

108TH CONGRESS  
2D SESSION

# S. RES. 352

Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

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IN THE SENATE OF THE UNITED STATES

MAY 5, 2004

Mr. CAMPBELL (for himself, Mr. DODD, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations

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## RESOLUTION

Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security

and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election on October 31, 2004, of Ukraine's next president will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas this election takes place against the backdrop of previous elections that did not fully meet international standards and of disturbing trends in the current pre-election environment;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information

upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Ukrainian Government;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch; and

Whereas the intimidation and violence during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process: Now, therefore, be it

1       *Resolved*, That the Senate—

2           (1) acknowledges and welcomes the strong rela-  
3           tionship formed between the United States and  
4           Ukraine since the restoration of Ukraine's independ-  
5           ence in 1991;

6           (2) recognizes that a precondition for the full  
7           integration of Ukraine into the Western community  
8           of nations, including as an equal member in institu-  
9           tions such as the North Atlantic Treaty Organiza-  
10          tion (NATO), is its establishment of a genuinely  
11          democratic political system;

12          (3) expresses its strong and continuing support  
13          for the efforts of the Ukrainian people to establish  
14          a full democracy, the rule of law, and respect for  
15          human rights in Ukraine;

16          (4) urges the Government of Ukraine to guar-  
17          antee freedom of association and assembly, including  
18          the right of candidates, members of political parties,  
19          and others to freely assemble, to organize and con-

1 duct public events, and to exercise these and other  
2 rights free from intimidation or harassment by local  
3 or national officials or others acting at their behest;

4 (5) urges the Government of Ukraine to meet  
5 its Organization for Security and Cooperation in Eu-  
6 rope (OSCE) commitments on democratic elections  
7 and to address issues previously identified by the Of-  
8 fice of Democratic Institutions and Human Rights  
9 (ODIHR) of the OSCE in its final reports on the  
10 2002 parliamentary elections and the 1999 presi-  
11 dential elections, such as illegal interference by pub-  
12 lic authorities in the campaign and a high degree of  
13 bias in the media;

14 (6) urges the Ukrainian authorities to ensure—

15 (A) the full transparency of election proce-  
16 dures before, during, and after the 2004 presi-  
17 dential elections;

18 (B) free access for Ukrainian and inter-  
19 national election observers;

20 (C) multiparty representation on all elec-  
21 tion commissions;

22 (D) unimpeded access by all parties and  
23 candidates to print, radio, television, and Inter-  
24 net media on a non-discriminatory basis;

1 (E) freedom of candidates, members of op-  
2 position parties, and independent media organi-  
3 zations from intimidation or harassment by  
4 government officials at all levels via selective  
5 tax audits and other regulatory procedures, and  
6 in the case of media, license revocations and  
7 libel suits, among other measures;

8 (F) a transparent process for complaint  
9 and appeals through electoral commissions and  
10 within the court system that provides timely  
11 and effective remedies; and

12 (G) vigorous prosecution of any individual  
13 or organization responsible for violations of  
14 election laws or regulations, including the appli-  
15 cation of appropriate administrative or criminal  
16 penalties;

17 (7) further calls upon the Government of  
18 Ukraine to guarantee election monitors from the  
19 ODIHR, other participating States of the OSCE,  
20 Ukrainian political parties, candidates' representa-  
21 tives, nongovernmental organizations, and other pri-  
22 vate institutions and organizations, both foreign and  
23 domestic, unobstructed access to all aspects of the  
24 election process, including unimpeded access to pub-  
25 lic campaign events, candidates, news media, voting,

1       and post-election tabulation of results and proc-  
2       essing of election challenges and complaints; and  
3               (8) pledges its enduring support and assistance  
4       to the Ukrainian people's establishment of a fully  
5       free and open democratic system, their creation of a  
6       prosperous free market economy, their establishment  
7       of a secure independence and freedom from coercion,  
8       and their country's assumption of its rightful place  
9       as a full and equal member of the Western commu-  
10      nity of democracies.

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