

Statement

On the need to renew transparent and inclusive consultations on amendments to the Election Code of Ukraine

On December 19, 2019, the Verkhovna Rada of Ukraine adopted into law the Election Code of Ukraine. Its adoption and the entering into force of most of its provisions in January 2020 marked an important step towards the harmonization of the legal framework for elections in Ukraine in line with the recommendations of international and domestic election observer missions.

At the same time, there is room for improvement of certain provisions of the Election Code, in particular with regard to regulations for the preparation and conduct of local elections. Since there are less than seven months left before the next regular local elections, which under the Constitution of Ukraine must be held in October 2020, changes to the most problematic provisions of the Code should be introduced as soon as possible.

Therefore, the Verkhovna Rada should renew its work on improving the Election Code with the aim to ensure its compliance with the requirements of the Constitution of Ukraine, bring it in line with electoral international standards and best practices, as well as address the recommendations of international and domestic election observers.

In relation to these efforts, the International Foundation for Electoral System (IFES), the OSCE Project Coordinator in Ukraine and Civil Network OPORA call upon the Verkhovna Rada to:

1. Immediately renew public consultations regarding improving the Election Code with all stakeholders, including the CEC, representatives of parliamentary factions and groups, local self-governance bodies, the expert community and civil society activists. Given the emergency situation regime across Ukraine, the Parliamentary Committee on State Power, Local Self-Governance and Regional and Urban Development should make sure such consultations are conducted using available on-line platforms complying with the principles of transparency and inclusiveness and terminate no later than by the end of April 2020.¹
2. Guarantee independent candidates the possibility to take part in all local elections (including through self-nomination of lists of independent candidates), as outlined in Article 7.5 of the 1990 OSCE Copenhagen Document²
3. Ensure mechanisms for balanced representation of women in elected bodies are maintained (including the enforceable gender quota in national and local elections that envisages no less

¹ “The [electoral] reform process should be inclusive and completed well in advance of the next elections” – priority recommendation 1 of the OSCE/ODIHR Election Observation Mission to the 25 October and 15 November 2015 Local Elections in Ukraine. See the OSCE/ODIHR EOM [Final Report](#).

² “Independent candidates should be allowed to stand for elections at all levels of local councils in line with the OSCE commitments and other international obligations and standards (...)” – priority recommendation 6 of the OSCE/ODIHR Election Observation Mission to the 2015 Local Elections in Ukraine.

than two persons in each group of five candidates on the party list for elections are of the same gender). Any reduction or change in the proportions of the gender quota would be a step backward in facilitating women's participation in the election processes.³

4. Ensure sufficient financial means are allocated in the budget, considering the complexity of conducting elections to different local self-government bodies simultaneously, in particular for the remuneration of the work of election commission members.⁴
5. Expand existing measures to facilitate the exercise of electoral rights of persons with disabilities and the electoral rights of internally displaced persons and other internally mobile groups of citizens should.⁵
6. Take into account the recent amendments to the regulation of financing of political parties, introduced in the Law on Political Parties in Ukraine should be taken into account, as well as recommendations of the Group of States against Corruption (GRECO), the Venice Commission and the OSCE/ODIHR regarding enhanced transparency of election campaign finance when reviewing the campaign finance provisions of the Election Code.⁶
7. Consider the representational specifics of the councils in question in discussions about electoral systems for elections to local councils, especially the constitutional nature of oblast and rayon councils, which have to represent the common interests of the territorial communities. The feasibility of applying the open list proportional system to elections at more than one local council at the same time should be reconsidered; discussions on this point should take into account the additional workload this will put on the election commissions and the complexity of this system for voters, particularly considering also that Ukraine does not have any experience with the application of the mentioned system.

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³ “Consideration should be given to establishing a mechanism to enforce the gender quota requirement. Additional special temporary measures to promote women candidates (...) could also be considered” – priority recommendation 6 of the OSCE/ODIHR Election Observation Mission to the 2015 Local Elections in Ukraine.

⁴ “(...) remuneration of election commissioners should be commensurate to the workload. Authorities need to take necessary measures to adequately fund the costs associated with the organization of election.” – priority recommendation 4 of the OSCE/ODIHR Election Observation Mission to the 2015 Local Elections in Ukraine.

⁵ “To further promote universal suffrage, authorities need to take necessary measures to facilitate unrestricted access of voters with reduced mobility to polling stations” – priority of the of the OSCE/ODIHR Election Observation Mission to the 2015 Local Elections in Ukraine.

⁶ See Group of States against Corruption (GRECO) of the Council of Europa Fourth Round Compliance [Report](#) on Ukraine published on March 26, 2020.