

EUROPEAN PARLIAMENT

AD HOC DELEGATION FOR OBSERVATION OF THE PARLIAMENTARY ELECTIONS IN UKRAINE

31 March 2002

REPORT FROM THE CHAIRMAN:

Mr Jan Marinus WIERSMA

**Annex: List of participants
Programme**

**DIRECTORATE-GENERAL FOR
COMMITTEES & DELEGATIONS**

25 June 2002
EUR/TB/ES

A delegation of the European Parliament, headed by Mr Jan Marinus WIERSMA (NL, PES), President of the EP delegation to the EU-Ukraine Parliamentary Cooperation Committee, and further composed of Mrs Elisabeth SCHROEDTER (D, Verts/ALE), 1st Vice-Chairman, and Mr Lennart SACRÉDEUS (Sweden, EPP-ED) observed the elections for the Ukrainian Parliament, which took place on 31 March 2002.

This delegation was part of the International Election Observation Mission (IEOM) which is a joint effort with the Organisation for Security and Cooperation in Europe - including the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA) - and the Parliamentary Assembly of the Council of Europe.

Directly after the 31 March 2002 Verkhovna Rada (Parliament) elections, the delegation already noted that progress was made over the 1998 parliamentary polls towards meeting international commitments and standards, though it was noted at the same time that important flaws persist.

The role of the election administration and the judiciary in the immediate period ahead in tabulating and publishing the results, maintaining transparency, and addressing disputes will be instrumental in formulating the IEOM's final conclusions on the extent to which this event meets international commitments and standards for democratic elections.

The outgoing Verkhovna Rada and the President were locked in a conflict for most of the past four years over required legislative reforms. As such, the Parliament elected on 31 March could have a significant impact on the future development of the country and its place within the international community.

Factors contributing to an improved environment for these elections included:

- A new Election Law that took into account OSCE/ODIHR and Council of Europe recommendations from previous elections, providing an improved framework for democratic elections;
- An efficient, orderly and timely administration of the elections by the Central Election Commission (CEC) whose sessions were open to political parties, blocs, the media and observers;
- Multi-party election commissions that improved the transparency of the process;
- More streamlined electoral dispute resolution mechanisms;
- A broad spectrum of political choice available to voters with 33 parties and blocs, and some 7,000 candidates competing in the parliamentary elections; and
- A civil society engaged in the electoral process.

However, the media performance during the campaign was mixed. In general all media and in particular the electronic media remained highly biased. Nonetheless, all major candidates, parties and blocs had greater access to television and other media, through the welcome innovation of organised debates, free air time, and paid advertising. By contrast outside Kyiv, parties, blocs and candidates in opposition often found their access to electronic media restricted by local authorities. Moreover, the State-funded national television channel gave disproportionate coverage to the pro-presidential contestants.

Despite important improvements in the legislative and administrative framework for the elections, a general atmosphere of distrust pervaded the pre-electoral environment, both among contestants and voters. Contributing to this low level of confidence were:

- Serious misgivings about the motives of a number of candidates;
- Shortcomings in the implementation of the legal framework;
- An unfair distribution of leadership positions in district and lower election commissions;
- An abuse of administrative resources, including allegations of pressure on public employees to vote for certain candidates, State facilities selectively made available to certain contestants only, and campaign material of certain contestants in public buildings;
- Illegal interference by public authorities in the electoral process;
- A campaign that failed to inform voters about the challenges confronting the country; and
- A campaign marred by the murder of a prominent candidate on the eve of the elections, other isolated violent incidents, and allegations of intimidation and harassment against opposition contestants, activists and voters.

On Election Day, the CEC reported a 64.78% turnout. The polling was conducted in a generally calm atmosphere and observers rated positively the performance of a large majority of PSCs. The most serious problems noted during the polling were violations of the secrecy of the vote and voters added to registers in apparent contravention of the law.

It was noted that the CEC can take steps to increase the level of confidence among voters and contestants. The CEC could require from all District Election Commissions (DEC) the publication without delay of all summary tables or worksheets prepared for the tabulation of the results, listing in detail the results of each polling station within the DEC. The same level of transparency could be provided for the tabulation of the results at the CEC level. This will permit an independent audit of the tabulated results by voters, media representatives, contestants, and observers alike.

Thus, the final conclusion on whether these elections bring Ukraine closer to international standards for democratic elections could not be taken on the day following the elections, as it would depend, in part, on the tabulation of the results and the level of confidence in the outcome. Additionally, the integrity of the electoral disputes resolution process, and the respective roles of the CEC, the DECs and the courts in this process, would be important factors for the IEOM's final conclusions.

Therefore the institutions represented in the IEOM decided to further monitor developments in the electoral process in Ukraine until the certification of the results, and to return to the country a few weeks later for more consultations. Only then would it be possible to reach a final conclusion as to what extent international commitments and standards for democratic elections had been met. These standards are formulated in the 1990 Copenhagen Document, the case law of the European Court of Human Rights, and UN resolutions and other documents. Democratic election criteria require that the vote be universal, secret, accountable, transparent, free, fair, equal, and dignified.

A small delegation of the institutions represented in the IEOM returned to Ukraine for a three-day follow-up visit to Kyiv on 9-11 May 2002 to review the crucial post-election phase and to formulate its final conclusions. The European Parliament was represented in this small delegation by the Chairman of the ad-hoc delegation, Mr Jan Marinus Wiersma. On the basis of a thorough analysis of the complete electoral process, it concluded that the 31 March parliamentary elections had brought Ukraine closer to meeting these international commitments and standards for democratic elections.

It was concluded that the post-election period marked important progress over the 1998 parliamentary elections, in particular as regards the transparent publication of the detailed results. The enhanced legal framework prevented repeated appeals and endless election disputes that characterised previous elections. However, due to tight legal deadlines, this process emphasised speedy, rather than judicious, resolution of complaints. The Central Election Commission continued to function efficiently, but more effective oversight of lower commissions is required. The Supreme Court operated with a degree of independence, providing complainants with a viable option for appeals and redress.

It was noted that the conduct of these elections, and in particular the active engagement of civil society in the process, marked a step forward in Ukraine's democratic transition. While Ukraine met in full or in part a number of commitments such as universality, transparency, freedom and accountability, it failed to guarantee a level playing field, an indispensable condition to ensure the fairness of the process. It had to be emphasised once again that the authorities did not provide all contestants equal opportunities to conduct their election campaign. Also, the media did not provide a balanced coverage. As regards Election Day procedures, technical improvements are needed to protect the secrecy of the ballot and to offer an orderly and dignified process to the voters.

During the visit, the delegation met with the President of the Republic, the Speaker of Parliament, the Minister of Foreign Affairs, the Chairman of the Central Election Commission, the president and Members of the Supreme Court, representatives of political parties, and the diplomatic community.

In constructive discussions, interlocutors acknowledged the IEOM's findings and conclusions and welcomed further cooperation with the international community to remedy the weaknesses and to build on the strengths of the electoral process in Ukraine, in particular in view of the presidential elections in 2004. On behalf of the institutions represented in the IEOM, the members of the delegation expressed their commitment to assist the authorities and civil society in further strengthening the democratic process in the country.

The international community's continued engagement in Ukraine is essential for the consolidation of democratic development and the further integration of the country into European structures.

As regards the specific relations between Ukraine and the European Union, these elections constitute an important moment in the further development of these relations. The conditions under which these elections were carried out have demonstrated the need for a greater EU commitment in the democratic, social and economic future of Ukraine. The success of this commitment will, however, also depend on the Ukraine authorities'

willingness to make the further necessary improvement in implementing common European values and standards, in particular regarding respect for basic democratic rights and respect of the rule of law.

EUROPEAN PARLIAMENT

PARLIAMENTARY ELECTIONS UKRAINE

AD HOC DELEGATION

KYIV

29 March - 1 April 2002

List of participants

Members

Mr Jan Marinus WIERSMA, *Chairman* PSE, Netherlands
Ms Elisabeth SCHROEDTER, *1st Vice-Chairman* Verts/ALE, Germany
Mr Lennart SACRÉDEUS PPE-DE, Sweden

Secretariat

Mr Tim BODEN, Administrator responsible for the delegation
Ms Elke SCHMUTTERER, Assistant

Political Groups

Mr Rob VAN DE WATER, Group of the Party of European Socialists

Interpreters

Ms Irene SHIMANSKY, Ukrainian – English - Ukrainian
Mr Vikentiy SHIMANSKY, Ukrainian – English – Ukrainian

Abbreviations :

PPE-DE	European People's Party/European Democrats	UEN	Union for a Europe of Nations
PSE	Party of European Socialists	NI	Non-attached
ELDR	Liberal, Democrat and Reform Party	EDD	Europe of Democracies and Diversities
Verts/ALE	Greens/European Free Alliance	TDI	Technical Group of Independent
GUE/NGL	European United Left/Nordic Green Left	Members	

18 March 2002/es

EUROPEAN PARLIAMENT

AD HOC DELEGATION FOR PARLIAMENTARY ELECTIONS UKRAINE

KYIV

29 March – 1 April 2002

FINAL PROGRAMME

Coordination:

Mr Tim BODEN
Brussels, ATR 02K042
Tel: (32 2) 284 34 59

Ms Elke SCHMUTTERER
Brussels, ATR 02K056
Tel. (32-2) 284 39 31

Fax: (32 2) 284 68 30

Mobiles:
+32-475-977002 (Mr Boden)
+32-475-351948 (Ms Schmutterer)

HOTEL ACCOMODATION:
(arranged by OSCE/ODIHR)

PRESIDENT-HOTEL KYIVSKY
12 Hospitalna vul.
Kyiv, 01023
Tel: (+380-44) 220 41 44
Fax: (+380-44) 220 45 68

*(Price: 120 USD/night breakfast and taxes included –
Credit cards are accepted.)*

ATTENTION: The bill has to be paid at the OSCE/ODIHR desk (NOT at the hotel reception).

1 April 2002 11:00
TB/ES

Thursday, 28 March 2002

13:30 *Arrival of the Secretariat (OS0661/Vienna) and transfer to the hotel (arranged by EC Delegation)*

15:00 Meeting of the Secretariats from EP and OSCE/ODIHR
Venue: President-Hotel Kyivsky

Meeting of the Secretariats from EP and OSCE PA and Council of Europe PA
Venue: President-Hotel Kyivsky

Friday, 29 March 2002

a.m. Continuation of meetings of the Secretariats from the EP, OSCE PA, Council of Europe PA and ODIHR
Venue: President-Hotel Kyivsky

10:45 *Departure hotel for (arranged by EC Delegation – 098BP0008/White Landrover/Sascha)*

11:00 Meeting of the EP Secretariat with EU Commission Delegation and Spanish Embassy
Venue: Commission Delegation, 10 Kruhlo-universytetska St., Kyiv,
Tel.: +380 (44) 462-00-10

13:10 *Arrival of Ms Elisabeth SCHROEDTER (LH3372/Frankfurt) and transfer to hotel (arranged by EC Delegation)*

13:30 *Arrival of Mr Rob VAN DE WATER (OS0661/Vienna) and transfer to the hotel (arranged by EC Delegation - car Makarov)*

14:45 *Arrival of Mr Lennart SACRÉDEUS (VV216/Stockholm) and transfer to hotel or Commission Delegation (arranged by EC Delegation – car Leonid)*

14:55 *Arrival of Mr Jan Marinus WIERSMA (KL 1385/Amsterdam) and transfer to hotel or Commission Delegation (arranged by EC Delegation – car HoD)*

15:30 *Transfer from hotel to (arranged by Commission Delegation)*

15:45 Briefing with *H.E. Mr Luis GOMEZ DE ARANDA Y VILLIN*, Spanish Ambassador to Ukraine, representing the Presidency-in-office of the EU, together with *H.E. Mr Norbert JOUSTEN*, Head of the Commission Delegation to Ukraine and other EU Ambassadors

Venue: Commission Delegation, 10 Kruhlo-universytetska St., Kyiv,
Tel.: +380 (44) 462-00-10

16:45 *Departure to the Russian Embassy for*

17:15 Meeting with *H.E. Mr Victor CHERNOMYRDIN*, Russian Ambassador to Ukraine
Venue: 27, Vozdukhoflotsky Prospekt, Kyiv, Tel. +380-44-244 09 63

(3 MEPs, 3 staff, interpreter, Spanish Amb, HoD EC)

Return to President-Hotel Kyivsky (arranged by EC Delegation – car Leonid + Makarov)

Friday, 29 March 2002

19:00 Briefing for Parliamentary Delegations of the OSCE, Council of Europe and European Parliament (arranged by OSCE/ODIHR)

Venue: President-Hotel Kyivsky

Chair: *Mr Bruce George*, OSCE PA Vice-President, Special Co-ordinator
PA CoE
Mr Jan Marinus Wiersma, Chairman of the EP Delegation

Welcome

19:15 Briefing by OSCE/ODIHR Election Observer Mission

Ambassador Michael G. Wygant, Head of OSCE/ODIHR
Election Observation Mission

Mr Paul O' Grady, Deputy Head of Mission

Ms Kerstin Dokter, LTO Co-ordinator

Questions and Answers Session

20:00 Logistics and Deployment

Logistics Officer

20:00 Meeting of the Leaders of the EP, OSCE PA, CoE PA and OSCE/ODIHR for first discussion of joint statement

Venue: President-Hotel Kyivsky

20:15 Transfer from hotel for (arranged by EC Delegation – car Sascha)

21:00 Departure train to Lviv (train no. 91)

(Team 2: Ms SCHROEDTER+Mrs SHIMANSKY)

Transfer to hotel (arranged by ODIHR):

Grand-Hotel, 13 Prospect Svobody, Lviv, Tel. 0322-72 40 42, 72 76 65, Fax 0322-76 90 60

(Price: **USD 106** breakfast and taxes included - Credit cards are accepted.)

20:45 Transfer from hotel to (arranged the EC Delegation – Bus Makarov)

21:00 Dinner hosted by **H.E. Mr Luis GOMEZ DE ARANDA Y VILLIN**, Spanish Ambassador

Venue: Residence of the Ambassador, 5 Vylshanska Str., Kyiv

Return to hotel (arranged by EC Delegation)

Saturday, 30 March 2002

9:00 Continuation of Briefing (arranged by OSCE/ODIHR)

Venue: President-Hotel Kyivsky

Saturday, 30 March 2002

- 9:00** **Panel I** **Meeting with the Representatives of the Main Political Parties and Electoral Blocks.**
- Introduction: *Brian Bonner*, OSCE/ODIHR EOM Political Analyst
- Our Ukraine block
For A United Ukraine block
Communist Party of Ukraine
Social Democratic Party of Ukraine (united)
Socialist Party
Block of Yulia Tymoshenko
- Question and Answers Session
- 10:30** **Panel II** **The Role of the Media in the Ukrainian Parliamentary Election 2002**
- Introduction: *Rastislav Kuzel*, OSCE/ODIHR EOM Media Analyst
- Anatoly Gorlov*, Executive editor of "Golos Ukrainy" (daily newspaper)
Ivan Spodarenko, Chief Editor "Selskie Vesti" (daily newspaper)
Igor Storozhuk, President National TV Company
Alexander Rodnyansky, President Independent TV Channel 1+1
- Questions and Answers Session
- 11:45 -12:00** **Coffee Break**
- 12:00** **Panel III** **Ukrainian Parliamentary Election 2002. Overview of the Election Process**
- Introduction: *Zoran Lucic*, OSCE/ODIHR EOM Election Analyst
Vladimir Lysenko, OSCE/ODIHR EOM Legal Analyst
Mykhailo Riabets, Chairman of the Central Election Commission of Ukraine
- Questions and Answers Session
- 13:00** **Panel IV** **Role of NGOs in Ukrainian Parliamentary Election 2002**
- Ihor Popov*, Chairman of the Board of the Committee of Voters of Ukraine
Irina Bekeshkina, Leading Researcher of the Democratic Initiative Fund
Igor Kogut, Executive Secretary of the All Ukrainian Non-Governmental Monitoring Committee
Igor Zhdanov, Director of the Political and Legal Programmes, Centre for Economic and Political Studies
- Questions and Answers Session

Saturday, 30 March 2002

- 14:00** Meeting with **H.E. Mr Norbert JOUSTEN**, Head of EC Delegation
Venue: President-Hotel Kyivsky
- 14:45** *Departure hotel for (arranged by the EC Delegation for – Blue dark VW/098BP0001 (red) Makarov)*
- 15:00** Meeting with **H.E. Mr Anatoly OREL**, Deputy Head of Administration of the President of Ukraine
Venue: Presidential Administration, 11 Bankova Street
- 16:15** *Departure for*
- 16:30** Meeting with **Mr Ivan MUSYIENKO**, Co-Chairman of the EU-Ukraine Parliamentary Cooperation Committee
Venue: Verkhovna Rada, Gruchevski ryad 5
- 18:00** **First discussion for the joint statement (EP, OSCE PA, CoE PA, OSCE/ODIHR - Chairmen only)**
Venue: President-Hotel Kyivsky
- 19:45** *Departure hotel for*
- 20:00** Dinner with **H.E. Mr Carlos PASCUAL**, US-Ambassador to Ukraine, hosted by **H.E. Mr Norbert JOUSTEN**, Head of the European Commission Delegation
Venue: Residence of the Head of EC Delegation, 11/61 Lev Tolstoy Str., apt.12, Tel. 244-4040

Sunday, 31 March 2002

Attention: SUMMERTIME!

Monitoring of voting in different areas

- 9:15** Team 3: Mr SACREDEUS, Mr BODEN – **ZHITOMIR**
(transport arranged by the EC Delegation – car Leonid / interpreter: Olga Dmytrenko)
- 9:30** Team 1: Mr WIERSMA, Mr VAN DE WATER, Ms SCHMUTTERER – **KYIV**
(transport arranged by the EC Delegation – Bus Sascha / interpreter: Vikenty Shimansky)

(11:30 TV interview with Euronews at the polling station)
- 12:00** Meeting with **Ms Olena PRYTULA**, Chief Editor - Ukrainska Pravda
Venue: President-Hotel Kyivsky
- 13:15** *Departure hotel for*

Sunday, 31 March 2002

- 13:30** Informal meeting with **Mr Oleksandr MOROZ**, Leader of the Socialist Party
Venue: 45, Vorovskogo Str., Tel. 216 88 82 / 216 58 57
- 14:45** *Departure for*
- 15:00** Working Dinner of the leaders of EP, OSCE PA, CoE PA, ODIHR
hosted by **Mr Jan Marinus WIERSMA**, Chairman of the EP-Delegation
Venue: Restaurant Da Vinci, Evropeiska pl., near Dnipro hotel, Tel. 229 00 59
- 17:15** *Return to hotel*
- 17:30** Meeting with **Mr Michael SAWKIW Jr.**, President of the Ukrainian Congress Committee of America
Venue: Hotel-President Kyivsky
- 18:30** Meeting for EP statement
Venue: Hotel-President Kyivsky
- 20:00** *Departure hotel for*
- 20:15** Dinner hosted by **H.E. Mr Norbert JOUSTEN**, Head of the European Commission Delegation (with Mr CHALYI, State Secretary)
Venue: Residence of the Head of EC Delegation, 11/61 Lev Tolstoy Str., apt.12, Tel. 244-4040

Monday, 1 April 2002

**ATTENTION: The bill has to be paid at the OSCE/ODIHR desk
(opening hours: 9h00 – 19h00) - NOT at the hotel reception**

- 7:35** *Arrival of Ms Elisabeth SCHROEDTER + Mrs SHIMANSKY (train no. 92)
at railway station and transfer to President-Hotel (arranged by EC Delegation - car Sascha)*
- 7:30** Debriefing of the delegations of the European Parliament and the OSCE PA
Venue: Hotel-President Kyivsky
- 8:30** Final discussion for joint statement
(EP, OSCE PA, CoE PA, OSCE/ODIHR -Chairmen only)
Venue: President-Hotel Kyivsky
- 9:00** Meeting/Debriefing EP-Delegation
Venue: Hotel-President Kyivsky
- 9:45** *Departure hotel for (car Leonid + bus Igor)*
- 10:00** Debriefing with **H.E. Mr Luis GOMEZ DE ARANDA Y VILLIN**, Spanish Ambassador to Ukraine, representing the Presidency-in-office of the EU, together with **H.E. Mr Norbert JOUSTEN**, Head of the Commission Delegation to Ukraine and other EU Ambassadors
Venue: Commission Delegation, 10 Kruhlo-universytetska St., Kyiv, Tel.: +380 (44) 462-00-10

Monday, 1 April 2002

10:10 *Departure from EC Delegation for (arranged by EC Delegation – car Leonid)*
12:10 Flight **Mr SACRÉDEUS** (Stockholm/VV215)

11:00 *Departure for*

11:15 Meeting with **Ms Nina KARPACHOVA**, Ombudsman
Venue: 21/8, Instituska Str., Tel. +380-44-253 22 03 / 253 89 22

11:45 *Departure for*

12:00 Joint Press Conference
Venue: Дома Учителя (Teachers' House)

12:10 *Departure for (arranged by EC Delegation – car Sascha)*

14:10 Flight **Ms SCHROEDTER** (Frankfurt/LH3283)

13:20 *Departure for (arranged by EC Delegation – bus Igor)*
(latest 13:50 for OS / 14.15 for KLM)

15:20 Flight **Mr BODEN, Mr VAN DE WATER, Ms SCHMUTTERER** (Vienna/OS0662)

15:50 Flight **Mr WIERSMA** (Amsterdam/KL1386)

USEFUL CONTACTS

ODIHR Election Observation Mission

20 Esplanada Street, 11th floor,
01023 Kyiv, Ukraine
Tel.: +380 (44) 220 10 17; 220 10 36
Fax: +380 (44) 229 18 22

Head of EOM: H.E. Mr Michael WYGANT

DELEGATION OF THE EUROPEAN COMMISSION TO UKRAINE

10 Kruhlo-universytetska St.
01024 Kyiv, Ukraine
Tel.: +380 (44) 462-00-10
Fax: +380 (44) 230-23-90
Fax: local Kyiv 462-09-20
E-mail: mail@delukr.cec.eu.int

H.E. Mr Norbert JOUSTEN

Embassy of Spain

Chancellery: 7 floor, Degtyarivska St., 38/44, Kyiv
Tel.: +380 (44) 213-04-81, 213-18-58
Fax: +380 (44) 213-00-31, 213-38-15
E-mail: not available

H.E. Mr Luis GOMEZ DE ARANDA Y VILLIN

Embassy of the Netherlands

Chancellery: Turgenivska St., 21, Kyiv
Tel.: +380 (44) 216-19-05, 216-98-34, 216-95-66
Fax: +380 (44) 216-81-05
E-mail: nlambkie@ukrpack.net

Embassy of Germany

Chancellery: Olesya Gonchara St., 84, Kyiv
Tel.: +380 (44) 216-74-98, 216-95-83, 216-92-33, 246-82-92, 246-82-93
Fax: +380 (44) 246-81-00
Telex: 131122 ux
E-mail: 100566.2615@compuserve.com

Embassy of Sweden

Chancellery: Ivana Franka St., 34/33, Kyiv
Tel.: +380 (44) 462-05-80, 462-05-82, 462-05-84
Fax: +380 (44) 462-05-83
E-mail: ambassaden.kiev@foreign.ministry.se

Embassy of Great Britain

Chancellery: Desyatynna St., 9, Kyiv
Tel.: +380 (44) 462-00-11
Fax: +380 (44) 462-00-13
E-mail: ukembinf@sovam.com

19 March 2002/es