



# EUROPEAN PARLIAMENT

## DELEGATION TO OBSERVE THE PARLIAMENTARY ELECTIONS IN UKRAINE (30 September 2007)

Election observation mission 28 September - 1 October 2007

Report by  
**Mr Adrian SEVERIN**,  
Chairperson of the delegation

- Annexes:
- A. Summary record of meetings
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## **Introduction**

Following the receipt of an invitation sent by the President of Ukraine, Mr Viktor Yushchenko, to the European Parliament on 22 June 2007, the Conference of Presidents authorised, on 12 July 2007, an election observation delegation to monitor the pre-term legislative elections in Ukraine scheduled for 30 September 2007. At the request of the political groups, at its meeting on 30 August 2007, the Conference of Presidents decided to increase the number of members in the delegation from seven to fifteen, in order to allow a broader participation in the delegation.

The members were appointed by the political groups as follows: Adrian SEVERIN, Chairman (PES, Romania), Laima ANDRIKIENE (EPP-ED, Lithuania), Thijs BERMAN (PES, Netherlands), Adam BIELAN (UEN, Poland), Sarunas BIRUTIS (ALDE, Lithuania), Michael GAHLER (EPP-ED, Germany), Milan HORÁČEK (Greens/EFA, Germany), Jiri MASTALKA (GUE/NGL, Czech Republic), Rihards PIKS (EPP-ED, Latvia), Marek SIWIEC (PES, Poland), Grazyna STANISZEWSKA (ALDE, Poland), Marcello VERNOLA (EPP-ED, Italy) and Barbara WEILER (PES, Germany).

During the 5 September 2007 constituent meeting of the delegation to observe the parliamentary elections in Ukraine, Mr Adrian SEVERIN (PSE, Romania), was elected, following a vote, chairman of the delegation.

Members also discussed their deployment on the election day (30 September) and it was agreed that the delegation should observe the elections in several regions: Kyiv, Lviv, Donetsk, Odessa and Crimea.

The delegation met again on 20 September 2007, when the Members exchanged views on the situation in Ukraine with Mr. Konstantin YELISIEIEV, appointed Deputy Minister of Foreign Affairs of Ukraine, and also took final decisions with regard to the programme and the deployment of the delegation.

As is usual in the OSCE area, the European Parliament delegation formed part of the joint International Election Observation Mission (IEOM) that also comprised the OSCE Parliamentary Assembly, chaired by Ms Tone Tingsgaard (Sweden), Vice-President of the OSCE PA, the Parliamentary Assembly of the Council of Europe, chaired by Ms Hanne Severinsen (Denmark), NATO Parliamentary Assembly, chaired by Mr Jan Petersen, Vice President of the NATO PA, and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) .

The OSCE Office for Democratic Institution for Human Rights (OSCE/ODIHR) established a long term election mission, headed by Ambassador Audrey Glover (United Kingdom), which consisted of 17 international staff based in Kyiv, 60 long term observers deployed in the regions and 600 short term observers deployed throughout the country for the Election Day.

## **Political context**

Parliamentary elections were held in Ukraine on 26 March 2006. Two major forces were competing for a majority in the Verkhovna Rada - the Party of the Regions of Viktor

Yanukovych and the Yulia Tymoshenko block (BYuT). As a result of the vote they received 32,14% and 22,29% respectively, neither party being able to achieve an absolute majority.

Consequently the negotiations for coalitions began. The BYuT tried to form a parliamentary coalition with its former "Orange" partner the "Our Ukraine" Party and the Socialist party of Ukraine. However, after several months, the negotiations failed and the Socialist party joined a coalition led by the Party of Regions, which formed a government on 4 August 2006.

From its onset, the work of the parliament was marked by consecutive crises. The decisive crisis resulted from the change of coalition affiliation by several MPs from the opposition.

In order to break this chain of crises, the President of Ukraine took a decision, on 2 April 2007, to dissolve the Verkhovna Rada by a decree. A group of MPs filed a complaint against this decision at the Constitutional court of Ukraine. On 26 April 2007, the President of Ukraine issued a new decree on early elections to the Rada which cancelled his decree of 2 April 2007 and fixed the new date of elections on 24 June 2007.

An entire debate on the constitutionality of these decrees began, deepening even further the existing crisis. The inability of the Constitutional Court to react effectively contributed notably to these problems.

The power struggle became more serious at the end of May 2007 when President Yushchenko fired the Prosecutor-General and Prime Minister Yanukovych responded by stationing Interior Ministry riot police in the Prosecutor-General's office to block his dismissal. Mr Yushchenko in turn issued a decree placing Interior Ministry riot police under his direct control and summoned several units to Kyiv. Police loyal to the Interior Minister proceeded to block highways to prevent the relevant units from entering the capital.

It is in this combustible atmosphere, hasty negotiations between the President, the government and different political forces on 27 May culminated in the decision to hold the early parliamentary elections on 30 September 2007.

### **Development of the mission**

#### Friday, 28 September 2007 and Saturday, 29 September 2007

On the eve of the elections Mr Severin met with President Viktor Yushchenko, while the EP delegation held meetings with the representatives of all major Ukrainian political parties, participated in the briefing organized by the OSCE/ODIHR Election Observation Mission, met with the EU Ambassadors and took part in the panel with representatives of mass media and NGOs.

Detailed summary record of these meetings as well as the programme can be found in the Annexes A and C of the report.

#### Election Day, Sunday, 30 September 2007

The delegation split into eight teams as described in Annex D.

The Members of delegation visited a total of about 90 polling stations during the election day. All teams noted that the election day proceeded in an orderly manner, the voters being able to cast their vote in an unhindered and calm atmosphere.

Overall, the polling stations were well organised and their staff successfully executed their tasks during the election day. Voting began on time in most polling stations observed, while the electoral agents performed their duties correctly throughout the election day and during the counting process.

Domestic observers and party agents were present in all the polling stations visited, except for a voting centre situated in a prison in Kyiv, visited by the Chair of the delegation. Despite the absence of local observers, the Chair was informed that other international observers visited the same polling station during the election day.

No campaign signs were seen close to polling stations in all areas visited by the delegation.

All members of the delegation noted that the voters' lists were incomplete and inaccurate. Some people that had turned 18 and therefore had the right to vote were not included on the list, while many deceased persons were still in the registrar.

The delegation did not observe any attempt to influence the voters' choice and remarked that the secrecy of voting was insured in all polling stations visited. No big irregularities that would cast doubt over the overall running of the election day and put into question the credibility of the results were reported by the Members.

On the election day the delegation Chair was also actively engaged in the drafting of the joint preliminary findings and conclusions and the joint press statement of the International Election Observation Mission. The Heads of the delegations met several times during the election day and on the following day in order to discuss their assessment of the election process.

#### Monday, 1 October 2007

The delegation met on Monday morning for a debriefing of the observations on the election day. Mr Severin took necessary steps to make sure that the conclusions of the EP delegation were fully reflected in the joint IEOM statement.

After very intense negotiations among the Heads of four parliamentary delegations and the Head of the ODIHR mission, an agreement was reached on the joint preliminary findings and conclusions, which were presented in the joint press conference in the afternoon of Monday, 1 October.

The joint IEOM press release and the full summary of the findings of the Election Observation Mission is attached to this report (Annexes E and F).

#### Conclusions

As a short term election observation mission, the delegation concentrated mainly on monitoring the proceedings of the election day. The delegation considers that the substantial international election observation mission deployed in the country has certainly contributed greatly to enhancing the transparency of the whole election process.

The European Parliament delegation, together with the OSCE PA, PACE, NATO PA and OSCE/ODIHR, concluded that the elections in Ukraine were conducted mostly in line with European commitments and other international standards for democratic elections.

The International Election Observation Mission also underlined that recent amendments to the elections law adopted as part of a compromise to end the political crisis impacted negatively on the electoral process. Namely, it resulted in the poor quality of voter lists, possible disenfranchisement of voters who crossed the borders after 1 August 2007, and the lack of possibilities for absentee voting for extraordinary elections.

The European Parliament delegation strongly believes that in order to achieve the three convergent points expressed by all the main political parties during the campaign: the desire to see their country fully integrate into the EU, to positively contribute to Europe's relations with Russia, as well as to carry out a comprehensive constitutional reform, it is essential for all political forces to respect the free will expressed by the Ukrainian people, to form a stable government and to start realizing an ambitious national reform agenda.

Furthermore, the European Parliament, through the Delegation to the EU-Ukraine Parliamentary Cooperation Committee, is willing to continue to work closely, together with the newly elected Verkhovna Rada, towards further strengthening the democratic process in Ukraine.

### Results of the elections

According to the data provided by the Central Election Commission, the results are the following: Party of Regions won 34.37% (175 parliamentary seats). Our Ukraine-People's/Self Defence party won 14.15 % (72 parliamentary seats) of the vote and the Yulia Tymoshenko Bloc took 30.71% (156 parliamentary seats). The Communist party gained 5.39% (27 parliamentary seats) and the Lytvyn bloc 3.96% (20 parliamentary seats) of votes.

The other 15 parties and blocs of parties running in the elections failed to overcome the 3% qualification threshold. The Socialist party lost their seats in the parliament by getting only 2.86 % of votes.

The results of the election were not seriously contested by any of the major parties.

On 15 October 2007, an agreement was signed between the Yulia Tymoshenko Bloc and the Our Ukraine-People's Self-Defence bloc to form a governing coalition.

On 23 November the Verkhovna Rada of the 6th convocation was convened and on 4 December it elected Mr Arseniy Yatsenyuk (Our Ukraine-People's/Self Defence Block) as its new Speaker.

On 18 December 2007 the Verkhovna Rada confirmed Mrs Yulia Tymoshenko as Prime Minister of Ukraine.

## SUMMARY RECORD OF MEETINGS

### Friday 28 September 2007

#### **Joint meeting of the EP delegation with the delegations of OSCE Parliamentary Assembly (OSCE PA), Council of Europe Parliamentary Assembly (PACE) and NATO Parliamentary Assembly (NATO PA)**

##### Opening by the Heads of Parliamentary Delegations

The joint meeting was opened at 10.00 with introductory remarks by Ms Tone TINGSGAARD, Head of the OSCE PA Delegation and Special Representative of the OSCE Chairmanship in Office, who explained the concept of the Joint International Election Observation Mission.

Ms Hanne SEVERINSEN, Head of the PACE Delegation, focused her introductory remarks on underlining the importance of a common statement, to be issued jointly by all four parts of the joint mission after the election day. This would prevent 'forum shopping' by individual stakeholders in the election seeking support for their specific views.

Mr Adrian SEVERIN, Chairman of the EP Delegation, pointed out that Ukraine is not member of the EU or NATO. He stressed that the way in which the elections were carried out would influence Ukraine's prospects for further integration into the Euro-Atlantic structures. Mr SEVERIN also said that although the elections would not solve all current problems of Ukraine, they had the potential to create conditions for future reform and political stability.

Mr Jan PETERSEN, Head of the NATO PA, expressed his hope, that the activities of the joint mission will end in a unanimous opinion adopted after the elections.

##### Round Table

Mr Marten EHRENBURG, Head of the Democratisation Section of the OSCE in Ukraine, informed about the cooperation between his section and the Central Election Commission of Ukraine since September 2006. This cooperation had been based on ODIHR recommendations and focused on drafting a new, unified election law, establishing a central register of voters and creating conditions that would make it possible to conduct the elections in accordance with the OSCE commitments and other international standards. However, this work was far from being accomplished at the time of the decision to call early elections.

Current problems included poor quality of local registers of voters, the only available for the early elections, and risks related to the fact that only a very short period had been given to the voters to check whether their names had been registered in the lists.

Mr Oleksander PAVLICEK, Special Representative of the Secretary General of the Council of Europe for Ukraine, introduced the assistance provided to Ukraine by the Council of Europe, in particular related to implementation of recommendations of the Venice Commission.

These two presentations were followed by a questions-and-answers session, which focused on the 50 % turnout threshold introduced for these elections, the credibility of exit polls, rules regulating home voting and on rules requesting border guards to establish lists of citizens which were to be taken out of the voters' lists due to their crossing of borders and not recorded as having returned by 26 September 2007 (a ruling of the Constitutional Court on these provisions was pending).

#### Briefing by the OSCE/ODIHR Election Observation Mission (EOM)

The participants of the joint meeting were briefed by the core team of the EOM:

Mr Stefan KRAUSE, Deputy Head of the EOM, presented an overview of the concerns established by the long term observers and summarised the interim reports of the OSCE/ODIHR EOM. These were in particular related to the provisions on home voting, provisions on crossing borders, quality of training of the staff of the Precinct Electoral Commissions, extensive use of paid news coverage by political parties and to party advertisement hidden behind charitable activities. Mr KRAUSE stressed that the key aspect of the whole electoral process would be the trust of all actors involved in the electoral system - and this remained to be seen.

Mrs Beata MARTIN-ROZUMILOWICZ, political analyst, presented a picture of the current political landscape in Ukraine, and the main trends since the last parliamentary elections in 2006. She concluded that the campaign environment had been overall peaceful, with few incidents or conflicts. Unlawful wide-spread campaigning by state officials was, however, a point of concern.

Mr Marek MRACKA, media analyst, sketched out the EOM analysis of the media environment of the electoral campaign. Hidden political advertising was identified as a particular problem.

Ms Tamara OTIASHVILI, legal analyst, analysed the electoral law as modified in June 2007, as part of the crisis-solution package agreed between President YUSHCHENKO and Prime Minister YANUKOVYCH.

Mr Maxime FILANDROV and Mr Dimitar DIMITROV, election analysts, provided the members of the joint mission with a detailed practical introduction into the election day rules and procedures, including the counting of votes. It was once more pointed out that the poor quality of the lists of voters could cause serious problems. Many citizens might be hindered from voting, because of absence of their names in the lists. Also, the provisions allowing for home voting were explained in detail.

#### Exchange of views with the Deputy Chairman of the Central Election Commission (CEC), Mr Andrij Yosilovych MAHERA

Mr MAHERA presented a technical overview of the framework regulating the work of international observers at the early parliamentary elections in Ukraine, as established by the CEC.

In the short exchange of views that followed, Mr MAHERA was asked to comment on the politicisation of the CEC, which was seen as the cause for several delayed or disputed decisions. Mr MAHERA explained that although the composition of the CEC reflected the

composition of the current parliament, 95% of the decisions were reportedly taken unanimously.

Answering a question on what major problems the CEC might expect, the CEC Vice Chairman elaborated on the quality of voter lists, difficulties stemming from interpretation of the recent electoral law and on implementation of provisions regulating voting at home.

#### Meetings with representatives of main political parties

##### Meeting with Mr Boris TARASYUK and Mr Kiril KULIKOV, Our Ukraine - People's Self Defence Bloc

Most importantly, Mr TARASYUK assured the participants of the joint meeting that Our Ukraine was ready to recognise the result of the elections, whatever it would be. He claimed that the CEC had at various times been politicised in its decisions, but noted that all such decisions had been corrected through court rulings. He also complained about the quality of the voters lists and about late amendments to the election law that he claimed might deprive more than a million citizens of the right to vote.

Mr KULIKOV presented the Bloc's view on the recent political crisis and insisted that the early elections were the only way out of it. He doubted that all possible ways to election falsification (e.g. falsification of voter lists, problems with copies of signed protocols with vote count results) had been blocked and accused the Party of the Regions of instructing its members of election commissions to create confusion around protocols to be signed.

##### Meeting with Mr Yuriy MIROSHNICHENKO, Party of the Regions

Mr MIROSHNICHENKO recalled that there were diverging views on the legal justification for the early elections, but felt that the elections could nevertheless ensure that a high level of democracy would be maintained. He claimed that his party had reason to expect that in a fair election, his party would gain a majority of the votes. Mr MIROSHNICHENKO regretted that a code of conduct prepared by his party had not won the support of the other main parties.

##### Meeting with Mr Hrihorij NEMYRIA, Block of Yulia TYMOSHENKO (BYuT)

Mr NEMYRIA presented his party analysis of the current legal framework for the elections and identified serious problems in four areas: the quality of voters' lists, provisions on home voting, restrictions related to citizens crossing the borders and the counting of votes. The latter restrictions would for several reasons have much more effect in western than in eastern Ukraine. He also distributed a paper describing possible techniques of fraud, and encouraged observers to be particularly attentive to signs that any of these techniques were used. Asked about his estimations for the post-electoral development, he informed about a meeting between President YUSHCHENKO and Yulia TYMOSHENKO the previous day. In this meeting, the two leaders had agreed that there was no alternative to an orange coalition. The future orange government would be based on an equal representation of the two parties; one of its key tasks would be to reform the energy sector and the energy strategy of Ukraine, including a revision of the current contracts with Russia.



**Briefing of the EP Delegation by H.E. Mr Ian BOAG, Head of the EC Delegation in Kyiv, H.E. Mr Josef Manuel PESSANHA VIEGAS, Ambassador of Portugal to Ukraine, on behalf of the Portuguese Presidency-in-Office of the Council of the European Union, and the Ambassadors of the EU Member States**

The briefing was opened by Ambassador BOAG, who gave the floor to Mr SEVERIN, who in his turn informed the members of the EP Delegation and the Ambassadors present about his meeting with President YUSCHENKO earlier the same day. The President was convinced that the elections would bring a very tight result; the current imperfections of the electoral system would not distort the final result; there was an agreement between the President, Prime Minister YANUKOVYCH and the leader of the opposition Yulia TYMOSHENKO that cooperation between all forces would in any case be needed after the elections. Instruments of power would have to be shared and the rhetoric would have to be moderated. Concluding his presentation, Chairman SEVERIN asked the Ambassadors, whether Yulia TYMOSHENKO had confirmed this agreement in her meeting with them on the same day.

Ambassador PESSANHA VIEGAS, representing the Portuguese EU Presidency, was convinced that the elections would not remove the root causes of the current crises. He expected a big majority of the Ukrainian population to participate in the ballot. In his analysis, the confrontational rhetoric had weakened in the last weeks of the campaign. Much of the post-electoral development would depend on the electoral result gained by the Lytvyn Bloc. Big business had an interest in more stable conditions. However, a grand coalition did not seem to be on the cards, since BYuT had made clear that it was not available for that.

The Ambassador of Sweden Mr John-Christer ÅHLANDER believed that the elections would be free and fair. The outcome was, however, very uncertain. The elections would be important also as a "preparatory exercise" for the presidential elections in 2009.

Mr Michael GAHLER (EPP-ED, DE), asked the ambassadors about their assessment of the mobilisation capacity of the respective political camps. Also, he mentioned that Mr NEMYRIA (BYuT) a few hours before had told that President YUSHCHENKO and Yulia TYMOSHENKO would have struck an agreement not to pursue anything else than an orange coalition. Mr GAHLER noted that this did not seem to fully square with the President's declaration on the need of a broad cooperation, given in the meeting with the Heads of Delegations.

The British Ambassador Mr Timothy BARROW considered that mass protests after the elections could not be excluded. He stressed that clear conclusions by the international observations could have an important stabilising influence and help 'make it possible to get on with politics'.

The German Ambassador Mr Reinhard SCHÄFERS put the debate into a broader context, underlining the importance of these elections for the whole process of Ukraine's European integration: they were a clear test of the credibility of those Ukrainian politicians who claim that Europe was their destination. In this context he also admitted that "all Ukrainian party leaders had been terribly frustrated by the mandate given to the Commission by the Council" to negotiate the future EU-Ukraine agreement, and stressed the strong European identity felt by a vast majority of Ukrainians. Concerning the post-electoral process, the Ambassador considered that the EU's task would be to help establish a culture where the opposition is involved in the further development of the country. So far, Ukraine had had no tradition in this respect.

Mr Aldis KUSKIS (EPP-ED, LT) pointed to the importance of the role the Central Election Commission would play between the election day and the final official publication of the results.

The Latvian Ambassador Mr Atis SJANITS remarked that the final result of the elections might come out of court rulings.

### **Saturday 29 September 2007**

#### **Meeting with Mr Nemyria in the BYuT headquarters**

Mr NEMYRIA considered that the elections would be a test whether Ukrainian institutions are strong enough to sustain pressure and that a good result would be important for the further development of relations with the EU. He made a rather positive assessment of the election campaign, yet also presented a list of possible falsifications that could place during the voting and vote count process. Asked by the Chair of the EP Delegation about the ideological stance of BYuT, Mr NEMYRIA replied that the party was not ideology-based, but based on its leader, with her charisma. Nevertheless, he added that the party had moved from a rough centre-left to a more centre-right position.

#### **Meeting with the representatives of mass media and NGOs**

Mr Sviatoslav Tsegolko from Channel 5, Mr Ihor Fedorov from UT – 1, Mr Taras Shevchenko from Expert Council on Mass Media, Ms Natalia Ligacheva from NGO “Telekritika”, Mr Igor Popov, Chairperson of the Committee of Voters of Ukraine, Mr Oleksandr Lomako from Civic Network “Opora” and Mr Il’ko Kucheriv, Director of the Democratic Initiative Fund, shared their views with the Members of the delegation regarding the overall electoral process in Ukraine, especially as concerns political advertising, independence of media and the involvement of nongovernmental organization in election observation.

## ANNEX B

# EUROPEAN PARLIAMENT

## DELEGATION TO OBSERVE THE PARLIAMENTARY ELECTIONS IN UKRAINE

28 September - 1 October 2007

### List of participants

#### Members

Mr Adrian SEVERIN, <i>Chairman</i>	PES, Romania
Ms Laima ANDRIKIENĖ	EPP-DE, Lithuania
Mr Thijs BERMAN	PES, Netherlands
Mr Adam BIELAN	UEN, Poland
Mr Šarūnas BIRUTIS	ALDE, Lithuania
Mr Michael GAHLER	EPP-DE, Germany
Mr Milan HORÁČEK	Verts/ALE, Germany
Mr Jiri MAŠTALKA	GUE/NGL, Czech Republic
Mr Rihards PĪKS	EPP-DE, Latvia
Mr Marek SIWIEC	PES, Poland
Ms Grazyna STANISZEWSKA	ALDE, Poland
Mr Marcello VERNOLA	EPP-DE, Italy
Ms Barbara WEILER	PES, Germany

#### Secretariat

Mr Arnoldas PRANCKEVICIUS, Administrator, Responsible for the Delegation  
Mr Stefan PFITZNER, Deputy Head of Unit  
Ms Adriana BUCHIU-DRAGHICENOIU, Election Observation Unit, Administrator  
Mr Dag SOURANDER, Policy Department, Administrator  
Ms Eva PALATOVA, Foreign Affairs Committee, Administrator  
Ms Claudia SIEGISMUND, Delegation Secretariat, Assistant  
Ms Simona IACOBLEV, Election Observation Unit, Assistant

#### Political Groups Advisors

Mr Lukasz DZIEKONSKI	EPP-DE
Mr Keith AZZOPARDI	PES
Ms Marie Anne Sophie HAAS	Verts/ALE
Mr Bartosz SZAJDA	UEN

#### Interpreters

Mr Wojciech SKRZYPCZAK, Polish-English, Team leader  
Ms Maria WANAT, Polish-English  
Ms Irene SHIMANSKY, Ukrainian-English-Ukrainian  
Mr Vikentiy SHIMANSKY, Ukrainian-English-Ukrainian  
Mr Michael TYUTYUNNIK, Ukrainian-English-Ukrainian  
Mr Juri LYSSSENKO, Ukrainian-German-Ukrainian

#### EP Press Team

Ralph PINE, Press Service  
Ms Maria Elena KURZE, Audiovisual Unit  
Ms Anete BANDONE, Web publishing Unit

#### Abbreviations :

EPP-ED	European People's Party/European Democrats	GUE/NGL	European United Left/Nordic Green Left
PES	Party of European Socialists	IND/DEM	Independence/Democracy Group
ALDE	Alliance of Liberal and Democrats for Europe	UEN	Union for Europe of the Nations Group
Verts/ALE	Greens/European Free Alliance		

**EUROPEAN PARLIAMENT**  
**DELEGATION TO OBSERVE THE**  
**PARLIAMENTARY ELECTIONS IN UKRAINE**  
**ON 30 SEPTEMBER 2007**

**28 September - 1 October 2007**

**PROGRAMME**

Coordination:

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**Responsible for transport arrangements:**  
**Ms Simona IACOBLEV**  
**Mobile: +380 63 817 3994**

**HOTEL ACCOMMODATION:**

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**53 B Khmel'nitskoho Str., KYIV, 01054**  
**Tel. +380(0)44 492 7492**  
email: [info@opera-hotel.com.ua](mailto:info@opera-hotel.com.ua)  
<http://www.opera-hotel.com.ua>

**Thursday, 27 September**

*Evening*

Arrival of the Delegation in Kyiv and transfer to hotel

**Friday, 28 September**

**JOINT PROGRAMME WITH OSCE PARLIAMENTARY ASSEMBLY  
COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY  
AND NATO PARLIAMENTARY ASSEMBLY**

***Hotel RUS***

4, Hospitalna Street  
KYIV - 01601

Tel. + 380 44 256 4000 - Fax: + 380 44 289 4396

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- 9:00 *Departure from Hotel OPERA*
- 10:00-10:30 **Opening by the Heads of Parliamentary Delegations**  
Ms Tone TINGSGAARD, Head of the OSCE PA Delegation and  
Special Representative of the OSCE Chairmanship in Office  
Ms Hanne SEVERINSEN, Head of the PACE Delegation  
Mr Adrian SEVERIN, Head of the EP Delegation  
Mr Jan PETERSEN, Head of the NATO PA Delegation
- 10:30-11:30 **Round Table**  
Mr Marten EHNBERG, Head of Democratization Section, OSCE  
Project Co-ordinator in Ukraine  
Amb. Ake PETERSON, Special Representative of Secretary General  
of the Council of Europe for Cooperation Programmes with Ukraine
- 11:00-11:30 Meeting with **Mr Viktor YUSHCHENKO**, President of Ukraine  
**Heads of Delegations only**  
*Venue: Secretariat of the President, 11 Bankova, Kyiv*
- 11:30-13:00 **Briefing by the OSCE/ODIHR Election Observation Mission**  
Political background and pre-election campaign: Mrs Beata  
MARTIN-ROZUMILOWICZ, Political Analyst  
Media Monitoring: Mr Marek MRACKA, Media Analyst  
Legal framework: Ms Tamara OTIASHVILI, Legal Analyst  
Election administration: Mr Dimitar DIMITROV, Election Analyst,  
and Mr Maxime FILANDROV, Junior Election Analyst  
Election Day procedures and forms: Mr Dimitar DIMITROV,  
Election Analyst, and Stefan KRAUSE, Deputy Head of the Mission
- 13:00 – 14:30 *Lunch break*
- 14:30-15:30 Central Election Commission Chairman **Mr Volodymyr SHAPOVAL**
- 15:30-16:00 **Our Ukraine Block**  
Mr Boris TARASYUK, Member of the Political Committee  
Mr Kiril KULIKOV, Deputy Head of Kyiv Campaign Office

- 16:00-16:30           **Party of the Regions**  
Mr Boris KOLESNIKOV, Head of the Election Headquarters  
Mr Yuriy MIROSHNICHENKO, Head of Legal Department
- 16:30-17:00           **Block of Yulia Tymoshenko (BYuT)**  
Dr Hryhoriy NEMYRIA, Deputy Chairperson
- 17:00-17:30           **Socialist Party of Ukraine**  
Mr Yaroslav MENDUS, Deputy Chairperson
- 17:45-18:45           Briefing by **H.E. Mr Ian BOAG**, Head of the EC Delegation in Kyiv,  
and **H.E. Mr. Jose Manuel PESSANHA VIEGAS**, Ambassador of  
Portugal to Ukraine, on behalf of the Portuguese Presidency-in-Office of  
the Council of the EU, and the Ambassadors of the EU Member States
- Venue: European Commission Delegation, Kruglouniversitetska 10, 01024  
Kiev, Tel 380.44.390 8010*
- 20:00                   Dinner of the **Heads of Delegations** offered by the OSCE PA  
*Venue: Restaurant "Gorchitsa", Shovkovichna 10, Kyiv*

## **Saturday, 29 September**

- Starting 8:00*           **Check-out for the Deployment Teams**
- 8:45                    Departure from Hotel Opera
- 9:15-10:15            EP Delegation meeting with **Dr Hryhoriy NEMYRIA**, Deputy  
Chairperson of the political bloc BYuT
- Venue: BYuT Headquarters, Press Centre, Turovskaya 13, Kyiv*
- 10:30-12:00           **Panel with representatives of mass media and NGOs**  
Mr. Sviatoslav Tsegolko, Channel 5;  
Mr. Ihor Fedorov, UT – 1  
Mr. Taras Shevchenko, Expert Council on Mass Media;  
Ms. Natalia Ligacheva, NGO "Telekritika";  
Mr. Igor Popov, Chairperson of the Committee of Voters of Ukraine;  
Mr. Oleksandr Lomako, Civic Network "Opora";  
Mr. Il'ko Kucheriv, Director of the Democratic Initiative Fund
- Venue: Hotel RUS, Hospitalna Street 4*
- Starting 12:00*           **Departure of the Deployment Teams to the airport**
- 19:30                   Dinner offered by Mr Adrian SEVERIN, Chair of the EP delegation, to the  
**Heads of Delegations** (OSCE/ODHIR, OSCE PA, PACE and NATO PA)
- Venue: Restaurant "Kytopok", Naberezhno-Khreshatytska St. 1, Tel. 463-7019*

## **Sunday, 30 September**

Election Day                      Opening of polling stations: 07h00  
   Closing of polling stations: 22h00

EP teams deployed in Kyiv, Odessa, Donetsk and Crimea

## **Monday, 1 October**

8:30                                      **De-Briefing** of the EP Delegation at breakfast in Hotel Opera

9:30-11:00                              Meeting of the **Heads of Delegations**  
*Venue: OSCE/ODIHR office*

13h30-14h30                              **Press Conference**  
*Venue: House of Teachers, Volodymyrska Str. 57*

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# EUROPEAN PARLIAMENT

## DELEGATION TO OBSERVE THE PARLIAMENTARY ELECTIONS IN UKRAINE

28 September - 1 October 2007

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**Press release**

**Ukraine's elections open and competitive but amendments to law of some concern, international observers say**

KYIV, 1 October 2007 - The 30 September parliamentary elections in Ukraine were conducted mostly in line with international commitments and standards for democratic elections and confirm an open and competitive environment for the conduct of election processes, the OSCE-led International Election Observation Mission concluded in a joint preliminary statement today.

Voters had a diverse choice of candidates and parties and the fundamental freedoms of assembly and expression were respected. However, recent amendments to the election law adopted as a part of a compromise to end the political crisis, impacted negatively on the election process. Election day was calm and orderly, with the main problems connected to voter lists. The count was assessed positively, though procedures were not always strictly adhered to.

Some 140 parliamentarians and 570 short-term observers monitored the elections for the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Council of Europe Parliamentary Assembly (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly, (NATO PA).

"Despite difficult circumstances, these elections were conducted in a positive and professional manner. The high turnout on election day was the Ukrainian people's contribution to overcoming the political crisis. It is now the turn of the political forces to deliver," said Tone Tingsgaard, the Special Coordinator of the short-term election observers and Vice President of the OSCE PA.

Hanne Severinsen, the Head of the PACE delegation, said: "Politicians must start playing by the rules instead of playing with the rules. The electoral law was not perfect and the amendments introduced during the political crisis failed to improve it. This was apparent from the number of people losing their right to vote because of travelling. Nevertheless, I was heartened by the efforts of the electoral administrators to remedy the situation and secure voter rights. Now it is time for the politicians to meet the expectations of the society and not just work for political self interest."

Adrian Severin, who headed the EP delegation, said: "We have observed that during the electoral campaign all main political parties in Ukraine expressed the desire to see their country fully integrate into the EU, to positively contribute to Europe's relations with Russia, as well as to carry out a comprehensive constitutional reform at home. In order to accomplish these goals, it is essential for all Ukrainian political forces to respect the free will expressed by the Ukrainian people, to form a stable government which would respect the pre-electoral consensus for power-sharing between the coalition and opposition and thereby to start realizing an ambitious national reform agenda."

"We were concerned by the problems with the voter lists, which were mainly due to the specific circumstances of this pre-term election, but I was very encouraged by the orderly and transparent processes we witnessed on election day," said the Head of the NATO PA delegation, Jan Petersen.

Ambassador Audrey Glover, the Head of the OSCE/ODIHR long-term mission, said: "Despite the confusion caused by recent amendments to the law, there was a clear political will and effort to make these elections meet international commitments. The next step is to further consolidate the electoral framework."

While amendments to the law, the poor quality of voter lists and possible disenfranchisement of voters who crossed the borders after 1 August caused concern, observers in all parts of Ukraine reported that many voters not on the lists were nevertheless allowed to cast their ballot. An additional concern was the removal of legal provisions safeguarding the integrity of homebound voting.

The campaign was generally calm and a diverse media environment provided for broad coverage of the campaign. There were, however, cases of hidden political advertising and campaigning by State and local officials who were not candidates.

The Central Election Commission handled most technical aspects efficiently, but the pattern of CEC members voting along party lines at times hampered its work and delayed certain decisions. Women remain under-represented on candidate lists.

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**INTERNATIONAL ELECTION OBSERVATION MISSION  
Ukraine — Pre-term Parliamentary Elections, 30 September 2007**

**STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Kyiv, 1 October 2007** – The International Election Observation Mission (IEOM) for the 30 September pre-term parliamentary elections in Ukraine is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA).

This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including the tabulation and announcement of final results, the handling of possible post-election day complaints or appeals, and the instalment in office of the newly elected members of the Parliament.

The election is assessed in line with OSCE and Council of Europe commitments, other international standards for democratic elections and national legislation. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the election process. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, approximately two months after the completion of the election process. The PACE will present its report at its Standing Committee meeting on 23 November in Bratislava.

**PRELIMINARY CONCLUSIONS**

The 30 September 2007 pre-term parliamentary elections in Ukraine were conducted mostly in line with OSCE and Council of Europe commitments and other international standards for democratic elections, and confirm an open and competitive environment for the conduct of election processes. The field of contestants offered voters a diverse choice of 20 political parties and electoral blocs, which were registered in a generally inclusive and transparent process. Freedom of assembly and expression were respected. Election Day was calm and overall, voting and counting were conducted in an orderly and transparent manner. There were no apparent regional disparities.

While, overall, the legal framework provides a basis for the conduct of democratic elections, recent amendments to the law adopted as part of a compromise to end the political crisis impacted negatively on the electoral process. Sources of particular concern were the poor quality of voter lists, possible disenfranchisement of voters who crossed the borders after 1 August, and the lack of possibilities for absentee voting for extraordinary elections. An additional concern was the removal of legal provisions safeguarding the integrity of homebound voting.

Positive aspects of the election process included:

- The campaign was conducted in a calm atmosphere, with only isolated incidents. Overall, parties and blocs were able to convey their messages to the electorate without impediment.
- A diverse media environment provided for broad coverage of the campaign, enabling voters to make informed choices. Contestants were able to present their platforms in State media.

- The Central Election Commission (CEC) handled most technical aspects of these elections in an efficient manner.
- The presence of a large number of domestic and international observers.
- District Election Commissions (DECs) administered electoral preparations in an overall open and transparent manner.
- The administrative and ordinary courts made a genuine effort to adjudicate cases in a transparent and timely manner.
- Women were well-represented in the election administration at all levels.

The following shortcomings were also noted:

- The compilation of voter lists was impeded due to the lack of clearly defined responsibilities between relevant State institutions, and to technical problems, which impacted negatively upon the quality of the voter lists, thus not fully safeguarding the right to universal suffrage.
- Provisions to exclude from the voter lists citizens recorded as having crossed the borders of Ukraine after 1 August and not recorded as having returned by 26 September, raised concerns for disenfranchisement, discrimination, invasion of privacy and lack of transparency.
- The pattern of CEC members voting along party lines on important issues at times hampered its work and delayed certain decisions, such as guidelines on voting at home
- The inability or unwillingness of the Constitutional Court to fulfil its duties and to rule on election-related complaints in a timely manner.
- The removal of possibilities for absentee voting for extraordinary elections.
- Concerns remain regarding lack of transparency in media ownership, the absence of a public broadcaster and independent media regulatory body, as well as hidden political advertising.
- Parties distributed material incentives to voters under the guise of charitable activities.
- Provisions of the law under which a political party or bloc can reorganise candidates or eliminate a candidate on the list after they have been registered.
- Campaigning by State and local officials who were not candidates, in violation of the law.
- Women remain under-represented on candidate lists, especially in leading positions.

Election Day was calm and overall, voting was conducted in an orderly and transparent manner. IEOM Observers assessed the voting process as good or very good in 98 per cent of polling stations visited. No significant regional variations were noted with regards to the conduct of polling. The main problems noted during voting were connected with voter lists. Observers witnessed instances of voters being turned away. There was no consistency with regards to the handling of lists sent to DECs by the Border Guard Service. Many observers reported from all parts of Ukraine that, where

the names of these voters had been marked or crossed out, they were nonetheless allowed to vote. Few reports of the secrecy of the ballot not being insured and of group and proxy voting were received. Unauthorized persons were present in 4 per cent of polling stations visited, but only four cases of undue interference were reported.

The vote count was assessed as good or very good in 94 per cent of reports, without regional variations in this assessment. While some PECs did not strictly adhere to all procedures, and one in ten PECS had problems filling in the results protocol, few serious problems were reported. Reconciliation and tabulation procedures at DEC's were also mostly rated positively (86 per cent of reports). However, 9 per cent of reports indicated that non-DEC members were directing or interfering in the work of the DEC, and almost one half of observers were not given access to the room where the results were entered into a computer for transmission to the CEC.

While this election had to be delivered under challenging circumstances, the need to further strengthen the electoral framework has been evident. After the completion of the electoral process, all political forces represented in the newly elected Parliament should proceed with the necessary reforms, with a special focus on the constitutional framework, in order to further consolidate the democratic process in Ukraine.

The organizations represented in the IEOM stand ready to continue their support to the authorities, political parties and civil society in their efforts to improve the electoral process, in line with OSCE and Council of Europe commitments and other international standards for democratic elections.

## **PRELIMINARY FINDINGS**

### **Background**

The 30 September pre-term parliamentary elections were the fifth held since the independence of Ukraine in 1991. Following the last parliamentary elections of 26 March 2006, talks between Our Ukraine (OU), the Bloc of Yulia Tymoshenko (BYuT), and the Socialist Party of Ukraine (SPU) to form a coalition failed after months of negotiations, and the SPU entered a majority governing coalition with the Party of Regions (PoR) and the Communist Party of Ukraine (CPU). The coalition put forward Viktor Yanukovich as their candidate for Prime Minister, and this proposal was eventually accepted by President Viktor Yushchenko.

In March 2007, a crisis was triggered by the shifting of certain opposition deputies (from OU and BYuT) to the governing side; this was deemed unconstitutional by the President, who issued a decree calling for early parliamentary elections for the end of May. The crisis ended on 27 May, with an agreement between the President, the Prime Minister and the Speaker of Parliament. This opened the way for a new presidential decree setting the date of the pre-term parliamentary elections for 30 September.

### **Election System and Legal Framework**

The Parliament of Ukraine (*Verkhovna Rada*) consists of 450 members elected in one nationwide constituency for a five-year term. Seats are distributed proportionally among the lists of political parties and electoral blocs that receive more than three per cent of all votes cast. Only parties and blocs may register candidate lists; the law does not allow individual nominations.

Parliamentary elections are primarily regulated by the Constitution of Ukraine and the Law on the Election of People's Deputies (the Parliamentary Election Law, PEL), adopted in 2004 and last amended on 1 June 2007. They are supplemented by a number of other laws and CEC decisions.

Despite the latest amendments, the legal framework can still provide a basis for the conduct of democratic elections; however, the exercise of political will by all stakeholders is required to ensure proper implementation. The legal framework is still too complex and some of its provisions are still contradictory.

While a number of amendments to the PEL addressed previous OSCE/ODIHR and Council of Europe recommendations, other amendments to the law adopted as part of a compromise to end the political crisis impacted negatively on the process and raised concern. These include provisions for voting at home; challenging procedures for the compilation of voter lists; and the removal of possibilities for absentee voting, which during the 2006 elections concerned over 50,000 voters.

Finally, the amendments have established a 50 percent turnout requirement for elections to be considered valid, which did not exist previously. It should be noted that turnout requirements have demonstrated the potential to create cycles of failed elections.

In addition, the amendment adopted by the outgoing parliament which foresees the exclusion from the voter lists of those citizens who crossed the borders after 1 August, and were not recorded as returning to Ukraine by 26 September, could give rise to disenfranchisement, discrimination, invasion of privacy and lack of transparency. It was not addressed due to lack of action by the Constitutional Court. The removal from the VL of names of Ukrainian voters who have gone abroad, challenges universal franchise as stipulated in Article 70 of the Constitution of Ukraine, and the rules for eligibility to vote as stipulated in Article 2, paragraphs 1 and 2, of the PEL. It also is in contradiction to the European Convention on Human Rights, paragraph 7.3 of the 1990 OSCE Copenhagen Document, and the Venice Commission Code of Good Practice in Electoral Matters.

Furthermore, a number of previous recommendations remain to be addressed. These include the removal of the possibility to vote “against all”, and the possibility that invalid votes and votes cast “against all” which do not express a distinct choice, are accounted for in the allocation of seats.

### **Election Administration**

These elections were administered by a three-tier election administration comprising the Central Election Commission (CEC), 225 District Election Commissions (DECs) and 33,974 Precinct Election Commissions (PECs). A district for out-of-country voting was established and administered by the CEC and the Ministry of Foreign Affairs, comprising 115 precincts. The recent amendments to the PEL have introduced political party representation in election commissions at all levels, with only the five parliamentary factions constituted at the opening of the outgoing Parliament eligible to nominate commission members.

The CEC handled most administrative aspects of these elections in an efficient manner. CEC meetings were regular, and as a rule attended by several non-voting CEC members, the media and accredited observers.

The CEC was less effective in reaching decisions on issues in which the priorities of the political parties that nominated members diverged, such as on the registration of some contestants, or on complaints related to the campaign. Despite two court rulings issued in late August, the CEC failed to give timely guidance on homebound voting regulations; it adopted the necessary application form and the related clarification only on 18 and 20 September. The commission did not establish one binding and uniform procedure for the distribution of management positions in PECs by DECs.

The Commission was also divided when deciding on complaints, frequently voting along party lines.

DECs administered the preparation for the elections in an open and transparent manner. However, the establishment of Precinct Election Commissions (PECs) by DECs was negatively affected by difficulties of certain political parties to fulfil their quota of nominations, and by late replacement of PEC members. Consequently, some PECs first meeting was delayed by a lack of the required two-thirds majority. Many PECs lacked capacity and time to carry out their duties before election day. Problems were noted, in particular, with regards to changes to the voter list, due to lack of time and mistakes in the lists received from DECs. PECs also lacked time and resources to verify applications for homebound voting, partly due to the late adoption by the CEC of the relevant decisions on homebound voting.

### **Voter Registration**

For these elections, draft voter lists (VL) were compiled by a total of 679 Working Groups. Working Groups were to use an electronic version of the 2006 draft VL provided by the CEC, a hardcopy from the local State Archive and information from some ten central agencies as a basis for compiling the VL for these elections. Working Groups appeared overall well organized, and the 12 September deadline for delivery of the draft VL to DECs was generally respected.

The compilation of accurate voter lists was impeded by a lack of clear allocation of responsibility between relevant State institutions, and by a number of technical problems. This was partly a consequence of the 2007 amendments to the PEL. In line with these amendments, unlike in 2006, Working Groups sent draft VL directly to DECs, rather than via the CEC, and no state-wide database of voter registration was compiled in order to cross-check for possible multiple entries. At times, the quality of the voter lists tended to become a matter of political controversy in the campaign.

Moreover, according to the CEC, some 11 million records had to be re-entered by the Working Groups due to incompatibilities between the software used for the compilation of the lists in 2006 and the one used in 2007. This may have further affected the accuracy of the draft VL. Moreover, as the corrections to the draft VL in 2006 resulting from the period of public scrutiny remained only on hard copy, current draft VL may have repeated some of the errors identified in 2006.

Following the delivery of draft VL by Working Groups to DECs, political parties and civil society groups engaged in assessing draft VL as part of an overall public scrutiny exercise. According to reports from OSCE/ODIHR EOM observers and domestic observers, the quality of draft VL varies across the country. Representatives of the opposition have publicly expressed well documented concerns about inaccurate draft VL delivered by Working Groups in specific areas, including significant numbers of possible multiple records. There are cases, such as DECs 48–51 (Donetsk *oblast*) and DEC 62 (Zhytomyr *oblast*), in which DECs had to send draft VL back to Working Groups for further revision. While in DECs 48-51 Working Groups were active in correcting the VL and sent them back two days later to the DECs, in DEC 62 Working Groups stated their inability to further improve the VL and returned them to DECs without being updated.

In line with the 2007 amendments to the PEL as decided by the outgoing parliament, starting on 1 August, the State Border Guard Service (SBGS) has been registering citizens of Ukraine who leave or enter the country in order to remove the names of those voters who had not returned by 24:00 hours on 26 September from the VL. The OSCE/ODIHR EOM requested from the SBGS the summary data accumulated since 1 August, but the request was declined on grounds of the confidentiality of the information. However, on 28 September, the CEC did share the data pertaining to the numbers of voters to be removed from the lists.



The President filed an appeal on 27 August to the Constitutional Court, questioning the constitutionality of the relevant provisions, as did 54 MPs from PoR. This issue was not addressed due to lack of action by the Constitutional Court. Consequently, in line with these provisions, the State Border Guard Service sent on 26 September the names of 570,914 citizens to the election administration for their removal from the lists. These numbers varied significantly from region to region, amounting to six per cent of the electorate in Uzhgorod Oblast, three per cent in Ivano-Frankivsk, and over 2.5 per cent in Lviv, Ternopil and Chernivtsi.

In a further effort perceived as streamlining the VL, the Government sent police officers to check door-to-door whether people were residing at their registered addresses. This was done on the basis of three decrees of the Cabinet of Ministers, subsequently suspended by Presidential decrees as unconstitutional, thus calling into question the legal basis of police actions.

The PoR estimated, by extrapolation of the police data accumulated, the number of Ukrainian citizens residing abroad to be some five million. The PoR indicated that such voters, when identified, should have their names removed from the VL as part of the VL review. The Minister of Interior expressed the same view. On 25 September, the Kiev District Administrative Court found the above police activities illegal.

### **Candidate Registration**

The CEC registered, within the legal deadline, a total of 20 candidate lists submitted by political parties and blocs, who nominated 4,857 candidates. Initial inaction of the CEC in registering BYuT was appealed by the Bloc to the Kyiv District Administrative Court. On 14 August, the Court ruled that the CEC must register the Bloc. On 4 September, the same court overturned a CEC decision to register the former youth civic group PORA as a separate electoral subject, and obliged the CEC to strike PORA off the ballot. The registration process was inclusive overall, and took place in a transparent and open environment.

### **Campaign Environment**

The campaign environment remained calm, and was extensive in its reach. The inclusive registration of parties and blocs meant that voters enjoyed a genuine choice amongst a wide variety of political options.

The election campaign was generally free of confrontation, and none of the parties met by the IEOM expressed any concerns with their ability to meet voters. In certain isolated cases, incidents occurred (e.g. tents damaged in Donetsk, Svoboda candidate attacked in Ivano-Frankivsk) that were interpreted by parties as being campaign-related, but they remained limited in nature and scope. Some interlocutors from non-parliamentary parties expressed their dissatisfaction with the shorter campaign period, but most felt that the one month of campaigning and the quantity of campaign information was sufficient for voters to form an opinion. PoR, BYuT and OU-PSD, as the three largest parliamentary groups, featured most prominently throughout the course of the campaign.

One issue that came to the fore during the course of the election was the campaigning of State officials who were not candidates. Although the PEL is clear in prohibiting state functionaries from campaigning unless they are on the list of a party or bloc, many officials took leave in order to manage campaign offices or, at times, to campaign openly for a particular party/bloc. Although this was noted in the cases of some regional governors from OU-PSD, local councillors and State functionaries from parties and blocs, such as BYuT, PoR, SPU and others, were also observed campaigning. At a higher level, there was criticism voiced from a number of party headquarters of the President openly campaigning for OU-PSD. In addition, OU-PSD asked for an investigation

into the use of state helicopters by Prime Minister Yanukovich during the course of PoR's electoral campaign, and filed a complaint against the Interior Minister for campaigning for the SPU (see Complaints and Appeals on above cases). In relatively few cases, however, did state resources appear to have been misused by officials.

Of some concern was the number of cases observed in which parties provided material incentives to voters under the guise of charitable activities. This type of assistance ranged from the donation of school equipment or medical equipment, to the handout of bicycles, clothing, or fuel to citizens. One documented case of a party giving money in exchange for a commitment to vote for that party, accompanied by a request for passport details, was noted. The party, however, denied the claims and stated that other contestants were impersonating them as part of a negative campaign.

### **Participation of Women**

The legal framework of Ukraine provides for equality between women and men in public and political life. There are no quotas for women on candidate lists and, as such, political parties and blocs are free to decide on the number and position of women in their lists. Most political parties do not address women specifically within their electoral platforms, and issues affecting women have not featured prominently as part of the political discourse.

Women were under-represented in the outgoing Parliament as only 39 female deputies (8.7 per cent) were elected in 2006; no government ministers are female. Women were also under-represented on candidate lists for these elections. Overall, some 17.8 per cent of candidates were women. Among the top 25 candidates, women accounted for only 1.6 per cent.

Women were well-represented within the election administration. In polling stations visited by IEOM observers on election day, 67 per cent of PEC chairpersons were female, and overall, women accounted for 74 per cent of PEC members.

### **Participation of National Minorities**

During the election process, few issues have arisen regarding national minority groups in the election; this could be due to nature of the electoral system, which tends to downplay regional differences and specificities. Anti-Semitism and xenophobia targeted at minorities remained a marginal phenomenon; however, some instances of 'negative PR' (against OU-PSD, particularly) showing candidates under a Star of David or alleging their holding of Israeli passports (presented pejoratively) were noted.

### **The Media**

National media provided broad coverage of the campaign and political developments in a variety of programs, including the news, discussions and election debates. This coverage focused predominantly on the major parliamentary parties.

However, concerns remain regarding lack of transparency in media ownership, the absence of a public broadcaster and of an independent media regulatory body. In addition, representatives of a number of media outlets confirmed that it is a widespread practice for media to sell information slots to political contestants, without clearly indicating such slots as campaign broadcast messages. This practice is in contradiction with the Law. The OSCE/ODIHR EOM identified a large number of such items, including in the news, interviews and newspaper articles.

Most national TV channels provided similar coverage of political actors and election participants, predominantly neutral or positive in tone, with BYuT, PoR and OU-PSD dominating the news coverage on the majority of TV channels monitored by the OSCE/ODIHR EOM. PoR received the largest share of news coverage of contestants in the newscasts of *STB*, *5 Kanal*, *Inter*, *UT 1*, *TV Era*, *NTN* and *TRK Ukraina* (with coverage ranging from 13 to 22 per cent); BYuT was given the biggest portion of coverage of contestants in the newscasts of *1+1* and *ICTV* (17 and 14 per cent, respectively). Few other parties were given significant amounts of positive coverage on certain TV channels (for instance the Lytvyn Bloc on *TV Era*, or the Party of Free Democrats on *NTN* and *1+1*). SPU and CPU received perceptible portions of airtime in almost all monitored TV channels, but these generally did not exceed 4 per cent per party.

All monitored TV channels gave large amounts of coverage to the Government and, to a lesser extent, to the President, in particular state TV, which devoted 28 per cent of its relevant news coverage to the Government and 20 per cent to the President. Local authorities clearly dominated the news coverage of the regional state TV channels. Media faced difficulties in clearly distinguishing between differing roles of politicians, e.g. State officials campaigning.

All electoral contestants were able to present their platforms in the State media: TV *UT 1*, radio *UR 1* and the newspapers *Uradovyi Kurier* and *Golos Ukrainy* provided all parties with airtime or space, at the expense of the State, as required by the PEL. Activities of the CEC were generally to well-covered by the media, but voter education in the media was not extensive.

The state-owned governmental newspaper *Uradovyi Kurier* devoted 65 per cent of its coverage to the Government and 23 per cent to the President; their portrayal was positive. Coverage of political actors in state-owned *Golos Ukrainy* concentrated on the parliamentary parties. The private weekly *Zerkalo Nedeli* provided a rather critical portrayal of the political actors, focusing on the frontrunners; other private newspapers monitored by the OSCE/ODIHR EOM adopted editorial lines resulting in coverage in favour of or against certain political parties.

Only some parties, namely BYuT, PoR, OU-PSD, SPU and the Lytvyn Bloc, conducted a sustained and visible paid campaign in the key media. Negative campaigning and negative messages targeting political opponents in paid advertisements were widespread.

On 15 September, *UT 1* and *UR 1* aired a President's address at a political event organized by OU-PSD in Lviv, in which the President called upon people to support OU-PSD. State media informed the OSCE/ODIHR EOM that the coverage of this event was requested by the President. While the Law on the Procedure of Media Coverage of State Authorities gives State authorities the right to request coverage by the state media, such application of the law arguably gave one political bloc an undue advantage and raises concerns over the use of state resources.

## **Complaints and Appeals**

The amendments to the PEL have eliminated possible discrepancies between the PEL and the Code of Administrative Procedures by stipulating that decisions of first-instance courts will be reviewed according to the procedures established by the Code. Potential parallel adjudication of claims by courts and election commissions has been eliminated by giving precedence to court decisions.

Administrative and ordinary courts were actively adjudicating election-related disputes. A large number of complaints filed with the courts not only sought the redress of violations of rights, but also entailed clarification of some issues not addressed by the legislation. Since the beginning of the electoral process, administrative courts in Kyiv have given more than 50 judgments. With few

exceptions, courts considered cases in a timely manner. In cases observed by the OSCE/ODIHR EOM, the courts have demonstrated a genuine effort to consider cases in a transparent manner.

The majority of cases challenging decisions, actions or inactions of the CEC regarding the registration of contestants (see Candidate Registration, above) and alleged illegal campaigning were upheld by the courts. On 18 September, the Kyiv District Administrative Court upheld the claim of OU-PSD, which alleged illegal campaigning by an SPU candidate in his capacity as Interior Minister; the Administrative Court of Appeals, however, overturned the decision on 22 September.

A number of provisions of the PEL were challenged in the Constitutional Court. The President on 27 August challenged the constitutionality of Article 102, especially with regards to the Border Guards' role in the compilation of voter lists, arguing that it was infringing upon the CEC's role of custodian of the Voter Register, as provided for in the Law on the State Register of Voters.

As of 29 September, electoral subjects had submitted 90 complaints to the CEC, most of which were dismissed on procedural grounds without consideration of the merits. Only 16 complaints were considered on merits but consequently also rejected. One of the few complaints the CEC upheld came from the SPU alleging illegal campaigning by the President. The CEC ruled that calling on citizens to vote for a particular party was incompatible with the President's mandate. OU-PSD appealed the CEC decision on 24 September, which the court overturned on 28.

### **Domestic and International Observers**

Ukrainian legislation provides for domestic and international observation. The CEC registered election observers from 14 domestic non-partisan organizations, 10 international organizations and 11 embassies. In addition, party representatives were also permitted to observe the process. Throughout the course of the election process, observation groups were able to perform their work without interference. The most extensive observation effort was launched by the Committee of Voters of Ukraine (CVU), who deployed some 4,000 observers, issuing eight public reports prior to election day. CVU was also engaged in raising voter awareness and in the training of PECs. Other domestic and international organizations such as OPORA and ENEMO also observed extensively.

### **Election Day**

Election day was calm and overall, voting was conducted in an orderly and transparent manner. Preliminary CEC data put voter turnout at 63 per cent. IEOM observers assessed the voting process as good or very good in 98 per cent of polling stations visited, while PECs' understanding of procedures was assessed positively in 95 per cent. No significant regional variations were noted with regards to the conduct of polling. Opening procedures were generally adhered to and assessed as good or very good in 97 per cent of observations. Almost all polling stations, where opening procedures were observed, opened on time.

The main problems noted during voting were connected with voter lists. In 25 per cent of their visits, observers witnessed voters turned away because their names were not on the voter list. Such problems appeared to be more widespread in the east (31 per cent) than in the west of the country (18 per cent) and affected voters in urban centers more than those in rural areas. In addition, voters were denied the right to vote for inappropriate reasons in 1 per cent of polling stations visited.

There was no consistency with regards to the handling of lists sent to DEC by the Border Guard Service. Many PECs throughout the country had not received the lists at all, others had been told to not use them, while others were instructed to mark or cross out the names of voters on these lists. Many observers reported from all parts of Ukraine that where the names of these voters had been

marked or crossed out, they were nonetheless allowed to vote if they showed up at the polling station, sometimes upon production of their international passport.

Circumstances in and around polling stations were rated very positively. Only 6 per cent of polling stations visited were assessed as difficult to access for voters with disabilities, and 2 per cent were overcrowded. Very few reports were received of large number of voters waiting to vote, campaign activities, tension or unrest, intimidation or attempts to influence voters. Few PECs (3 per cent) had not received all required election material.

Only a small number of minor procedural problems and irregularities were observed. In 5 per cent of polling stations visited, not all voters marked their ballots in secret; however, frequent problems with the secrecy of the vote were reported in less than 1 per cent of polling stations visited. In 6 per cent of polling stations visited, cases of group (family) voting were observed. Observers reported few cases of proxy voting or one person “assisting” numerous voters (1 per cent each), seemingly identical signatures on the voter list (2 per cent), or ballot boxes not being properly sealed (3 per cent). Only two cases of voting with pre-marked ballots were reported, as were five cases of possible ballot-box stuffing.

While the presence of unauthorized persons, mostly police, was noted in 4 per cent of polling stations visited, only a few reports of such persons directing or interfering in the work of the PEC were received. Domestic and international observers from other organizations were identified in 31 per cent of polling stations, and observers from parties/blocs in 99 per cent. Observers reported not getting full co-operation from the PEC in 2 per cent of polling stations.

The vote count was assessed as good or very good in 94 per cent of reports. There were no regional or urban-rural variations in this assessment. In some polling stations, not all procedures were followed during the count; occasionally, the number of signatures on the voter lists was not entered in the protocol, unused ballots were not counted and cancelled, counterfoils were not counted, or voters’ choices on the ballots were not announced aloud. In one of five counts observed, the sequence of steps in the procedures was not strictly adhered to. However, only two reports were received of falsification of voter list entries, results or protocols. With very few exceptions, PECs determined ballot validity in a reasonable and consistent manner.

In 97 per cent of counts observed, PEC members agreed on the results protocol. IEOM observers reported from 11 per cent of the counts that the PEC had problems filling in the results protocol. In the vast majority of polling stations, copies of the results protocol were posted and given to observers and other persons entitled to a copy. Unauthorized persons were seen in only five polling stations where the count was observed. IEOM observers reported no serious problems during the transfer of protocols to the DEC.

Reconciliation and tabulation procedures at DEC were mostly evaluated positively (86 per cent good or very good). In the majority of DEC observed, PECs were asked to correct deficiencies in the protocols; however, the number of PECs affected was low in most DEC. In almost one half of DEC where IEOM observers were present, they were not given access to the room where the results were entered into a computer for transmission to the CEC. In addition, some teams reported that they were restricted in their observation of the process, and not provided with the requested information. The presence of unauthorized persons was noted in 6 per cent of DEC, and in 9 per cent, non-DEC members were interfering in or directing the work of the DEC.

### **MISSION INFORMATION & ACKNOWLEDGEMENTS**

The OSCE/ODIHR Election Observation Mission opened in Kyiv on 10 August with 67 experts and long-term observers deployed in Kyiv and 21 centres. On election day, the IEOM deployed some 803 observers from 47 OSCE participating States, including a 60-member delegation from the OSCE PA, a 33-member delegation from the PACE, a 31-member delegation from the European Parliament, and a 16-member delegation from the NATO PA. The IEOM observed voting in over 2,950 polling stations out of a total of 33,974, and counting in 216 polling stations. The IEOM also observed tabulation in 82 DECs.

Ms. Tone Tingsgård, Vice-President of the OSCE Parliamentary Assembly and Head of the OSCE PA delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office to lead the OSCE short-term observers, Ms. Hanne Severinsen headed the PACE delegation, Mr. Adrian Severin led the delegation of the European Parliament, Mr. Jan Petersen headed the delegation of the NATO PA, and Ambassador Audrey Glover led the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation. The IEOM also wishes to express its appreciation to the OSCE Project Co-ordinator in Ukraine and other international organizations and embassies for their support throughout the duration of the mission.

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