and candidates. The mixed electoral system, as well as the use of the illegal practices of abusing administrative resources and bribing voters had a decisive influence on the course of the campaign, which generally did not contribute to the integrity of its results. These violations were systematic and had no legal consequences for the electoral subjects that resorted to them. Taking into consideration pre-election and election-day factors, OPORA considers that the election process does not meet basic democratic standards due to the lack of equal conditions for conducting campaigning by candidates and parties, unprecedented large number of "technical" electoral subjects, unbalanced election commissions and media.

However, observers recorded the most grievous violations at the stage of vote count and vote tabulation. OPORA counted 16 districts, in which direct and unconcealed fraud took place at the level of district election commission, namely: changes were made to the protocols of vote count at polling stations; ballots were destroyed and spoiled; false data of vote count was transferred to the CEC web site. The judiciary and enforcement bodies

were enable to properly perform its functions and to promote establishment of the election results. Unfortunately, the above mentioned violations remained out of attention by the law enforcement bodies

CONCLUSIONS AND TRENDS

The return of Ukraine to a mixed electoral system previously applied in 1998 and 2002, with a majoritarian component provided incentives for electoral subjects to massively use unfair methods of campaigning in single-mandate constituencies. In countries with no rooted democratic traditions and societies not critical of corruption, the majoritarian component also corrupts the electoral process.

The State authorities failed to provide impartial treatment of all participants of the election process. Taking advantage of Ukraine's ambiguous electoral law, which does not clearly distinguish between campaign activities and the performance of official duties, officials systematically used their power and state resources available to them for campaigning. The most common abuse of this type was observed within budget administrative resources. Candidates or parties close to the authorities received substantial indirect investments from municipal or state budgets for the needs of their campaigns, which put electoral subjects in unequal conditions and misled the voters, who were unable to distinguish between manipulation and the real achievements of candidates.

The indirect bribery of voters, which was conducted by candidates and parties in the form of charity, was the main technology used to impact the vote. Candidates' charitable foundations turned out to be a complementary tool of campaign financing that directly contradicted the norms of the law on exclusive financing of campaign activities of the electoral subjects from the official election funds. Thus, the issue of the lack of transparency in financing election activities becomes even more acute in the 2012 parliamentary campaign. The indirect voter bribery carried out by candidates was massive and systematic, and conducted by illegally providing products, services, jobs, or benefits to voters with the purpose of campaigning.

The use of a controversial procedure for drawing the members of district and precinct election commissions resulted in an unbalanced representation of key electoral actors in

election commissions and the dominance of the so-called "technical parties"[1] in the commissions. As a result, the work of the election commissions before and during election day was marked by constant conflict and a lack of public confidence in the commissions as the institutions responsible for administering the election process on the ground.

In the process of tabulation and transmission of protocols of the district election commissions, observers recorded procedural violations, including taking stamps outside polling stations, which is prohibited by law; precinct election commissions delaying the signing of the vote count protocols; and the frequent return of protocols by DEC to PEC for further information check.

Observers also noted that the procedure to consider complaints from electoral subjects and citizens was quite formally fulfilled. At a quarter of polling stations, where complaints and claims were registered during the voting day, commissioners spent a total of no more than half an hour for their consideration.

Reference:

In 2012, during Parliamentary elections in Ukraine OPORA implements a large-scale campaign of long- and short term observation, organizes a statistical vote-count by the results of voting with the proportional component of the electoral system on a basis of representative selection, will provide 100% coverage of polling stations by observers in separate single-mandate majoritarian districts. OPORA observers will work in all 225 electoral districts, and 3,500 activists will join them on the voting day. Organization will use the latest means of spreading information on observation results, including infographics and interactive maps.