

# EUROPEAN PARLIAMENT

## DELEGATION TO OBSERVE THE PARLIAMENTARY ELECTIONS IN UKRAINE

26th March 2006

### ELECTION OBSERVATION REPORT

*Mr Marek SIWIEC,  
Chair of the Delegation*

**Annexes:**

- Joint press statement of 27th March 2006
- Preliminary statement of the International Election Observation Mission
- EP resolution on the result of the Ukrainian elections
- List of participants
- Programme

DIRECTORATE-GENERAL  
FOR  
EXTERNAL POLICIES OF THE  
UNION

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SF/AB/CS



**PARLIAMENTARY ELECTIONS IN UKRAINE**

**Election observation mission 23-27 March 2006**

**Report of the Chairman of the delegation for election observation  
in Ukraine, Mr Marek SIWIEC**

**Introduction**

Following the receipt of an invitation sent by the Verkhovna Rada of Ukraine to the European Parliament on 17 January 2006, the Conference of Presidents authorised, on 9 February, a 7-member election observation mission to monitor the legislative elections scheduled for 26 March 2006.

Seven members were appointed by the political groups: Mr Marek Maciej SIWIEC (PES, Poland); Mr Charles TANNOCK (EPP-DE, United Kingdom); Mr Thijs BERMAN (PES, Netherlands); Mr Šarūnas BIRUTIS (ALDE, Lithuania); Ms Rebecca HARMS (Verts/ALE, Germany); Mr Zbigniew Krzysztof KUŹMIUK (UEN, Poland); Mr Patrick LOUIS (IND/DEM, France).

On 23 February 2006 a constituent meeting of the delegation was held, at which Mr SIWIEC was elected as chairman by acclamation. At the same meeting it was agreed that the delegation would split into four teams for Election Day, in order to observe the elections in Kiyv and the surrounding areas. Two further meetings of the delegation took place on 8 and 15 March. On these occasions, the Members exchanged views on the situation in Ukraine and also discussed the programme and the deployment of the delegation.

As 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, the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR). Mr Alcee L. Hastings (United States of America), President of the OSCE PA and head of the OSCE PA delegation, was also the Special Coordinator leading the short term observers in Ukraine. The delegation of the Parliamentary Assembly of the Council of Europe was chaired by Renate Wohlwend (Liechtenstein). The NATO Parliamentary Assembly delegation was chaired by Pierre Lellouche (France), president of the Assembly. The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) was headed by Ambassador Lubomir Kopaj (Slovakia). The OSCE/ODIHR Election Observation Mission (EOM) in Ukraine had opened on 23 January with 12 experts and 52 long

term observers and had deployed 46 experts and long term observers. On Election Day 914 short term observers were deployed in the context of IEOM.

### **Programme of the observation mission**

#### **24 March 2006**

#### **OSCE/ODIHR Joint Briefing Programme (the programme is annexed to the report)**

As usual, the delegation participated in the briefings organized by the OSCE/ODIHR for the parliamentary assemblies that took part in the IEOM.

The members of the European Parliament delegation were briefed by OSCE/ODIHR experts on the pre-election situation. Members were informed that 45 political parties and blocks would compete in these elections and that the main actors were still the same as those in the presidential elections ("Our Ukraine" Party, Yulia Tymoshenko Bloc, Party of the Regions)

The electoral campaign environment was defined as generally peaceful and very active, as various means (billboards, "brand" tents, concerts) were used to spread the messages of the competitors.

Regarding the media atmosphere, at the national level, a greater respect for the freedom of expression was noted in comparison to the presidential elections of 2004. At the same time, more balanced reporting and a considerably lower level of intimidation and harassment of media outlets and journalists were noticed. For the regional media, the difference between the western part of the country, where the media are more liberal and the eastern part, where the media are considered to be tightly controlled by the regional administration, was emphasized.

The legal framework of the parliamentary elections encompasses the Constitution of Ukraine of 1996; the Law on Elections of People's Deputies of Ukraine of 2004, substantially amended in 2005; the Law on Political Parties of 2001; the Law on the Central Election Commission of 2004; and the Code of Administrative Procedures of 2005.

The general rules of these elections were that 450 members of the Verkhovna Rada would be elected according to a purely proportional system for a mandate of 5 years with a minimum of 3% of the vote required for a party to enter parliament. The entire country was one nationwide constituency. The speakers underlined that there were no independent candidates in these elections.

Members were informed that two issues could be considered as sources of concern for the ongoing process of these elections: (i) the voters' register - as there is no central voter registration office and no central register, this list is created *ex nihilo* for each election and therefore might contain errors; (ii) the existence of huge polling stations (polling stations with more than 2500 voters) that could lead to overcrowding and consequently to irregularities in following the voting procedures.

## **Meeting with Mr Yaroslav Davydovych, Chairman of the Central Election Commission**

Mr Davydovych emphasized that the main particularity of the election campaign was that national and local elections were taking place at the same time. The Chairman added that 7 350 candidates from 45 parties and blocs were registered for the national parliamentary elections. The Central Election Commission was coordinating the activity of 225 District Election Commissions. On Election Day voters would be voting in more than 34 000 Polling Stations.

Concerning the voters' register, the Chairman announced that the opposition had criticised the accuracy of the list. Mr Davydovych explained that efforts had been made to verify the list. In his opinion, the voters' list was in compliance with the law. It was also stressed that the voters' list had been published and that the voters had had the opportunity to verify that their names and details had been properly noted.

With regard to the domestic observers, the Chairman explained that about 18 NGOs had expressed their interest in monitoring the elections, but unfortunately had not nominated the people for this job, even though the CEC would have been open to accredit them in accordance with the provisions of the law.

Mr Davydovych concluded that the CEC had organised the elections in conformity with Ukrainian law.

### **NGOs/Media**

The following individuals spoke: Ms Vyktonia Sumar, Institute of Mass Information; Mr Yuriy Oliynyk, UT One; Mr Igor Popov, Committee of Ukrainian Voters, Mr Ivan Lozovyi, Institute of Statehood and Democracy.

Main points to emerge in the realm of the media included the following: the election campaign was different from previous ones, the media environment was positive, offering enough information to the voters; no political pressure or censorship was felt at any level. The less positive aspects were connected with imperfections in the law. In some regions, journalists were afraid to write or talk about the elections, in order not to be seen to be campaigning for one candidate or another. At the same time, the stipulations of the law regarding the financing of campaigning in the media were vague and open to interpretation.

There was concern that the representatives of the media were using standards from previous campaigns as terms of comparison, rather than applying higher, more democratic standards.

The representatives of the NGOs stated that the main difficulty that could arise on voting day was the confusion caused by holding multiple elections at the same time. A high voter turnout was expected on Election Day. It was also stated that for the first time in the 15 years since independence, average people had both political knowledge and were actively involved in the elections.

**25 March 2006**

**Meetings with political parties**

**\* Mr Zvarych Roman Mihaylovych**

Deputy Campaign Manager - Our Ukraine Party

Mr Zvarych stated that there were two sensitive issues related to this campaign: (i) the existence of two separate voter's lists: one for the national elections and another for the regional ones; (ii) the composition of the electoral committees. On the first issue, Mr Zvarych noted that in several regions the two lists had not been compiled properly. On the composition of the committees, he added that a number of district committee representatives from the Our Ukraine Party had been excluded from the committees.

Asked if his party had benefited from the President's support during this campaign, Mr Zvarych replied that the members of "Our Ukraine" were proud to be the party of power, the party of the president. Nevertheless the President had not participated in the campaign, even though the law did not prohibit him from doing so, so long as he did it in his own free time.

**\* Mr Kushnariov Yevgeniy Petrovych**

Campaign Manager - Party of the Regions

Mr Kushnariov stated that the main objectives of the Party of the Regions' platform were to offer a better life to the Ukrainians and also to bring Ukraine to the same political level with the democratic countries. The Party of the Region had the support, mainly, of the industrialized region of the country, Mr Kushnariov added. The polls had shown throughout the campaign that the Party of the Regions would be the winner in these elections. Mr Kushnariov emphasized that the results of the elections would reflect the disappointment of the people with "orange power".

In the opinion of the Party of the Regions the problematic issues in this campaign were: (i) the voters' register was not complete, and therefore there was the risk that there would be a high number of people who would be unable to vote; (ii) the pressure exerted by administrative bodies during the electoral campaign. Concerning the voters' registers, Mr Kushnariov stated that the law had been amended by Parliament to include the possibility of adding voters to the list on Election Day, but that the President had not signed the text of the amended law. With regard to pressure exerted by administrative bodies during the elections, Mr Kushnariov stated that a high number of civil servants were running as candidates on the list of the presidential party. Therefore, in his opinion, there would be a lot of pressure from administrative bodies to cancel the elections in the eastern regions of the country. The representative of the Party of Regions presented to the observers a written catalogue of the Party's complaints and objections regarding the course of electoral campaign.

**\* Ms Olga Bodnar**

Tymoshenko Bloc

Ms Bodnar emphasized that the main principle governing all actions of the Tymoshenko Bloc was that of solidarity and that the main objective of this political bloc was to honour all the commitments made on the *maidan* in 2004.

Regarding the unfolding of the political campaign for the parliamentary elections, Ms Bodnar stated that it was more transparent, fair and free and contained less negative campaigning than the previous ones. The campaign could qualify as democratic, as no pressure from the administration had been noticed. Ms Bodnar concluded that the Central Election Commission had managed to organize these elections in a very professional manner.

Asked if an alliance with the Our Ukraine bloc was a possibility, Ms Bodnar explained that the results of the elections should be awaited, but that in principle the Tymoshenko Bloc was favourably disposed towards a coalition with orange power.

**\* Mr Vitaliy Shybko**

Socialist Party

Mr Vitaliy Shybko noted that the Socialist Party was established in 1991. The main objectives of the party are: (i) the development of a competitive economy, (ii) the improvement of the political system by attaining democratic standards, (iii) the establishment of Ukraine as a European nation.

Concerning the elections, Mr Shybko stated that a transparent process was expected. In his view, the electoral process had proved to be a further step forward in the development of democracy in Ukraine.

Mr Shybko added that the Socialist Party would continue to support President Yushchenko after these elections. At present the Socialist Party had four ministers in government that were highly appreciated for the success of their engagements.

**\* Mr Markian Lubkinsky**

PORA Bloc

Mr Lubkinsky stated that PORA Bloc comprised two parties: the “Reforms and Order” party and the Civil Political Party PORA. PORA had started as a youth movement that had supported Yushechenko’s candidacy in 2004, and at present its profile was that of a young political party, a youth force, running in elections for the first time.

He continued by saying that PORA stood for building civil society in Ukraine. The main goal of the bloc was to reform the system of governance, in order to minimise corruption and give priority to the interests of the citizens.

Asked whether in foreign policy, Ukraine should seek closer ties with the East or the West, Mr Lubkinsky explained that the PORA Bloc supported the integration of the Ukraine into Europe and its membership in international organizations. With regard to Russia-Ukraine relations, the PORA Bloc expected a strategic partnership where both actors should be considered as equal partners.

**\* Mr Oleg Zarubinsky**

Lytvyn Bloc

Mr Zarubinsky noted that the Lytvyn Bloc defined its objectives not in opposition to other competitors, but based them on the demands and the trust of its electors. The principle followed by the bloc was that of consensus and compromise that would lead to the development of Ukraine.

Concerning the election process, Mr Zarubinsky complained that the majority of the Oblast governors headed the lists of the party in power. At the same time, the voters' register was not accurate. After examining it, members of the Lytvyn Bloc declared that 5% of entries were not correct, Mr Zarubinsky added.

With regard to EU-Ukraine relations, Mr Zarubinsky declared that Ukraine had expressed its openness for cooperation with the EU and that, at the same time, mutuality should be expected on this matter.

**Regional briefing by OSCE/ODIHR Long Term Observers**

The members met the Long Term Observers from Kyiv and the Kyiv region who briefed the delegation on the voting procedures and on the itinerary that each team could follow to cover specific areas.

**Election Day, 26 March 2006**

The delegation split into four teams as follows:

Kyiv centre - Mr Siwec

Kyiv centre and outskirts – Mr Tannock, Mr Louis

Kyiv centre and outskirts – Mr Birutis, Mr Kuzmiuk

Kyiv region – Mr Berman, Mrs Harms

All four teams were content that Election Day proceeded in a manner that fully complied with democratic standards. The main conclusions from the delegation can be summarised as follows:

The atmosphere in all the polling stations was calm and the process was generally well run by the members of the Polling Station Committees. The election officials were generally found to be well trained, and voters were familiar with the voting procedures.

Some polling stations became overcrowded during the peak hours - in the afternoon and in the evening. People stayed in their queues, waiting patiently to enter the polling booths. No tension or pressure on the voters was noticed in the polling stations visited by the delegation. No campaign activity was noticed inside or in the vicinity of the polling stations.

Domestic and foreign observers enjoyed unrestricted access to polling stations. Domestic observers (representatives of NGOs and various political parties) stated that they were content with how the voting process unfolded.

Exit polls were run at most of the polling stations. The procedures used by the people interviewing the voters ensured the confidentiality of the individuals' identity and even the secrecy of their vote. The people interviewed were actually asked to fill in a form and put it in a box, so that the people in charge of the exit polls could not see the choice of the voter. The voters were willing to participate in exit polls.

In some cases there were incomplete voters' lists. Allegations were heard that some voters could not be found on the list. These people could not be added to the lists on Election Day, as the law did not provide for this.

No major irregularities that could cast doubt on the results of the elections were noticed.

These findings are specifically those of the members of the European Parliament delegation.

On Election Day the delegation chair Mr Siwiec was also engaged in drawing up the report and press statement of the joint International Election Observation Mission. The heads of the delegations met several times during Election Day and on the following day in order to discuss their assessment of the election process. Among others, Mr. Siwiec suggested an inclusion of a statement that the elections were "free and fair". His proposal was accepted by the remaining co-chairs of the IEOM. There was some discussion in these meetings of delegation heads about how the assessments of the parliamentary delegations should be merged with the findings of OSCE/ODIHR, findings based on their long term observation. Agreement was reached on the joint report and the three chairs of the parliamentary delegations inserted their conclusions, based on their findings, their good knowledge of the country, as well as their wide experience as politicians.

### **27 March 2006**

The delegation met on Monday morning and discussed the election day. The conclusions of the delegation were added to the joint IEOM report. The full summary of the findings of the Election Observation Mission is appended to this report.

The assessment of the IEOM on the parliamentary elections in Ukraine was made public in the press conference that took place Monday afternoon, the 27 March.

### **Conclusions**

One week after the elections, the EP voted on a resolution on the results of the elections in Ukraine.

Further recommendations could be considered in addition to the text of the resolution:

A regularly updated voters' register should be established, in order to avoid situations in which people find themselves unable to vote. At the same time the law could be changed to allow voters to be added to the register on Election Day.

Multiple laws on multiple elections can lead to confusion and misinterpretation. Therefore, a single Electoral Code should be adopted.



Organizing national and local elections at the same time is a challenge for the administrative bodies of any country. The delegation appreciates the high voter turnout (67.13%) on Election Day and appreciates that generally polling station committees proved to be efficient in managing the voting process. Nevertheless, in order to avoid overcrowding, the Electoral Commission should in future consider not holding the national and local elections at the same time.

## **Results\***

Only 5 out of the 45 contending parties were able to obtain the 3% of the national vote needed to secure seats in the parliament: the Party of the Regions received 32.12% of the vote, followed by Yulia Tymoshenko's Bloc with 22.27%. The pro-presidential Our Ukraine Bloc came third with 13.94%, while the Socialist Party and the Communist Party obtained 5.67% and 3.66% of the votes respectively. The results suggest that the Party of the Regions is likely to obtain 186 seats in the next parliament, Yulia Tymoshenko's Bloc 129, Our Ukraine 81, the Socialist Party 33, and the Communist Party 21 seats.

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\* Official results from the Central Election Commission were not published at the date this report was drafted.



## INTERNATIONAL ELECTION OBSERVATION MISSION

### PRESS RELEASE

# Ukrainian elections free and fair, consolidating democratic breakthrough

KYIV, 27 March 2006 - The 26 March parliamentary elections in Ukraine further consolidated the breakthrough in the conduct of a democratic election process that began less than a year and a half ago. Overall, fundamental civil and political rights were respected. This enabled voters to make informed choices between distinct alternatives and to freely and fairly express their will, concludes the International Election Observation Mission in a statement released in Kyiv today.

The mission deployed over 900 observers, including 200 members of parliaments, from 45 countries to observe the elections.

“These elections can only be described as free and fair, and so it is the Ukrainian people who are the real winners,” said OSCE PA President Alcee Hastings, appointed by the OSCE Chairman-in-Office as the Special Co-ordinator for the short-term observers.

Renate Wohlwend, Head of the delegation of the Parliamentary Assembly of the Council of Europe (PACE) and co-rapporteur for PACE's monitoring of Ukraine, said: "Despite serious technical failings, in a clear break with the past, all Ukrainians have demonstrated their commitment to the democratic process."

“The media coverage was generally balanced, even though in the last days of the campaign, political views of the owners became more evident. All in all, the parties and candidates were able to get their different messages across through a vibrant media, giving the people of Ukraine the possibility to freely make a political choice and express it”, said Marek Siwiec, leader of the delegation of the European Parliament.

Pierre Lellouche, President of the NATO Parliamentary Assembly and head of its delegation, said: “The fairness and transparency of these elections confirms the irreversible changes in Ukraine’s democratic transformation. The door to Euro-Atlantic integration remains open to Ukraine and it is up to its people to decide when is the appropriate time to take the next steps.”

Lubomir Kopaj, Head of the OSCE ODIHR long-term Observation Mission, stressed the need for continued overhaul of voter lists and electoral legislation. “Ukraine has come a long way in just over one year. I urge the authorities not to lose momentum, now that we have seen what can be achieved. I hope that a serious case, described by our observers as deliberate fraud in Kirovograd, where local militia was observed directing the vote count, will remain an isolated incident.”

The campaign was competitive and dynamic and was covered comprehensively by media. This enabled parties and blocks to communicate their messages to the voters. The election was administered in a transparent manner and the presence of a large number of both partisan and non-partisan observers further enhanced the transparency.

Problems in staffing polling station commissions, and an excessive number of voters in some polling stations, caused a degree of disorder on election day. There was a political will to overhaul and update voter lists, but a limited number of errors still remains.

Election day was peaceful, despite overcrowding observed in 30% of the polling stations. These delays were largely due to the simultaneous holding of general and local elections and further compounded by the large size of the ballot. Because of the delays, voting outside the polling booth was observed in 12% of cases, possibly compromising the secrecy of the vote. In spite of these sometimes stressful conditions, a vast majority of the polling station commissions conducted their work in a credible manner, with virtually no incidents recorded.

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## INTERNATIONAL ELECTION OBSERVATION MISSION

Parliamentary Elections, Ukraine – 26 March 2006

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### PRELIMINARY STATEMENT

**Kyiv, 27 March 2006** –The International Election Observation Mission (IEOM) for the 26 March parliamentary elections is a joint undertaking of the OSCE Parliamentary Assembly (OSCE PA), Parliamentary Assembly of the Council of Europe (PACE), European Parliament (EP), NATO Parliamentary Assembly (NATO PA) and the OSCE Office for Democratic Institutions and Human Rights' (OSCE/ODIHR) Election Observation Mission.

Following an invitation by the President of Ukraine, the OSCE/ODIHR established an Election Observation Mission (EOM) in Kyiv on 23 January 2006 with 12 experts and 52 long-term observers. The PACE sent a cross-party Pre-election Mission to Ukraine between 28 February and 2 March.

On election day, 914 observers were deployed in the context of the IEOM from a total of 45 OSCE participating States, including 100 parliamentarians and staff members from the OSCE PA, 43 from the PACE, 14 from the EP and 25 from the NATO PA. The IEOM observed the polling and vote count in over 2,500 polling stations throughout the country.

The Honourable Alcee Hastings, President of the OSCE PA, was appointed by the OSCE Chairman-in-Office as Special Coordinator to lead the short-term observers. Ms. Renate Wohlwend led the PACE Delegation. Mr. Marek Siwiec led the EP Delegation. Mr. Pierre Lellouche, President of the NATO PA, led the NATO PA Delegation. Ambassador Lubomir Kopaj headed the OSCE/ODIHR Election Observation Mission.

The election process was assessed for compliance with domestic law, OSCE Commitments, Council of Europe commitments and other international standards for democratic elections. This preliminary statement is delivered prior to the completion of counting and tabulation, the announcement of preliminary and final results, and adjudication of possible complaints and appeals. The OSCE/ODIHR will publish a comprehensive final report, offering recommendations for potential improvements, approximately two months after completion of the process. The PACE will present its report with recommendations at its April meeting.

Modalities for implementation of recommendations could be discussed with authorities of Ukraine in the framework of a possible follow-up process. The institutions represented in the IEOM remain ready to support such follow-up efforts.

The IEOM wishes to thank the Government of Ukraine for the invitation to observe the elections, the Central Election Commission for providing accreditation documents, and the Ministry of Foreign Affairs and other state and local authorities for their assistance and cooperation. The OSCE/ODIHR would also like to express its appreciation to the OSCE Project Coordinator in Kyiv for his support throughout the duration of the mission.

## PRELIMINARY CONCLUSIONS

The 26 March 2006 parliamentary elections were the fourth since independence in 1991. Previous observation of the 1998 and the 2002 parliamentary elections concluded that those elections overall fell short of international standards. During the 2004 presidential election, the first and second rounds of voting were seriously flawed. The 26 December 2004 repeat second round marked a breakthrough for the conduct of elections in Ukraine. This has been further consolidated during the 26 March parliamentary elections, underscoring the stated priority of the authorities to meet international commitments.

The 26 March parliamentary elections were conducted basically in line with OSCE Commitments, Council of Europe commitments and other international standards for democratic elections. Overall, fundamental civil and political rights, such as freedom of expression and assembly, were respected. An inclusive candidate registration and a vibrant media environment provided for genuine competition and equal conditions. This enabled voters to make informed choices between distinct alternatives and to freely and fairly express their will.

Positive aspects of the process include, in particular, the following:

- The participation of parties and blocs, representative of the entire political spectrum of Ukraine, was facilitated by an inclusive registration process;
- The media allowed for comprehensive coverage of the campaign and enabled parties and blocs to communicate their messages to the electorate;
- The campaign period was conducted overall in an unhindered and dynamic environment. The few allegations of interference in the campaign could not be substantiated by the EOM;
- The Central Election Commission (CEC) administered the elections in a transparent, consensual and professional manner, respecting most legal deadlines;
- Implementation of long standing OSCE/ODIHR recommendations resulted in legislative provisions for domestic non-partisan observers to be formally accredited by the CEC;
- There was the political will to conduct a countrywide overhaul of the voter lists in an attempt to address deficiencies identified in previous elections, despite the condensed timeframe;
- The police performed their duties, both during the campaign and on election day, in a professional and neutral manner.

Shortcomings which require further attention include:

- The formation of a number polling station commissions was delayed, as only some of the parties could provide the legally required members of elections commissions in a timely manner;
- The Constitutional Court was prevented from functioning throughout the election period because the outgoing Parliament failed to fulfill legally required appointments;
- The current legal requirements regarding campaign financing are under-defined and require improved reporting mechanisms to increase accountability and transparency.
- Some 1,400 polling stations in which the number of registered voters exceeded the legally foreseen maximum could have been responsible for long lines, and potential cases of disenfranchisement;
- The scope, timing and duration of the voter registration overhaul, vesting significant responsibilities with local authorities underestimated challenges; however, regionally-specific allegations of inaccuracies in voter lists submitted to the EOM were only verified on a limited basis.

### **Election Day**

The overwhelming majority of voters were able to exercise their voting rights with virtually no serious incidents reported. Election day procedures were conducted in a peaceful manner, largely according to the law. Overcrowding and long queues were noted in nine per cent of polling stations visited, with voters having to wait extended periods. Such difficulties mainly occurred as a consequence of the concurrent conduct of legislative and local elections, and the large size of the ballot papers, as well as excessively detailed provisions of the law which restricted possibilities for immediate remedial action in the polling stations. As a result of overcrowding, voting outside of voting booths was noted in 12 per cent of polling stations visited, possibly compromising the secrecy of the vote.

It is commendable that, under conditions that were at times stressful, the vast majority of polling station commissions administered the vote in a credible and dedicated manner.

The counting of votes was overall assessed as having proceeded well, although there were a significant number of observer reports that indicated inconsistencies and poor understanding of counting procedures. Some irregularities were noted in a number of polling stations, including cases of party observers interfering with the count and difficulty in completing vote count protocols.

The presence of substantial numbers of both non-partisan and party observers in polling stations on election day significantly enhanced the transparency of the process. However, IEOM observers were denied full access to the tabulation of election results in DEC 111 (Luhansk), 143 (Poltava) and 162 (Sumy). At the time of issuance of this statement, observers reported some serious concerns regarding the vote tabulation in DEC 98 (Kirovograd).

## PRELIMINARY FINDINGS

### BACKGROUND

The 26 March parliamentary elections were the fourth since independence in 1991. Previous observation of parliamentary elections in 1998 and 2002 concluded that these elections fell short of international standards, although in 2002 some progress was noted.

Following the controversial conduct of the first and second rounds of the 2004 presidential election and the subsequent political crisis, a political agreement, including amendments to the Presidential Election Law and constitutional reforms, was reached on 8 December 2004, increasing the authority of Parliament and extending its mandate to 5 years.

The period following the 2004 presidential election was marked by the dismissal of the Tymoshenko Government by the President in September 2005, and the entry into force of the new constitutional arrangement on 1 January 2006. The effect of the new distribution of powers became evident soon after, with Parliament dismissing the Yekhanurov Government on 10 January. The government continued to perform its duties due to the fact that the prerogative of Parliament to appoint a new cabinet would only come into force after the 26 March elections.

Throughout the campaign, the Party of Regions (PoR), the Our Ukraine Bloc (OU), and the Bloc of Yulia Tymoshenko (BYT) were considered to be leading the field. Other competitive parties included the Socialist Party of Ukraine (SPU) and the Communist Party of Ukraine (CPU). In addition, a number of parties became increasingly competitive as the election campaign drew to a close including: the Bloc of Kostenko and Pliushch; the Lytvyn Bloc; the *Ne Tak!* Bloc; the PORA-ROP Bloc; the Viche Party; and the Nataliya Vitrenko Bloc.

### LEGAL FRAMEWORK

The legal framework for the election of the Parliament (*Verkhovna Rada*) of Ukraine includes the Constitution of Ukraine of 1996; the Law on Elections of People's Deputies of Ukraine (PAEL) of 2004, substantially amended in 2005; the Law on Political Parties of 2001; the Law on CEC of 2004; and the Code of Administrative Procedures (CAP) of 2005. The Council of Europe's Venice Commission, jointly with OSCE/ODIHR, assessed<sup>1</sup> that the legal framework could provide an adequate framework for the conduct of a democratic election and provided recommendations for possible further improvements.

The legal framework was substantially amended following a political agreement reached on 8 December 2004 that transferred some powers from the President to Parliament, and provided for a new election system for members of Parliament. The PAEL was accordingly amended in July 2005. It introduced a new system of proportional representation for the election of members of Parliament in one country-wide constituency, with a 3 percent threshold for eligibility for parties and blocks to participate in the allocation of seats. The threshold is calculated on the basis of all votes cast, including invalid votes which fail to indicate a political choice, and votes cast "against all" parties and blocks. Votes "against all" do not express a distinct choice that can be accounted for in the allocation of seats.

The PAEL originally envisaged a period of 240 days prior to election day, within which no amendment of the PAEL was foreseen. This deadline was repeatedly moved by Parliament, by shortening the period

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<sup>1</sup> Opinions 338/2005 and 339/2005

twice, and eventually deleting it<sup>2</sup>. While such amendments might have had rationale, election legislation should enjoy a minimum of stability, both for voters and for all other subjects of the electoral process.

Regrettably, the Constitutional Court, the sole body to rule on questions of constitutionality, was prevented from functioning. This was due to the failure of Parliament to appoint its share of judges, and allow judges appointed by the President and the Congress of Judges to take the oath.

The Ukrainian authorities should pursue co-operation with the Venice Commission of the Council of Europe and the OSCE/ODIHR in reviewing the existing Ukrainian electoral legislation, with a view to elaborate and adopt a unified electoral code.

The law requires political parties / blocs to submit a financial report of their incomes and expenditures to the CEC within 15 days of election day. However, concrete mechanisms of reporting and checking of party/bloc campaign spending is currently under-defined, leading to questions of confidence and transparency. There is no campaign limit stipulated in the election law for parties / blocs contesting the parliamentary election.

## **ELECTION ADMINISTRATION**

The CEC held frequent sessions, which were open to party representatives, international observers and the media. It adopted the vast majority of the acts necessary for the conduct of the elections on time. Most of its decisions were taken by consensus, while lively discussions were sometimes generated in the process of adjudication of complaints, with some members expressing dissenting opinions and votes. Contestants' proxies also played an active role in discussion of cases at the CEC.

The formation of District Election Commissions (DECs) and the distribution of their managerial positions were made according to legal deadlines and requirements. However, frequent withdrawals impacted on the quality and consistency of their work. According to the CEC, as of 18 March, 646 DEC members had resigned and had to be substituted, more than 15 per cent of all DECs' membership. Reasons given for withdrawal included a high responsibility vested in managerial positions, a newly-introduced principle of individual liability for election officials, a heavy workload with tight deadlines and low salaries.

The problem with staffing was also observed on a larger scale with polling stations elections commissions (PECs). Until the eve of the elections, some PECs were not yet formed, and the majority of them functioned only at the minimum legal membership required. Delays with PECs in reaching the quorum necessary to perform their duties reduced voters' chances to check voter lists in order to update their records, or to receive Absentee Voter Certificates.

Each party and bloc could appoint members in PECs. Unlike the more influential parties, smaller parties lacked sufficient human resources to provide members for all PECs. The remaining positions had to be filled by submission of the respective DEC chair. Amendments to the PAEL introduced on 14 March extended the number of persons eligible to be nominated as members, while leaving it up to DECs to fill vacated positions.

The CEC conducted a number of trainings for both DEC and PEC members. Regrettably, their impact was reduced by the numerous withdrawals, lower participation or late formation in the case of PECs. Also, important clarifications on counting and tabulation procedures were adopted as late as 16 March, leaving PECs limited time to familiarise themselves with the contents.

A total of 34,078 polling stations were established for the elections. Due to the reduction of the foreseen maximum number of voters per polling station from 3,000 to 2,500, the CEC had requested the

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<sup>2</sup> On 17 November 2005, 19 January 2006 and 9 February 2006



establishment of approximately 3,200 additional polling stations. However, only 900 additional ones were granted by local executive authorities, resulting in some 1,400 polling stations listing more than 2,500 voters, and in some cases even 3,500 voters, mainly in urban areas.

### **Candidate Registration and De-registration**

The CEC registered a total of 45 electoral lists, among which are 28 parties running individually and 17 blocs, for a total of 78 contesting parties. The same inclusive approach was adopted by the CEC in the registration of candidates. The initial total number of registered candidates was 7,747.

Candidates could withdraw from party lists until three days before the elections. In total, 152 candidates withdrew. On 9 March, the 'New Force' party chairman submitted a formal request for withdrawal from the elections together with all candidates from the list. On 14 March, the CEC rejected the request.

### **Voter lists**

There was political will to conduct a countrywide overhaul of the voter lists to address deficiencies identified in previous elections. A new two – stage mechanism for compiling and updating voter lists was set up in September 2005. This mechanism is transitional and only used in preparation of the 26 March elections. In the longer term, the establishment of a permanent, centralized State Register of Voters is foreseen and a specific law drafted to that effect has been reviewed jointly by the Council of Europe's Venice Commission and the OSCE/ODIHR<sup>3</sup>.

Yet, the timing and intended duration of this exercise, vesting overall responsibilities with local government authorities, implied that inherent challenges may have been underestimated.

During the first stage, 716 local working groups comprising representatives of the administration and supervised by 27 regional working groups and a central working group contributed to the compilation of a countrywide voter list database. The database was created for this specific exercise by merging local databases containing available information provided by passport offices, local administrations and other institutions. The quality of personal data of citizens varied considerably throughout the country. In some areas, such personal data remain paper-based.

Technical problems emerged when locally produced databases were merged, because some of these were maintained in Ukrainian and others in Russian. A variety of software for the transliteration of names were used, and in the absence of centrally produced guidelines to ensure uniformity and compatibility, this resulted at times in divergences in the spelling of names of voters and streets, creating multiple entries.

The second stage comprised some two months for verification of the newly compiled voter lists. Voters were given the opportunity to check their records in the draft voter lists, in the framework of an intensive voter awareness program.

Political parties represented in Parliament were granted access to the voter list database through the central working group, and had an opportunity to follow activities at local level within local working groups. Few parties took this opportunity during the verification stage.

A number of complaints on the accuracy of the voter lists were conveyed to the EOM by PoR, in most cases lacking concrete and verifiable evidence. Where sufficiently specific evidence was provided, the EOM found such errors to have been already corrected by the working groups, or were not confirmed, for instance in the Kherson area. However, in Luhansk and Sumy areas, complaints were largely confirmed.

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<sup>3</sup> Opinion no. 338 / 2005, CDL-AD(2006)003

In one single case, the EOM was able to verify an allegation of translation of a name into Ukrainian. In order to address this potential problem, which received extensive media attention, the CEC gave an official interpretation of Art. 45.8 of the PAEL on 23 March, that included the translation of names from Russian to Ukrainian in the category of technical errors which can be corrected by the PEC on election day.

In an attempt to assess the quality of the voter lists, the EOM also conducted a limited survey of voter lists in urban areas in Dnipropetrovsk, Kharkiv, Kherson, Luhansk, Lviv, Mikolayev and Ternopil regions. The quality and layout of the voter lists, distributed to PECs by local government authorities through the DEC's after the verification stage, was found both by LTOs and election commissions to vary from one DEC to another, without evidence of regional patterns.

The PAEL provides the possibility for PECs to add voters on the voter lists before election day through a lengthy mechanism, while no additions are allowed on election day. An amendment to the law allowing for additions in voter lists on election day, based on a relevant court decision, was adopted by Parliament on 14 March. On 25 March, President Yushchenko declined to sign the amendment and returned the text to the Parliament, as he considered it would create possibilities of multiple voting.

## **COMPLAINTS AND APPEALS**

The courts functioned generally in a timely and transparent manner. While at the beginning of the campaign the majority of complaints addressed refusals of registration of political parties and candidates, later on, most complaints dealt with the composition of election commissions and campaign issues. A number of smaller parties informed the EOM that they would not seek legal remedies from the courts due to lack of trust.

The new Code of Administrative Procedure created a new framework for handling election complaints and appeals. Specialised courts on three levels are foreseen. However, the two lower levels could not be established and their function is temporarily executed by regular courts. The High Administrative Court started to work by the end of 2005 as the only and final instance for possible complaints against the decision of the CEC on the final election results.

A complainant still retains the option to file a complaint either to an election commission or to a court. This dual track approach was repeatedly noted in OSCE/ODIHR reports and in the joint review of the law undertaken with the Venice Commission as a possible source of inconsistent jurisdiction.

Four lawsuits were filed by parties against CEC decisions regarding refusal of registration. In all four instances, refusals of registration were the consequence of submission of incomplete documentation. An issue arising from the campaign concerned comments made to the media by the Minister of Internal Affairs, Mr. Lutsenko, on candidates from different parties and their possible criminal past. In three cases, courts and the CEC concluded that Mr. Lutsenko had violated the law, and requested him to abstain from such comments.

## **CAMPAIGN ENVIRONMENT**

Compared to the 2004 presidential election, the campaign demonstrated considerable improvement. The pool of registered parties and blocs was highly representative of the political forces currently active in Ukraine, encompassing the entire political spectrum. The majority of interlocutors interviewed by the EOM considered the registration process to be inclusive, providing voters with a distinct choice among alternative options.

The election campaign was held in a competitive environment that was generally free from incident. Parties and blocs were able to meet with voters throughout the country and the EOM received no information of state authorities acting to prevent candidates from meeting with voters. Legal guarantees to enable parties and blocs to compete on an equal basis were respected, and voters had a considerable amount of time (about three and a half months) and information to accustom themselves with the wide array of choices available.

There was a clear distinction between campaigning in the west of the country and in the south and east. Generally, the campaigning got off to a quicker start and was more vibrant and visible in the south and east of the country, where all parties were active. Conversely, in the west there was a noticeable lack of PoR activity, while other opposition parties carried out campaigning events.

Nevertheless, the campaign remained personalized with an overall absence of policy presentation. The majority of campaign rallies observed by the EOM focused on criticism rather than concrete policy platforms. Some attention was given to issues of economy and foreign relations, but in a general sense and without much argumentation.

Of note was the role of police throughout the course of the election campaign. It retained a high degree of professionalism and neutrality in providing security during the holding of campaign events and generally maintained a low profile. A slow response to cases of disorderly conduct during campaign events was sometimes criticised by stakeholders, but such occurrences were exceptions during the campaign.

The tone of the campaign became considerably sharpened at the beginning of March. At the Ninth PoR Congress, party leader Viktor Yanukovich announced that the pro-government forces were organising mass falsifications throughout the country.<sup>4</sup> He pointed to problems in voter lists and in the staffing of PECs as the major avenues for such violations. Other opposition parties adopted the same claims soon after. OU televised a 30 minute spot, portraying the PoR as comprised of criminals and thugs, and associating the leadership of the party with past violent events in Donetsk.

Incidents of violence and intimidation were also minimal over the course of the campaign and where they did occur, they were highly localized, with no indication that they had been centrally orchestrated. While a few incidents, such as attacks on party property and activists, and arson of party premises, were verified by the EOM, a number of complaints about incidents were found to be exaggerated or false by EOM follow-up.

In some limited instances, the EOM received information of administrative resources being used on behalf of a certain party. Cases confirmed included the appropriation of an official state function in Poltava by an SPU candidate and head of the *oblast* administration; the appearance in Kharkiv of gas bills from the local utility company bearing a political message from the SPU leader, Mr. Moroz; and the use of students to manufacture flags on behalf of PoR at Technical College No. 38 in Kharkiv. Nonetheless, such incidents remained isolated.

Limited examples of pressure on workers or students were also confirmed by the EOM observers. The EOM was able to verify that in Ordjonikidze, Dnipropetrovsk region, workers at one local factory were pressured by their management to sign contracts committing them to vote for BYT and threatening them with loss of employment. This incident was also confirmed by the local BYT branch.

A few violent incidents occurred in the run up to Election Day. These included the murder on 24th March of an OU candidate running for city council elections in Artemivsk (Donetsk oblast). Our Ukraine representatives in Artemivsk have refrained from commenting as to whether or not the murder is politically affiliated. In addition, an OU candidate running for the local contest in Zhytomyr and a Ne Tak

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<sup>4</sup> Similar allegations were echoed to the EOM by PoR in Dnipropetrovsk and Kharkiv, and by *Ne Tak!* in Donetsk.

parliamentary candidate in Sumy were beaten up. These incidents might be linked to local power struggles and remain isolated.

## **GENDER**

Across all party and bloc lists, 19% of candidates standing were women. The highest representation of women was in the Green Party list, which had implemented an internal party policy of nominating 50% women in their list. The Our Ukraine Bloc and the Nataliya Vitrenko Bloc both had a relatively high number of women in their top ten (4 each). Within the structure of election commissions, 20% of commissioners were women within the CEC and women were particularly well represented at the DEC level, holding 52% of places overall and 44% of DEC chair posts.

## **NATIONAL MINORITIES**

Only few interlocutors reported that the three percent threshold represented an obstacle to the possibility of minority groups to gain representation in Parliament in order to defend their interests. Anti-Semitism and xenophobia targeted at minorities remained a marginal phenomenon. Although language policy was addressed prominently by several parties, many analysts agreed that levels of tension had decreased since the last election.

## **ELECTION OBSERVERS**

Under the amended election legislation, non-partisan domestic observers were permitted to observe the election day process. Sixteen Ukrainian organizations were registered by the CEC to act as observers on election day. One of the most prominent, the Committee of Voters of Ukraine, which had been active in election observation since 1994, stated that they deployed some 5,000 observers throughout the country on election day. In addition, a number of international observation organizations, such as ENEMO and CIS-EMO, observed on election day.

## **MEDIA**

In the aftermath of 2004 presidential elections the media environment underwent significant and positive changes. *Temnyky* (guidelines to media editorial lines) and patterns of intimidation of journalists no longer appear to be an issue. The majority of media monitored<sup>5</sup> by the EOM engaged in an extensive coverage of the campaign and provided voters with an active political debate in their evening news, various talk shows and the substantial amount of paid advertisements.

Efforts by various channels to organise televised debates had limited success. On March 5, *Channel 5* launched its own project of free of charge debates, based on five series of discussions. The leaders of the three most influential parties and blocs declined to participate.

In their news programmes, despite rather extensive coverage of the President and Government, most of the monitored broadcast media allocated the biggest share of their political information to OU. While the presentation of the incumbent authorities, including the President and the Prime Minister, was prevailingly positive and neutral in its tone, the activities of OU were generally covered in a balanced manner. In the last few days before the elections, the President was granted extended coverage on a number of TV Channels. This included interviews on UT1 and 1+1, as well as an address that was aired on 24 March on all major TV channels.

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<sup>5</sup> The OSCE/ODIHR EOM monitored, implementing both qualitative and quantitative analysis, nine TV channels and eight newspapers in the period between 26 January and 24 March. These included the TV channels *UT 1*, *Channel 5*, *ICTV*, *Inter*, *Novy Kanal*, *NTN*, *STB*, *TRK Ukraine*, *1+1* and the newspapers *Golos Ukrainy*, *Uryadoviy Kurier*, *Facts i Komentarii*, *Segodnja*, *Silsky Visty*, *Vechirny Visty*, *Ukraina Moloda*, *Zerkalo Nedeli*.

The State-funded broadcaster *UT 1* complied with its legal obligation to provide free time for all contestants. However, it also devoted a significant portion of the political coverage in its main news programme to activities of the executive branch and the President<sup>6</sup>, which was largely neutral and positive in tone. The overall monitoring analysis also showed a level of unbalance in its coverage of the main political contestants. Out of the parties and blocs related coverage, the largest portion went to OU, with 9%, while BYT and PoR accounted for 5% each. In addition, while the information about the ruling party was more neutral and positive in its tone, PoR was presented in an overall balanced way. The portrayal of BYT was on the contrary more neutral or negative.

Private channel *Inter* paid the highest attention to OU, PoR and *Ne Tak!*, granting them 12%, 12% and 9% respectively of its political prime time news coverage. For OU, negative coverage prevailed over positive. The presentation of the two other forces was more favorable with a very positive picture of bloc *Ne Tak!*. Channel *1+1* similarly favoured OU with 13% of overall balanced coverage. On the other hand, PoR received the second largest amount of coverage (9%), with a significant portion of negative tone.

Private televisions *TRK Ukraine* and *ICTV* have displayed clear preferential treatment in favour of PoR for the first; while the latter favoured PORA-ROP. While PoR was granted 18% of *TRK's* political news coverage, *ICTV* allocated to PORA-ROP 9%, with almost exclusively positive and neutral tone.

Concerns expressed by the EOM about the placement of election campaign materials within the news programmes appeared to be grounded. Monitoring disclosed several occasions on nation-wide channels, such as *Inter*, *ICTV*, *Novy Kanal*, *STB* and *TRK Ukraine*, that clearly promoted specific parties and blocs in their news items.

The majority of the monitored print media expressed a diversity of views in covering a number of parties, although newspapers often demonstrated support for specific parties and candidates.

At regional level, some political parties and blocks used a provision of the PAEL<sup>7</sup> to challenge unbalanced election reporting by the media, requesting the temporary suspension of licenses. In Crimea, privately owned *Chernomorskaya TV* faced at least two legal challenges filed by a local bloc that included PoR. In Dnipropetrovsk, the private *9th Channel* was challenged in court, in a similar case initiated by *Viche* party.

The Expert Council on Mass Media formed as an independent consultative body, played a positive role by helping regional media to comply with the legal framework.

## ELECTION DAY

All phases of election day were conducted in peaceful manner and largely in accordance with the law. However, overcrowding was noted in three out of ten polling stations. Long queues of voters were observed, with voters having to wait up to five hours to vote. In many cases, some voters ended up voting outside of voting booths, thus compromising the secrecy of the vote. This was observed in 12% of polling stations visited.

It is commendable that, under such conditions, the majority of voters were still able to exercise their rights peacefully, and no serious incident was recorded.

IEOM observers assessed the opening process as good or very good in 93% of visited PECs. Voting procedures were similarly assessed in 91% of observations. However, bad organization was noted in 8% of polling stations visited and shortcomings in voter lists in 10%. In some cases, EOM observers noted

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<sup>6</sup> The Law on the Procedure of Coverage of Activities of the State and Local Authorities by the Mass Media, from 1997 obliges state-funded media to cover activities of state officials, predominantly the president.

<sup>7</sup> Article 71.10

that voters were added on the voter list during the day, in contravention to the law. This might have resulted from poor voter information, or from possible confusion generated by an announcement made on election day by the outgoing Speaker of Parliament, Mr. Lytvyn, hinting that voters may be added to the voter lists with a Court decision. As noted above, an amendment to the law foreseeing this possibility was adopted by Parliament on 14 March, but was not signed by the President.

Unauthorised persons, mainly police, were observed in 11% of polling stations visited, although not interfering in the process. IEOM observers noted that ballot boxes were not sealed properly in 14% of polling stations visited.

The counting of votes was overall assessed as having proceeded well and in accordance with the law, although there were a significant number of observer reports that indicated inconsistencies and poor understanding of counting procedures. Some irregularities were noted in a number of polling stations, including cases of party observers interfering with the count and difficulty in completing vote count protocols.

The presence of substantial numbers of both non-partisan and party observers in polling stations on election day significantly enhanced the transparency of the process. Domestic non partisan observers were noted as present in 74% of polling stations visited. Regrettably, IEOM observers were denied access to the tabulation of election results in DEC 111 (Luhansk), 143 (Poltava) and 162 (Sumy). At the time of issuance of this statement, observers reported some serious concerns regarding the vote tabulation in DEC 98 (Kirovograd).

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For further information, please contact:

- Ms. Urdur Gunnarsdottir, OSCE/ODIHR Spokesperson, or Mr. Gilles Saphy, Election Adviser, Warsaw (Tel: +48-22-520-06-00);
- Mr. Angus Mc Donald, Press Officer, Parliamentary Assembly of the Council of Europe, Strasbourg (Tel: +33-388-41-20-00);
- Mr. Andreas Baker, Press Officer, OSCE Parliamentary Assembly, Copenhagen (Tel: +45 33 37 80 52);
- Mr. Cezary Lewanowicz, European Parliament, Brussels (Tel: +32 2 284 37 43);
- Mr. Zachary Selden, NATO Parliamentary Assembly, Brussels (Tel: +32 2 513 28 65).

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***This statement is also available in Ukrainian.  
However, the English language version remains the only official document.***

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► **European Parliament resolution on the parliamentary elections in Ukraine**

*The European Parliament,*

- having regard to its previous resolutions on the political developments in Ukraine, in particular its resolution of 13 January 2005 on the results of the Ukraine elections<sup>13</sup>,
- having regard to its resolution of 19 January 2006 on the European Neighbourhood Policy<sup>14</sup>,
- having regard to the EU-Ukraine Action Plan, and the further measures decided upon by the Council in support of a democratic and reform-oriented Ukraine,
- having regard to the OSCE preliminary statement of 27 March 2006 on the Ukrainian elections,
- having regard to Rule 103(4) of its Rules of Procedure,

A. whereas Ukraine has clearly confirmed its desire to be part of Europe and its willingness to be integrated with the European Union on the basis of the EU's fundamental principles and criteria,

B. whereas the International Election Observation Mission of the European Parliament, the Parliamentary Assemblies of the Council of Europe, the OSCE and NATO and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) concluded that the 26 March 2006 parliamentary elections in Ukraine had been free and fair and in accordance with international standards for democratic elections,

C. whereas the media coverage during the campaign was generally balanced, enabling parties to communicate their message and voters to express their choice freely,

D. whereas it was concluded that the elections had been administered in a democratic and transparent manner with virtually no incidents, although problems in the staffing of polling stations and an excessive number of voters at some polling stations caused a certain degree of disorder on election day,

E. whereas the European Union, its Member States and Ukraine have moved towards an ever closer relationship based on shared respect for fundamental European values,

1. Welcomes the fact that the parliamentary and local elections of 26 March 2006 were held in a satisfactory manner, fully in accordance with international electoral standards, and that Ukraine is firmly on the path towards becoming a mature democracy and assuming its rightful place in a European community of democratic nations;

2. Takes note of the shortcomings of the elections identified by the International Election Observation Mission and calls upon the relevant Ukrainian authorities to take corrective action and to ensure that such problems do not re-emerge in future elections;

3. Congratulates the people of Ukraine, who, despite the sometimes difficult circumstances at the polling stations, have demonstrated their commitment to the democratic process in their country;

4. Urges all members of the newly elected Verkhovna Rada as well as the new Ukrainian Government to fully commit themselves to the irreversibility of this democratic process and to unreservedly continue, and strengthen, the political, social and economic reforms;

5. Urges the Commission and Council to respond promptly and concretely to the growing hopes of the Ukrainian people, who are increasingly looking to the EU, and to consider a further strengthening of the measures included in the European Neighbourhood Policy's Action Plan which are designed to support the further democratic development of Ukraine, in particular with regard to strengthening respect for the rule of law and the continuation and strengthening of social and economic reforms; also urges the Member States to undertake similar initiatives and projects to provide concrete support, contributing to a continuation of the democratisation and reform process in Ukraine;

6. Calls upon the new government formed after these elections to consolidate Ukraine's espousal of

common European values and objectives by taking further steps to promote democracy, human rights, civil society and the rule of law, by resuming market reforms and by overcoming the political divisions in Ukraine;

7. Urges the new Ukrainian Government to continue to be a reliable partner of the European Union, with specific regard to enhancing stability in the region, in particular in finding a solution to the Trans-Dniester problem;

8. Appeals to all neighbouring countries to fully respect the democratic choice of the Ukrainian people and to refrain from any economic or other pressure to change the democratically decided further political, social and economic development of the country;

9. Looks forward to a visa-facilitation agreement between the EU and Ukraine with the final goal of a non-visa regime, but, in the interim, calls on the Commission to fully respect the existing agreements on free multiple-entry visas with seven Member States, as well as other actions geared to realising Ukraine's European perspective; calls for further action to move Ukraine towards full membership of the World Trade Organisation;

10. Notes that the current Partnership and Cooperation Agreement between the European Communities and Ukraine<sup>(1)</sup> expires in 2008, and calls on the Commission to begin to negotiate an Association Agreement;

11. Looks forward to increased cooperation with the Verkhovna Rada and to a sustained transition process in Ukraine that will bring the country closer to the objective of ever more intensive cooperation with the European Union, and commits itself to assisting and supporting Ukraine in this process;

12. Instructs its President to forward this resolution to the Council, the Commission, the Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council of Europe, the OSCE and NATO.

(1) OJ C 247 E, 6.10.2005, p. 155.

(2) *Texts Adopted*, P6\_TA(2006)0028.

(3) OJ L49, 19.2.1998, p. 3.



# EUROPEAN PARLIAMENT

## AD HOC DELEGATION TO UKRAINE

### PARLIAMENTARY ELECTIONS

#### KIEV

23 - 27 March 2006

#### List of participants

##### Members

Mr Marek Maciej SIWIEC <i>Chairman</i>	PES, Poland
Mr Charles TANNOCK	EPP-DE, United Kingdom
Mr Thijs BERMAN	PES, Netherlands
Mr Šarūnas BIRUTIS	ALDE, Lithuania
Ms Rebecca HARMS	Verts/ALE, Germany
Mr Zbigniew Krzysztof KUŹMIUK	UEN, Poland
Mr Patrick LOUIS	IND/DEM, France

##### Secretariat

Mr Stefan PFITZNER, Germany, Deputy Head of Unit, responsible for the delegation  
Ms Adriana BUCHIU-DRAGHICENOIU, Romania, Election Observation Unit  
Ms Claudia SIEGISMUND, Germany, Assistant/Secretary

##### Political Groups Advisors

Mr Robert van de WATER, Netherlands, PES Group  
Mr Andrzej DYCHA, Poland, UEN Group

##### Interpreters

Ms Irene SHIMANSKY, Ukrainian-English-Ukrainian  
Mr Vikentiy SHIMANSKY, Ukrainian-English-Ukrainian  
Mr Michael TYUTYUNNIK, Ukrainian-English-Ukrainian

##### Press

Mr Cezary LEWANOWICZ - Press Officer  
Ms Charlotte HJORTH - Producer  
Mr Georg TENHAGEN - Sound Engineer  
Mr Michel DUPLESSIS - Camera man

##### 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	NI	Non-attached

20 March 2006/cs

# EUROPEAN PARLIAMENT

## AD HOC DELEGATION TO THE PARLIAMENTARY ELECTIONS UKRAINE KYIV

23 - 27 March 2006

### PROGRAMME

Coordination:

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### **HOTEL ACCOMMODATION:**

*(arranged by the European Commission Delegation Kyiv)*

**Hotel DNIPRO**  
**1-2 Kreshchatyk Str.**  
**KYIV, 01001**  
**Tel. +380 44 254 67 77**  
**Fax: +380 44 254 67 65**

*Members are reminded to confirm their arrival and departure at Kyiv to the Secretariat.*

**Thursday, 23 March 2006**  
**Friday, 24 March 2006**

*Individual arrival of the EP delegation*

**Friday 24 March 2006**

12h00 EP Staff meeting with interpreters  
*Venue:* Hotel Dnipro

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

All the meetings of the delegation will take place in:

***President Hotel Kyivskiy***

*12 Hospitalna Street, 252023 Kiev, Ukraine  
 Tel: (38044) 220 41 44 - Fax: (38044) 220 45 68*

12h30 Departure from Dnipro

12:45	<b>Deployment packs available</b>	European Hall President Hotel Kyivsky
13:00 – 13:15	<b>Welcome by the Heads of Delegations</b> Mr. Alcee L. Hastings, OSCE PA Ms. Renate Wohlwend, PACE Mr. Charles Tannock, EP Mr. Pierre Lellouche, NATO PA	European Hall President Hotel Kyivsky
13:15 – 15:00	<b>Briefing by OSCE/ODIHR EOM</b> <u>13:15-13:25</u> Welcome and Introduction Amb. Lubomir Kopaj, Head of ODIHR EOM <u>13:25-13:40</u> Campaign Issues Ms. Beata Martin-Rozumilowicz, Political Analyst <u>13:40-14:00</u> Media Environment Mr. Ivan Godarsky, Media Analyst <u>14:00-14:10</u> Observer Code of Conduct Mr. Riccardo Chelleri, Deputy Head <u>14:10-14:20</u> The Legal Framework Mr. Hans Birchler, Legal Analyst <u>14:20-14:40</u> The Election Environment Mr. Kamen Ivanov, Election Analyst <u>14:40-15:00</u> Q&A	
15:00 – 16:00	<b>Meeting with the Central Election Commission</b> Mr. Yaroslav Davydovych, Chairman	European Hall President Hotel Kyivsky

16:00 – 17:00	<b>Media panel</b> <ul style="list-style-type: none"> <li>• Institute of Mass Information – Ms. Vyktoria Sumar</li> <li>• UT One – Yuriy Oliynyk</li> </ul>	European Hall President Hotel Kyivsky
17:00 – 18:00	<b>NGO panel</b> <ul style="list-style-type: none"> <li>• Committee of Ukrainian voters – Mr. Igor Popov, Chairman</li> <li>• Institute of Statehood and Democracy – Mr. Ivan Lozovyi</li> </ul>	European Hall President Hotel Kyivsky

20h00 Meeting/Dinner of Heads of Delegations  
*Venue:* Marché, 13 Chervonoarmiyska St.

<b>Saturday 25 March 2006</b>
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All the meetings of the delegation will take place in:

***President Hotel Kyivskiy***

*12 Hosptitalna Street, 252023 Kiev, Ukraine  
Tel: (38044) 220 41 44 - Fax: (38044) 220 45 68*

08h30 Departure from Hotel

09:00 – 12:30	<b>Meetings with political parties</b> <u>09-09:30</u> <ul style="list-style-type: none"> <li>• Our Ukraine – Mr. Zvarych Roman Mihaylovych, Deputy Campaign Manager</li> </ul> <u>09:30-10</u> <ul style="list-style-type: none"> <li>• Party of the Regions - Kushnariov Yevgeniy Petrovych, campaign manager</li> </ul> <u>10-10:30</u> <ul style="list-style-type: none"> <li>• Tymoshenko Bloc – Ms. Olga Bodnar</li> </ul> <u>10:30-11</u> <ul style="list-style-type: none"> <li>• Socialist Party of Ukraine – Mr. Vitaliy Shybko</li> </ul> <u>11-11:30</u> <ul style="list-style-type: none"> <li>• Pora – Mr. Markian Lubkinsky</li> </ul> <u>11:30:12</u> <ul style="list-style-type: none"> <li>• Lytvyn bloc - Oleg Zarubinsky</li> </ul>	European Hall President Hotel Kyivsky
12:00 – 13:30	<b>Regional briefing by OSCE/ODIHR Long Term Observers for Kyiv/Kyiv region</b>	European Hall President Hotel Kyivsky

Afternoon Private arrangements

- 19h30 Departure from Hotel
- 20h00 Dinner for EP Delegation hosted by Mr Siwiec, Chairman  
*Venue:* Restaurant "Lipskiy Osobnyak", Lipskaya Uliza 15, tel. 254.00.90

**Sunday 26 March 2006**

Departure of EP Teams to Polling Stations  
(Opening of Polling Stations at 07h00)

- 07h00-  
22h00 Observation of opening, voting  
in various polling stations in 4 teams
- 22h00 Observation of counting of votes  
*Venue:* Territorial and Central Election Commission,  
European Hall, President Hotel

**Monday 27 March 2006**

- 08h00 Meeting of EP Delegation to evaluate elections  
*Venue:* Dnipro Hotel, Breakfast Room
- 09h30 Joint Debriefing of Delegations  
*Venue:* President Hotel, European Hall
- 13h30 Press Conference  
*Venue:* Teacher's House

*Individual departures of EP Delegation*

**Tuesday 28 March 2006**

*Individual departures of EP Delegation*

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