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Preface

In line with the commitments in the Copenhagen Document as an OSCE participating state, the Government of Ukraine invited the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 26 March 2006 parliamentary election. On this request OSCE/ODIHR conducted a Needs Assessment Mission (NAM) to Ukraine between the 18 and 21 December 2005. It proposed a standard election observation mission to be established, which should consist of a core team of 12 specialists in Kiev and 60 long-term observers (LTOs). In addition, the NAM recommended the secondment of 600 short-term observers (STOs) for the election day.

The OSCE/ODIHR Election Observation Mission (EOM) was established on 23 January 2006, with the Ambassador Lubomir Kopaj as Head of Mission. It shortly thereafter commenced monitoring the electoral process with 12 international experts, which was later expanded by two, and, 52 LTOs which were deployed in Kiev in 11 regional centres. The EOM’s team of experts and observers were deployed from 21 OSCE participating States.

The OSCE/ODIHR recruited 600 short-term observers (STOs), which were strengthened by additional international contingencies of observers, amounting to 914 observers organised under the OSCE/ODIHR Election Observation Mission. They included OSCE Parliamentary Assembly, Parliamentary Assembly of Council of Europe, European parliament, and NATO Parliamentary Assembly.

One Norwegian LTO, Trine Nohr, was seconded to the EOM by the Norwegian Resource Bank for Democracy and Human Rights (NORDEM). In partnership with a LTO from United Kingdom, the LTO was from 28 January to 1 April 2006 deployed to the Northern part of L’viv oblast (region) to cover the election process, including monitoring the pre-election phase, the election day and the immediate post-election days.

In addition, NORDEM seconded 5 STOs for election day observation. They were: Hans Haddal (deployed to the Odesa region), Elen Margit Reitan (Symferopil), Kari Hesselberg (Dnipropetrovsk), Erling Skjønnsberg (Poltova) and Richard Scarborough (Donetsk).

The observation is based on application of a long-time elaborated and recognized methodology, which is one of the key factors for the OSCE/ODIHR’s success when conducting missions in countries at first crucial step towards forming a stable democratic and fair society.

This report aims to present the findings of the Norwegian observers. Their observations correspond to those of the EOM as presented in the EOM’s interim report and the Statements of Preliminary Findings issued 27 March 2006.
# ABBREVIATIONS AND ACRONYMMS

<table>
<thead>
<tr>
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<th>Description</th>
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<tr>
<td>AVC</td>
<td>Absentee voter certificate</td>
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<tr>
<td>ByT</td>
<td>Block of Yulia Timochenko</td>
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<td>CAP</td>
<td>Code of Administrative Procedures</td>
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<td>CEC</td>
<td>Central Election Commission</td>
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<td>CPU</td>
<td>Communist Party of Ukraine</td>
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<td>CVU</td>
<td>Committee of Voters of Ukraine</td>
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<td>DEC</td>
<td>District Election Commission</td>
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<td>EOM</td>
<td>Election Observation Mission</td>
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<td>LTO</td>
<td>Long-term observer</td>
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<td>NORDEM</td>
<td>The Norwegian Center of Democracy and Human Rights</td>
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<td>PAEL</td>
<td>Law on the Elections of the People’s deputies of Ukraine</td>
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<td>PoR</td>
<td>Party of Regions</td>
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<td>OBLAST</td>
<td>administrative district level</td>
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<tr>
<td>OSCE/ODIHR</td>
<td>Organization for Security and Cooperation in Europe/ Office for Democratic Institutions and Human Rights</td>
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<td>OU</td>
<td>The block of Our Ukraine</td>
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<tr>
<td>PEC</td>
<td>Precinct election commission</td>
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<td>PS</td>
<td>Polling station</td>
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<td>ROP</td>
<td>Reform and Order Party</td>
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<td>SDPU(U)</td>
<td>Socialist Democratic Party of Ukraine (united)</td>
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<td>SPU</td>
<td>Socialist Party of Ukraine</td>
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<td>Short-term observer</td>
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Introduction

The 2006 parliamentary elections scheduled for 26 March was the fourth parliamentary elections to be held since Ukraine became independent in 1991 and the first to be conducted on the basis of a new electoral system introduced in 2005. The election was held simultaneously with the local elections.¹

In the 2002 parliamentary elections, Our Ukraine, headed by the former prime minister Viktor Yushchenko’s new block, won the largest share of the seats by 25% compared to the pro-governmental, For United Ukraine Block, led by Victor Yanukovych, gaining 23% of seats. The result already then reflected a regional division in the political picture, where Our Ukraine drew much higher level of support from the Western parts of country, while United Ukraine drew their support primarily from the East and South.²

The election signalled a new direction in terms of democratic standards of elections in Ukraine, although OSCE/ODIHR noted that it failed to guarantee a “level playing field” in order to ensure a fair process.

OSCE ODIHR also observed the presidential elections in 2004, but could first after the second repeat round of the election in a joint statement conclude that:

“The conduct of the 26 December election process brought Ukraine substantially closer to meeting OSCE elections commitments and Council of Europe and other European standards. In the run-up to the keenly contested repeat second round, campaigning conditions were markedly more equal in contrast to previous polls.”

On the 26 March 2006 the IEOM in its Statement of Preliminary Findings and Conclusions remarked that the elections were “consolidating the breakthrough in the conduct of a democratic election process that began less than a year and half ago”.

Among the main positive steps taken the EOM highlighted the wide participation of parties and blocks, representing the entire political spectrum of Ukraine; that the campaign period was conducted overall in an unhindered and dynamic environment; and that the police performed their duties throughout the election process in a professional and neutral manner.

On the other hand, the EOM indicated problem-areas in need of improvement, such as delays in the formation of a number of PECs, the non-functioning of the Constitutional Court during the election period, and problems with the voter registration overhaul. However, regionally-specific allegations of inaccuracies in voter lists submitted to the EOM were only verified on a limited basis.

¹ While the main objective of the EOM was to observe the national elections the mandate opened for commenting on issues related to the local elections to the extent that they had an impact on the parliamentary election process.

² In addition, the Communist party took 15% of seats and independents received 21.9%. The Socialist Party of Ukraine, the Socialist Democratic Party of Ukraine (United) and Yulia Timoshenko’s Electoral Block took each 5% of seats. The remainder seats were distributed among four other parties.
The findings of the Norwegian observers correspond with the conclusion made by the EOM. In comparison the following regional trends in the L’viv region should be noted:

There were widespread organisational problems of staffing the local and district commissions. This had a domino-effect on a series of administrative tasks which were not handled within the legal timeframe.

The processing of the voter lists was not handled efficiently as the database was not in a condition to ensure qualitative provisions of personal data. This affected the over-all quality of the voter lists and hence the capacity of voting.

The parties seemed to have had equal conditions during the campaign period. However, some opposition parties and blocks had a low profile, mainly because of perceived discrimination and intimidation.

Following the energy crisis and the dismissal of the Yekhanurov’s Government in January the regional executive authority put pressure on the voters to withdraw their support to the following parties: Timochenko Block, Lytvin Block and Social Democratic Party of Ukraine (United) (SDPU(u)). This had a somewhat destabilizing effect on the political environment in the region.

In the following, this report will elaborate on key areas throughout the election process, including the pre-election period, election day and the immediate post-election period. The LTO’s regional-specific findings will be held up against the EOM’s general findings. This report also includes the EOM’s Statement of the Preliminary Findings and Conclusions, issued on 27 March (annex).

**Political background**

The 2004 presidential elections was a turning point for the so-called democratic forces of Ukraine calling for a political just and free election. After three election rounds, all parties finally recognized the results. Following the victory of Yushchenko the new government headed by Julia Timochenko, promoted EU-integration and the fight against corruption as the main political tasks. Conditions for the media and their performance improved significantly in this period as an impact of the investigation of the Gongadeze case, and equally, of the cases of missing journalists. The new government was exposed to sharp political criticism, which disrupted the unity in the government. Subsequently, on 8 September the Timochenko government was dismissed as allegations of corruption became too burdensome for the government. Instead, Yuri Yekanurov was

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3 The democratic forces or the orange reformers, represented by the Socialist Party of Ukraine, the Block of Our Ukraine and the Block of Julia Timoshenko, formed a political platform of cooperation.

4 Yulia Timochenko was approved as the Prime Minister on 4 February 2005.

5 Gongadeze case: The investigative internet journalist, Georgiy Gongadeze, was murdered in August 2000. Criminal investigation revealed a political scandal as his body was founded headless, and allegedly senior officials in the president administration were involved.
appointed to lead the new government, which had as primary goals the adaptation of WTO legislation, a prudent 2006 budget and to put an end to privatization review. A significant contribution under his governance was the final adoption of the constitutional reform shifting power from the president to the parliament.

The Yekanurov government was dismissed on 10 January due to the energy crisis.\(^6\) As the dismissal was deemed unconstitutional, the government continued as an acting government until the election in March 2006.\(^7\)

**Presentation of key political parties and blocks**

Among the electoral contestants, the main political groupings were as follows:

**Party of Region** (PoR)

PoR was founded in 1997 and originally supported President Leonid Kuchma by joining the pro-government “United Ukraine Alliance” in the 2002 parliamentary elections. PoR is led by former Prime Minister Viktor Yanukovych. The party does not really represent the regions, but rather the Russian speaking and industrialist areas in the South-East electorate, especially in Donetsk with more than 700,000 members. PoR advocates protection of national interests, has a pro-Russian stance (supporting Russian as a second state language), supports a decentralized federal system of government, and proposes a state monopoly over foreign trade and policy of renationalising strategically important economic concerns. Lastly, they proposed a national referendum to decide on NATO-membership.

**Block of Yulia Tymoshenko** (ByT)

All Ukrainian Union “Batkivshchyna” (“Motherland”) is the main party in the ByT, founded in 1999. Its leader is the former prime minister and key opposition figure from 1999-2004, Julia Tymoshenko, who signed an agreement in 2004 with the democratic forces to support Yuschenkos candidacy as president. The block supports harmonious foreign policy while preserving Ukrainian national priorities. It furthermore stresses equal opportunities for all, and focuses on media freedom and a revision of the criminal code in order to reduce violations by the state.

**Our Ukraine** (OU)

The block of Our Ukraine, which was formally launched on 5 March 2005, is referred to as the ruling block within the orange government. The block leader is the current Prime Minister Yekhanurov. OU supports integration of Ukraine into European structures as a

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\(^6\) In late 2005 a gas crisis developed with Russia as Gazprom announced that it would increase the gas price five times more than the prevailing price agreement, in order to bring it in line with the international market price structure. The situation resulted in a resolution from the parliament “Resolution in the Dismissal of the Prime Minister of Ukraine and Members of the Cabinet of Ministers 2004 Ukraine” on 10 January 2006.

\(^7\) President Yushchenko criticized the parliamentary vote to dismiss his PM and government as illegitimate, deepening the country’s political turmoil ahead of new elections in March. He was especially criticizing the part of the parliament that belonged to the old regime elected four years ago. As the Constitutional Court was the only body empowered to adjudicate on constitutional matters and remained without its full composition, the formulation of “acting” ministers was generally accepted.
main goal of foreign policy. Pro-market economy, pro-reform, pro-EU, pro-NATO and adhesion to the WTO in 2006 are also important political goals. With three parties in the current government (People’s Movement, PIEU, Political Party “People’s Union Our Ukraine”) it derives its main support in the western region.

**Socialist Party of Ukraine (SPU)**

Olexandr Moroz is the leader of the SPU. The party is one of the oldest, which was established in 1991. It is currently undergoing a transition, focusing on a more practical approach to politics. SPU backs the pro-governmental side along with OU. It has a balanced foreign policy and supports a referendum on the issue of NATO-membership. SPU intends to maintain state control over strategic enterprises and natural resources, it promotes energy security, promises support to the coal mining industry and promotes strengthening of local government through budget increase and appointment of component staff.

**Communist Party of Ukraine (CPU)**

CPU is headed by Petro Symonenko. After the independence CPU was outlawed, but still maintained a stable electorate. During Ukraine’s three parliamentary elections since the independence, the CPU regularly gained about 20 percent of the vote, predominately supported by the elderly of the electorate in the Eastern and Southern Ukraine. After the 2004 elections, its future is more unclear and some of its support has shifted to PoR. CPU prioritizes social policy, free health service and rural reconstruction. CPU is in favour of closer integration with Russia and CIS Common Economic Area, promoting Russian as a second state official language and promise to provide a benefits system for the veterans and the destitute.

**Regional Political features**

The L’viv region is one of the most solid pro-Yushchenko areas of the country and in 2004 the electorate was regarded as promoter and driving force of the Orange reformers. In the second run of the 2004 presidential elections, Yushchenko (who is a member of OU) obtained 92% of the votes in the region, while Yanukovych obtained 6%. The Orange parties, with OU in front, were still predominant in the region prior to this election. The ByT is the second political faction. The parties that once formed the Orange block – OU, ByT and SPU – managed in late February, after the parties failed to do so at the national level, to revitalise the political platform through the so-called “Coalition of Democratic Forces” in L’viv. The former pro-Kuchma parties (among them the Social Democratic Party of Ukraine united -SDPU(u)- and the PoR) that now form the opposition enjoyed very little support from the local population. They kept a low profile and adapted their methods of campaigning accordingly (using more door-to-door campaigning rather than large rallies or propaganda material). Another strong block is the Ukrainian National Block of Kostenko and Plunishch (National (Folk) Party is member of the parliament). Interestingly, Petro Pisarchuk, existing PoR Deputy and no. 132 on the national party list, was running independently for Mayor and fielding his own candidacy for the city council under the name Block of Petro Pisarchuk, which contained four local parties, but did not include PoR.
The Legislative Framework

The election of the parliament of Ukraine (Verkhovna Rada) is regulated by the provisions in the Constitution of Ukraine (1996); the Law on the Elections of the 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. In addition, the Council of Europe’s Venice Commission together with OSCE/ODIHR presented a Legal Opinion for the conduct of democratic election, the opinion 338/2005 and 339/2005 respectively.

The central idea of the new legislation is the empowerment of the parliament over the authority of the presidency, which came as political compromise on 8 December 2004 and came into force on 1 January 2006. The new powers of parliament included the authority to form and dismiss the Cabinet of Ministers, and to select the candidate for prime minister, which the president now will have only to formally approve. Furthermore, some other state authorities, such as the Chair of the Antimonopoly Committee, the Chair of the State Property Fund and the Chair of the State Committee for TV and Radio Broadcasting, were no longer to be appointed by the president but by the parliament. The implementation and adoption of the different amendments occurred with many difficulties and uncertainties of legal and technical nature.

The PAEL was elaborated into a new version in July 2005 before entering into force in October. It provides for a proportional representative system, electing members to parliament in a single, 450-mandate constituency with a 3 percent threshold for eligibility in the seat allocation for parties/ blocks and closed party or coalitions lists. The distribution of mandates is proportionally allocated following the Hare quota of the largest remainder method. The PAEL also sets out provisions for invalid votes and votes against all. The parliament will be elected for 5 years.

As a positive consequence of the opinion by the OSCE/ODIHR - Venice Commission Opinion on the Election Law, and in line with previous recommendations, the parliament extended the right to observe elections to domestic non-partisan observer organisations. 16 NGO’s were registered, with the Committee of Voters of Ukraine (CVU) as the dominant non-partisan organisation, deploying 5,000 observers in all regions. In addition, the Central Election Commission (CEC) accredited observers from the Russian Federation, the Ukrainian Congress Committee of America, the European Network of Election Monitoring Organisations (ENEMO), the Ukrainian-Polish Forum, the International Republican Institute, the World Congress of Ukrainians, Freedom House, the International Assembly for Legal Protection, the organisation “For fair elections’,

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8 The allocation of seats is based on all votes cast, including respectively, the invalid votes, which is the vote that fail to indicate a political choice, and, the votes cast “against all”, which is the vote that do not express a distinct choice that can be accounted for in the allocation of seats.

9 CVU has participated in the election process since 1994. On the Election day it was registered as media observers.
CIS-EMO and the Council of the Inter-Parliamentary Assembly of the Commonwealth of Independent States.\textsuperscript{10}

Amendments to the PAEL of a more technical nature, adopted by parliament and approved by the president close to the elections, were also made. This was not in accordance with the PAEL, which required that amendments should not be promoted less than 240 days before the election.\textsuperscript{11} In this period, there were also amendments to the Budget Law, increasing funding of the election process to, among others, strengthen the commission operation and extending voting hours.\textsuperscript{12} Another critical area was the non-operation of the Constitutional Court. The Court did not function as the parliament did not appoint its share of judges, allowing the judges appointed by the president and the Congress to take the oath.\textsuperscript{13}

The parliament provided a special commission on the monitoring of the election legislation and met once since its implementation, but without concrete recommendations.

The Electoral Administration

A three-tiered election administration is responsible for the conduct of the parliamentary elections. The Central Election Commission (CEC) is the only permanent body consisting of 15 members. Every party/bloc registered for the elections has the right to appoint one representative with an advisory vote to the CEC. Since December 2005 the CEC held 84 meetings during which 1330 rulings were adopted. The sessions were open to observers, media and party proxies. The latter group was particularly active and ensured the respect and protection of fundamental civil and political rights. The CEC performed its duties in the electoral process in a transparent and professional manner, and most interlocutors expressed confidence in its management.

\textsuperscript{10} The CEC registered 3 516 international observers, 287 610 partisan observers and 3 350 domestic non-partisan observers.

\textsuperscript{11} One of the more significant amendment Law No.9222 specified among others: Obligation of the District Election Commission (DEC) to complete manning of Precinct Election Commissions (PEC) upon a submission of the DEC chairperson taking into account nominees of the parties (blocs). Members of DECs, PECs, local organisations of parties, NGOs, village, town and city mayors, as well as “other subjects” may submit proposals on such candidatures to the DEC chairperson; Extension of the work of working groups for compilation of voter lists (VL) till the election day; Possibility of voting of PEC members in the PSs where they work as PEC members; Making the list of grounds for invalidation of PS voting results by PEC or by DEC explicitly exhaustive (Articles 90 and 92 of the PAEL).

\textsuperscript{12} Another draft law \textit{No.9185} was adopted by the parliament as a compromise, but the president on the last day before the election did not recognize it. The proposal admitted among others the possibility to complain to the court about the VL on the Election day and no later than three hours before the end of voting.

\textsuperscript{13} This situation was caused by parliamentary adopted resolution, dismissing the Government on 10 January 2006 as the parliament failed to solve the energy crisis.
At the regional level, 225 District Election Commissions (DECs) were formed by the CEC, one for every territorial election district, a heritage of the previous mixed electoral system whereby half of the members of the parliament (225) were elected in single-member constituencies. DECs are in charge of the creation of election precincts, the formation and management of polling station election commissions and the first-level tabulation of polling station results. In accordance with the amendments to PAEL of July 2005, the DEC membership is reduced to a maximum of 18 members. According to the provisions, the first 15 members of the DEC are appointed by the 15 parties/blocs that were represented in parliament as of 15 September 2005, while the remaining three positions are chosen by drawing at the CEC to the other parties/blocs registered for the elections. According to data provided by the CEC the distribution of managerial positions on DECs (Chair, Deputy-Chair and Secretary) was undertaken in accordance with the law. Every party and block registered for the election may have no more than two authorised representatives (proxies) in the DEC.

At the local level, the precinct election commissions (PECs) organize the voting and the counting process. According to the size of the PEC, they were made up of 4 to 24 members. The PAEL categorizes three types of polling stations (PS), namely the ordinary, special and the out of country polling stations. The total number of PECs established for the elections was 34 078 (as of 13.03.06). On February 18 the CEC formed the election commissions for the 114 PSs located in 78 countries abroad. The rules for PEC composition and distribution of the managerial positions are similar to those for the DEC composition. If there are not enough party/block nominations, the DEC chairperson proposes his own candidate in order to form the PEC with the minimal membership. A session of PEC is authorized if at least two-thirds of the commission is present at the session. On election day and for the purpose of vote count, only 50% of the members are required to be present in order for the PEC to carry out its tasks. Both the CVU and the CEC performed training sessions with the members of PEC and DEC.

Amendments to PAEL lowered the maximum number of voters to commissions. For the PEC, the maximum number was reduced from 3000 to 2500, but this number appeared difficult to apply strictly, particularly in urban areas. Under an urban DEC there were registered 47 PS with more than 2500 voters, whereas 17 had electorates with more than 3000 voters. Following comments by the CEC this was in accordance with the legislation as the upper limit of voters per PSs, is only an indicative upper limit.

With regards to election administration, the most serious shortcomings noticed were the formation and preparation of PEC. The extent of the problems had regional differences. In L’viv there were a lack of members in the PEC, mainly due to poor qualifications of the staff, difficult working conditions, lack of payment for extensive working hours as well as fear of criminal liability. In addition, the party activity in many areas was at a

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14 In comparison there is on a regional level the territorial administration is structured around 24 oblasts (provinces), one autonomous republic (Crimea) and two cities of oblast status (Kiev and Sevastopol).
15 PAEL art. 27, 3.
16 In L’viv Oblast there were registered 14 DEC, 730 TEC (local elections), 2138 PS and 6520 members in the PEC – to organize the elections.
17 Criminal responsibility – subject to the Criminal Code of Ukraine is a person guilty of inflicting bodily harm (shall get 5 years jail term). Art 57 of the code reads that impeding activities of an official observer
low-key level reinforcing the problems of forming the PEC. In less densely populated areas were no public transportation was in place, nominees who did not have access to a car were likely to refuse the nomination as transportation issues were difficult to solve. As an indication of the extent of this challenge, an estimated 10% of the heads of the commissions were changed. As an example, the LTOs received reports stating that in one of the commissions, the head was changed 4 times.

In consequence, the legal deadlines of the election procedures were often not met and could cause severe delays. Another impact was that it reduced the level of political plurality in the commission and enhanced disorganisation. Some of the resignations were alleged to be a result of pressure by local administration officials in order to replace them with pro-orange members, but the LTO team was not able to confirm this. Solutions by DEC in their attempts to complete PEC were improvised and therefore lacked uniformity. A number of DECs in the region were experiencing difficulties in completing the VLs and dispatching them to PECs within the legal timeframe. This situation could limit the period for familiarisation by the voter at the PEC.

Voter and Civic Education

The LTO’s impression is that the CEC devoted much effort to voter education. Furthermore, the compliance with legal provisions for free airtime and televised debates generally permitted parties and blocks to convey the political message to the electorate. During the elections in 2004, infringements occurred due to lack of knowledge. In order to prevent this situation in 2006, the CVU ran an educational program for electors, “Find yourself and not lose your vote!”

In L’viv, the LTOs observed a citizens’ meeting organised by the Ukrainian Congress for America (UCCA) as part of the education project “Cast your vote”. The meeting of the UCCA presented the political candidates for the parliamentary elections. In the spirit who is on duty, is a punishable act (prison term up to 2 years). Also voting results may be declared void at some PS. In some cases official observers were not given copies of minutes.

Even the popular parties had to make a special effort, eg. copied nomination lists on the internet from the last elections without asking first. Some individuals also appeared to find themselves nominated for the PEC membership without their knowledge or consent. In L’viv the LTOs were reported eg. that the same person had been appointed as PEC member by five different parties.

PAEL art. 69-71.

The program was released by Public Coalition “Clean elections” with assistance of Coordinator of Projects OSCE in Ukraine and Fund “Euroasia”. It implied among others the distribution of 1 million units of printed educational materials, the production of an education video clip on the new election legislation and the set up of a free hotline for calls on Election day to mobilise the voters for the election. (CVU reported to having received over 50,000 calls.)
of a democratic society the initiative was good, but its impact was reduced by low attendance.21

Voter Registration

The LTO noted that the voters tended to be passive in familiarizing themselves with the voter lists (VL). In consequence, it was estimated that approximately 5-7% of the electorate did not vote due to irregularities in the voter lists. Following widespread shortcomings in the accuracy of the VL during the past elections, new structures and procedures giving provisions for compiling and updating VLs were put in place. As a first phase, from 1 August 2005 until 30 March 2006, the VL were compiled, involving 716 special working groups comprising representatives of state and local administration were created. They were supervised by some 27 regional working groups and one central working group. The database was developed by utilising personal information provided by passport offices, local administrations and other institutions. The quality of the data did however vary. The main serious observations were made in the East where Russian is mainly spoken. In some areas the VL had been processed manually, allowing for writing errors to occur and sometimes local produced software programs were applied causing compatibility problems, especially in relation to the translation from Russian to Ukrainian. The translation of the voter’s name and street names were of particular concern.

The second phase consisted of verification of the compiled VL. Draft of VLs were available for public inspection and updating in the working groups between 1 November and 31 December 2005. Electronic copies were also given to political parties for cross-checking purposes. According to the CEC, during this period only about 10% of the voters used this opportunity to check their data. The lists were available at the PECs for inspection and update from 22 February until 23 March.

The CEC also reported that during election day in the previous presidential elections, about 130 000 voters appealed to courts for inclusion in VLs. In this election, the CEC Chairman expressed his dissatisfaction with the removal from the law of the possibility for voters to apply for inclusion in the voter list on election day. Despite progress being made since 2004, the voter lists continue to be a key concern. However, observation indicated that the problems with VL in general were not deliberate and systematic attempts to tamper with or influence the composition of the electorate on election day, but rather problems reflecting the poor quality of the VL working groups who did not update the registers accordingly.

The processing of the voter registers in the L’viv region had improved a lot since the presidential election in 2004 and were characterised to be far better in L’viv region compared to other regions. The lists were delivered to the PEC in line within the legal deadline. In general, invitations to check names were brought door-to-door in the rural

21 Only 6 out of 45 invited candidates participated.
areas due to lack of financial resources. Observations of minor mistakes in spellings, birth dates and reports from interlocutors on inclusions of persons deceased more than 20 years ago were however, not regarded statistically significant to follow up on. Concern was raised by the opposition parties, CPU, PoR and Ne Tac Bloc, that the election could be subject to proxy voting (by family members on behalf of people living and working abroad), but the LTOs did not find evidence of any attempts at “proxy” voting by using the domestic passports of persons working abroad.²²

Party and Candidate registration

The process of registration of candidate lists ended on 13 January. The CEC registered a total of 45 electoral lists, hereof 28 parties running individually and 17 blocs, for a total of 79 contesting parties.²³ The total number of candidates was 7684 as of 10 February which offered the voters a wide variety of political choices in the parliamentary elections. Only a few applications for registration from contestants have been rejected by the Central Election Commission.²⁴

On 12 February the CEC received information from the Ministry of Interior indicating that about 10 registered candidates, one of them a ex-chief policeman from L’viv, who in the past were convicted or under criminal investigation and therefore, pursuant to art. 9.4, were not eligible to participate in the elections.

Gender

Overall, Ukraine has a traditional gender-imbalanced structural system in which women are underrepresented.²⁵ This situation is reflected by the political landscape, where the absence of an adequate policy on equal opportunities has resulted in significant gender inequalities which in turn have delayed the process of healthy economic development and building a democratic society in which all members are included. Of particular concern are the leadership and decision-making bodies, where there is no women representation in the Cabinet of Ministers and only 5.6 % of parliamentarians are

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²² This concern was addressed in light of the presidential elections 2004, when estimated 300 000 voters were working informally abroad and still the number was not reflected as discrepancy in the actual turnout of voters. (In general it was alleged an over-inflation in voter turnout for that election).

²³ Eight parties and blocks were denied registration.

²⁴ It’s likely with the lowered threshold for party representation, many political factions registered, because they believed that the probability to garner the minimal number of votes to enter the parliament was high.

²⁵ This situation is particular serious knowing also that Ukraine authorities has not taken sustainable improving steps to effectively improve the gender unbalanced structure according to their ratification of the CEDAW in 1980.
women. The parliament discussed in 2004-05 the introduction of quota for female deputies, but this proposal never gained sufficient support.

The media is characterized by male dominance, with 70% of all print and TV news being dedicated to men and executed by men.

On the positive side, in the structure of the election commission women were particularly well-represented at the DEC level, holding 52% of places overall and 44% if the DEC chair posts. Within the CEC 20% of the commissioners were women.

The Green Party, Vitrenko Block, Ne Tac Block and Viche included women in their party lists, also among the upper candidates on the list (see annex).

### National Minorities

The Ukrainian Constitution provides citizens with the right to ethnic, cultural, linguistic and religious freedom. National minority languages are permitted as the working language in politics, cultural and educational bodies in areas where national minorities are concentrated. In 1991, the parliament ensured all people, national groups and citizens living on the territory of Ukraine equal political, social, economical and cultural rights through the approval of “Declaration of the Rights of Nationalities”. National minority issues at the state level are coordinated by the State Committee on Nationalities and Migration.

There was a general consensus that the participation of minority groups in the elections did not create a directly discriminatory issue. However, there have been reports of discrimination in Uzhorod where the Roma population was reported to be exposed to disenfranchisement of their voting rights as they were offered payment for their votes. In addition, the Hungarian population did not receive written material in Hungarian as stipulated by law (Hungarian has a first language status in this area).

The L'viv region is ethnically homogeneous, with ethnic Ukrainians representing 90% of the population. The Russians is the largest ethnical minority numbering only about 200,000 people. Their political interests are largely represented by the PoR and the CPU. There were reports of isolated incidents of ethnic and politically motivated violations creating limited environment for campaigning against CPU and PoR.

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26 According to prognostic studies from Women perspective there was an expectancy that the women representation would raise only with a small portion, up to six percentages through the current elections.

27 At the Congress of Roma the president (also member of the Lytvin block) claimed that the situation after the change of power in 2004 as promoted Ukrainian nationalism is making life more difficult for Roma.

28 On a national level, they are also the second biggest ethnical minority group with 17%. The majority of Russians live in the eastern part of Ukraine. The remaining bigger ethnical groups representing 5% of the population, each representing approximately 0.5%, are the Byelorussians, Moldavians, Crimean Tatars, Bulgarians, Hungarians, Romanians, Poles and Jews.

29 Two examples of offensive graffiti on CPU offices in addition to an incidence early in March where an identified person allegedly threw a stone through the window of the CPU office in L’viv. A similar event took place last September, when the back wall was damaged by the force of the missile. The event itself was regarded not to have any major implications although it may have been symptomatic of some serious undertones in the elections in L’viv. These common attitudes was also found towards “Ukrainian
The Election campaign

The conduct of the pre-election campaign is regulated in the PAEL ch. 8. The election campaign commenced on 12 December 2005. An indication of effective improvement for participation in the election was marked when the parties and blocks expressed general satisfaction about the possibility to present themselves freely both on a national and regional level without interference or hindrance from governing authorities. This was the general situation throughout Ukraine, and if incidences of political unfair treatment occurred, they were few and often undocumented.

Parties campaigned primarily through paid media advertisement, televised debates and direct distribution of campaign materials, billboards, poster leaflets and concerts. Meetings with voters were held, especially noted in the East and South of the country. The issues in the political campaign centred on Ukraine’s relation to the West and to Russia, especially regarding questions of entry into NATO or the Single Economic Space. The issue of Russian as a second state language was a prominent issue, especially in the Crimea, and the recent gas crisis and ban on animal product exports to Russia continued to have impact on the electoral campaign and were seen to dominate the political discourse. The state of the economy was also an important issue for the parties.

The campaigning intensified early in March after the Ninth PoR Congress, where the party leader Victor Yankovych announced that a large-scale fraud were being prepared throughout the country by the pro-orange government so they could retain power illegally. He also explained how this would happen. In L’viv the LTOs were approached by the party liaison officer who had gathered evidence of intimidation towards PoR and a list over PS at risk of falsification. The information was however not substantially founded to be followed upon.

In the urban areas of L’viv the campaigns of many parties were highly visible through billboards, posters and information tents. The major active parties and blocks belonged to the “orange” and the centre parties. Political rallies were performed in L’viv almost exclusively as L’viv has a central location in the Western electorate. An exception from this was campaigning performed by the pro-Russian parties as they held a low profile throughout the campaign.

In the campaigning, both the Lytvyn block, PORA and PRP drew up distinctive strategies concerning the local and national elections. Initially, the campaign had a low-key intensity and regional differences with more visible activity in the East and South.

On 14 March CVU conducted a survey stating that 42.2% in L’viv still had not decided on which party to vote for.

Patriots” or “veterans” who fought in the second world war, primarily against the Russian forces which occupied the L’viv area at the beginning and then again at the end of the war.

30 The Communist Party’s candidate list was registered that day.

31 A grouping that includes Belarus, Kazakhstan and Russia
During the election process, the police is supposed to escort and secure election material while stored at the commission, and maintain order on election day. The LTOs were told that there were deployed the double of the police force as of the previous elections, and the police was reported to have performed professionally with high integrity both in the pre-election and on election day.

In a few cases, political parties voiced complaints about attacks on campaign workers, party offices or campaigning tents and on illegal or unethical campaigning against them. The LTOs received reports and also verified isolated incidents of campaign interferences, such as arson fire of party office on 7 March belonging to Petro Pusarchuk, PoR MP, candidate for parliamentary election and candidates for mayor of L’viv.

The Media

The PAEL provides specific regulations for the media in its Articles 65-71. It defines the conduct of electronic and print media in Ukraine during the pre-election campaign, providing for free and paid broadcast time and print space to all candidates on an equal opportunities principle, including basis for price-setting. It also stipulates provisions for coverage of the election process in mass media, stating that it must be “must be objective, unbiased and balanced”.

An independent consultative body, the Expert Council on Mass Media, was formed to assist regional media to comply with media legislation.

When assessing the media situation in the campaigning in comparison to previous elections there was a significant progress in the performance of the various media outlets and responsible media authorities. In the last election the main discrepancy was the failure of the state-controlled and private media to provide impartial information about election campaign and candidates. The application of the temnyky (unofficial media guidelines), which was an introduction of close control over political content of news coverage on the main TV channels, was absent. However, issues related to the professional training of journalists, the lack of transparency in media outlets’ ownership and high advertisement prices in media, were criticized.

OSCE/ODIHR monitored nine TV channels and eight newspapers, while the LTOs monitored 4 newspapers (1 independent, 2 pro-presidencies and one ByT-friendly paper). The media environment was characterised by an extensive, active political discourse via the evening news programmes, certain types of talk shows as well as

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32 The guidelines issued by state administration, instructed editor to cover only limited points of view on political themes, events and issues, while omitting others what constrained public access to balanced information and in practice caused a form of censorship, violating the Constitution.

33 These included the TV channels UT 1, Channel 5, ICTV, Inter, Novy Kanal, NTN, STB, TRK Ukraine, 1+1. The newspapers were GOLOS Ukrainy, Uryadovy Kurier, Facty i Kommenatrii, Segodnya, Silsky Visty, Vechirny Visty, Ukraina Moloda, Zerkalo Nedli.
through paid advertisements. In general, the media provided a wide range of information about the electoral campaign, particularly concerning the top-ranking parties and blocks. However, the media in their presentation were not so concerned about the political perspectives or programmes, but remained more focussed on personalities, big headlines and critical commentaries. Regionally the perception was that media coverage was more liberal in the Western region and in L’viv circulation, especially in the urban and peri-urban areas, the media coverage was exceptionally high.

Election day Observation Reports

The parliamentary elections on 26 March demonstrated that the Ukrainian parliament and society have managed to pass a political exam. The EOM stated that the voting on 26 March further consolidated the “breakthrough in the conduct of a democratic election process that began less than a year and a half ago”. It further stated that overall, the fundamental civil and political rights were respected, which enabled the voters to make informed choices between distinct alternatives and to freely and fairly express their will. The turnout for the parliamentary election was 67% and 40 out of 45 parties and blocks did not enter the parliament.

On election day, the overall assessment was positive. The major complication was that 33% of the observed polling stations were reported to be overcrowded, which had a negative impact on 24% of the voting. The assessment of the counting was of equal concern. In several DEC’s the situation was confused. Observers found unsealed material, key procedures for the counting were not always applied uniformly, affecting the results and delaying the process of accepting the protocols. On the positive side, immediately after the protocols were processed by the DEC, they were made public on the internet, covering the main areas of the count.

STO teams consisted of regular teams covering the polling stations (“A-teams”), teams that were deployed later in the day with a main focus on the last part of the election, including the full count of the parliamentary election at the polling stations (“B-teams”), and “DEC-teams”, whose main responsibility were observing the tabulation activity at the DEC in the aftermath of the election.

Election day Report from STO Hans Haddal

The STO team, categorized as an A-team, covered Bilgorod-Dniestrovsky in the Odesa region. On Saturday morning the team met shortly with the DEC before visiting some of the villages and towns in the region.
Observation of the opening

On election day, the team observed the opening from 06.15 hours in a PS in Bilgorod-Dniestrovsky. The station had received relevant amounts of election materials and all procedures were clearly understood and observed by the commission. There were many accredited observers present, both party observers and independent observers. The atmosphere in the PS was calm and friendly.

Observation of the polling

The STOs visited ten PSs, mainly rural villages west of Bilgorod-Dniestrovsky and PSs in and around the town of Serata. The team evaluated the voter conduct and the local organising of the PSs to be very adequate. The few discrepancies observed were almost negligible and limited to a few occasions of family voting, voting outside the polling booth and overly crowded PS. The STOs observed that people were turned away because their name did not appear in the VL. Problems of misspelling of names and other obvious mistakes were, however, handled by the commission members in a very expedient manner.

Observation of the closing

International observers from ENEMO were present at the PS where the STOs initially intended to observe the closing. The STOs therefore decided to observe the closing in another PS, and ended up at the same station where the team observed the opening in the morning. The local observers, who had spent all day in the PS did not have any special comments or complaints. When the PS closed at 22.00 hours there were no voters in line. The team observed no irregularities during the count of the parliamentary votes, but the progress of the count was very slow as only one member of the commission handled the ballots. When the A-team was released at 04.00 in the morning by a B-team, the counting of the parliamentary votes was not nearly finished.

Election day Report from STO Elen Margit Reitan

The STO team, type A, was assigned to Krasnogvardeysk in the area of Simferopol in the Crimean Autonomous Republic.

Crimea is a peninsula with an estimated population of 2,363 millions and is bounded on the South and West by the Black Sea. Crimea is the only region in Ukraine where the ethnic Russian population is bigger than the ethnic Ukrainian population, consisting of 58% of the population, whereas the Ukrainians and Tartars represent 24% and 13% of the population, respectively.

Observation of the opening

On election day, the STO team visited 12 rural PSs. As the covered area is part of the Crimean Autonomous Republic, there were 6 different ballots instead of 5 (as for the rest of Ukraine). The PS observed at the opening, had 260 voters. They did not succeed in opening on time (7 am), but apart from this everything was according to procedure.

Observation of the polling

In the visited PSs no formal complaints were noted and ID checks were carried out according to procedure. The problems noted before the election, about having enough
candidates of PECs and the translation of VLs, seemed to be solved before election day. The DECs were well informed about the procedures and seemed well prepared. Expressed concerns of overcrowding were not found as a systematic problem in the election process.

Observation of the closing and counting

The STOs chose a PS of 860 voters for the closing. The PEC in this PS seemed a little inexperienced, but no serious irregularities in the counting procedures were found. The parliamentary count finished at 3 am and the STOs left the PS at 4.10 am with a copy of the official protocol.

Election day Report from STO Kari Hesselberg

Dnipropetrovsk has about 1.1 million people and is situated on the Dniper river in East-Central Ukraine. Dnipropetrovsk is the center of Ukraines steel industry. The aero-space building industry was important in the Soviet time and the city was closed until 1989, as nobody who lived in the city could leave freely. Party of Regions is the leading political party.

The STO team observed the election in a DEC in Dnipropetrovsk. The day before the election the STOs visited 10 PS and the DEC. The STOs talked to commission members and everywhere they were very busy and seemed to prepare well. Most of the PECs we visited where run by women and the members were also mostly women.

Observation of the opening

Upon the recommendation of the LTO, the STO team observed the opening at a PS not initially listed. There had been rumours of possible irregularities here. The STO team arrived at 6.15 am. Many people were about and it seemed that unlike the places visited the day before, the PS had not prepared well. After a while the head got his commission more organized and at 7.15 am they were ready. However, quite a few voters had already been inside the PS some 15 minutes. The STOs assessed that the problem was linked to disorganisation and not as an intention to violate the election procedures.

Observation of the polling

On election day, the STOs observed voting in 12 PS. The STOs did not observe any really serious problems anywhere and the voting was mainly conducted very well. The problems the STO team did observe were due to overcrowding. This resulted in some violations of the secrecy of voting. The voters had to first stand in line waiting for their 5 ballot papers. Signing and tearing the ballots from the counterfoils took some time. The STO team observed quite a few people who marked their ballots while waiting in line outside the voting booths. From the STO team point of view, these problems came as a result of a large number of voters belonging to each PS, not adequate room for voting and few voting booths. Five elections going on at the same time made it more difficult. The STO team were also told that voters had some problems understanding the voting procedure.

In all PS’s, the STO team were given full access to the voting procedure, the atmosphere in the PS was calm and mostly orderly despite the crowds. Several observers from different political parties followed the voting in each PS.
Observation of closing and counting

The team did not observe any irregularities during the counting of the parliamentary votes. The PS had 2,226 voters and the turnout was 59%. Preparing the protocol gave the head of the PEC serious problems, because the figures did not add up. They counted and recounted from 10 pm to 7.30 am before finishing with the parliamentary votes. One problem encountered was a large number of ballots which was not signed by a member of the commission. 180 votes were declared invalid, almost all because of missing signature. As far as STOs could observe the PEC solved the problems in a proper manner after some rather heated discussions. The counting was also observed by several representatives of different parties, but no non-partisan observers.

The overall impression of our STOs was that the voting process was conducted according to the principles of free and fair elections in the 14 PS observed.

Election day Report from STO Erling Skjønnsberg

The STO team, which was a B team, was deployed to Poltava region consisting of close to 1.6 million people. The team observed the elections in Lokhvtsia in the northern part of Poltava region. On Saturday the team had a useful meeting with the (female) head of the DEC and furthermore, visited some 10 PS’s.

The team had the impression that the PECs in charge of the local PS’s both on Saturday and Sunday were well prepared. There had been problems to have the political parties to nominate enough members (unpaid) to the PECs, but this had been solved in all the PS visited. The elections were mainly run by women. A typical PEC consisted of 15-21 members, out of which 2-3 were men and the PEC head was female.

The team visited 8 PS’s on Sunday afternoon/evening. The general impression it had was that the elections were very well organised without violation of the principles pertaining to international democratic elections.

Observation of the polling

Only in one PS (where the head of the PEC was a man) it was somewhat overcrowded. The head of the PEC did not seem to be in full control and was a bit less friendly than in the other polling stations (PS) we visited. In this PS the team also observed a police officer. In another PS the STO team witnessed one elderly couple practising family voting. Apart from these incidents everything seemed to be according to procedure. In all PS’s there were several observers from the political parties, however none of them were non-partisan observers.

Observation of closing and counting

As a B team the team observed the vote counting not only of the parliamentary elections, but also of the local elections (City council, Mayor etc). In this case the counting of votes from the local elections could influence the parliamentary elections. The STOs could not observe any problems or irregularities in the counting neither of the votes to the parliamentary elections nor of the local elections. However, the process of finalizing the counting and filling the protocols was very slow. The turnout in the respective PS’s of some 500 voters was 80%.
The team also followed the handing over of protocols and voting material to the DEC later on Monday morning. Here there was a fairly long queue of PEC representatives from different PSs. However, the handing over of the protocols to the DEC, including the official reading out of the results of the parliamentary elections by the DEC head, gave a good impression and no irregularities were observed.

Election day Report from STO Richard Scarborough

The STO team deployed to Donetsk Region in Eastern Ukraine. This densely populated region is home to 10% of the population of Ukraine, or about 4.8 million people. The area, also known as Donbass, is highly industrialised, relying mostly on coal mining, metallurgic and chemical industries. Favourable world market prices for the region’s industrial output have brought relative prosperity in later years, while a slump in these prices have largely coincided with the tenure of the Orange government.

The team was assigned to the western and northern parts of the city of Makiivka with approximately 500 000 inhabitants, 114 PSs and a totalling of around 200 000 registered voters.

STOs visited the DEC on the day prior to the election and was briefed on ongoing activities before election day. However, the secretary of the commission, a representative of the opposition PoR, seemed rather hostile to STOs. It is conceivable that this was due to the heavy workload of DEC members at the time of the visit. STOs also visited all PS where major problems with voter lists had been reported. PECs generally reported that extensive work had been undertaken to correct lists. Voters were reported to have actively inspected voter lists, and up to 15% of the names on the list had been added or deleted in the process. A number of substantial corrections had also been carried out.

Observation of the opening

On election day, STOs witnessed the opening of a polling station and later in the day visited 12 more PS’s, including a prison. No major violations of principles for democratic elections were observed.

Observation of the polling

Although no major violations of the procedure were observed, minor infractions of electoral regulations were witnessed. These included instances where the secrecy of vote was compromised, mainly in the case of elderly couples voting together in the booth. STOs perceived the failure of election commission members to discourage this practice as respect for elderly voters rather than any deficiencies in the understanding of voting procedures. STOs noted with some concern that the principle whereby political parties propose candidates for the PECs was only adhered to in theory, as several PEC members were clearly not representing their “assigned” parties. However, this was not found to have any concrete negative influence upon PEC conduct of duties. STOs noted one informal complaint by a party observer of OU against the decision by the local PEC to undertake mobile voting without granting observers the right to oversee this as requested. The local PEC cited limited transport resources. However, mobile voting was only offered to a very small number of individuals. In fact, STOs heard some comments about medical licences not being granted to those clearly in need of mobile voting, resulting in a small number of mostly elderly people being unable to vote.
Observation of the closing and counting

The team witnessed counting procedures in the purportedly most troublesome PS in the district. The counting process was conducted without any flaws being observed by STOs. Overall, STOs assessed PEC members as being competent, conducting themselves in a professional manner. STOs also noted a very little degree of absentee voting. Unconfirmed reports from the Donbass area alleged that as many as half a million voters were unable to vote due to long queues at polling stations towards the end of the day. The STOs, however, did not encounter any such troubles in any of the PS’s visited.

Election day Report from LTO Trine Nohr

Observation of the opening

The LTOs received reports of some PSs opening in L’viv city 15-20 minutes late. There were no reports of PS’s failing to open at all.

Observation of the polling

The biggest concern with voting arose from the time required to vote. The LTOs received reports indicating that the time required to issue ballot papers was much less than the time needed by each voter to complete them. Thus, there was a build-up of voters who had already been issued with ballot papers but who were waiting for a booth to become available. In some PS these people were marshalled into an orderly queue, but in others there was no marshalling and many people opted not to wait for a booth. This lead to instances of group voting and to open discussion between voters about completing the ballot. The LTOs received reports that in a PS there was at one point 12 persons marking their ballots outside polling booths at the same time. Almost all observers witnessed group voting, inside and outside booths.

The number of voters who requested assistance to vote was reported as low, and observers generally rated voters’ understanding of the process as high.

There were several reports of police present inside the PSs, although none of these reports indicated that police were acting in an intimidating manner. In some (perhaps most) cases, it appeared that the PEC chairman had asked the police to enter PSs in order to assist in marshalling the queues and controlling the crowds.

Most STOs reported that there were a significant number of domestic and candidate observers in each PS, and most of these planned to stay throughout the day. However, from STOs who asked about party affiliation, it is estimated that less than half of all PSs had opposition party observers (Ne Tak or Party of Regions). In two DECs, it was estimated that less than 10% of PS’s had opposition observers.

No STOs witnessed any observers (or anyone else) attempting to influence voters. The number of domestic NGO observers in the view of the LTOs, was disappointingly low, estimated at no more than half of PS.

The percentage of voters voting by mobile teams was low – under 1% in L’viv city – although the proportion in rural areas was higher, and in a few cases it was clear that some small and very remote villages voted largely by mobile ballot.
**Observation of the counting and tabulation**

In one PS it took over 6 hours to complete the preliminaries before any proper counting started, and there were disputes and confusion about the control slips, the number of signatures on voter lists, and the counting of the unused ballots. However, in all three PSs, STOs attributed the problems to inexperience, weak leadership (and possibly flawed training) rather than a deliberate attempt to falsify.

After the counting there were reports of heads of the commission who took time off and caused delays in the transfer of the results and failed to process the protocols immediately.

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**The review of Complaints Process**

The procedure for complaints and appeals in the election is regulated by the PAEL ch. 12 and the CAP ch. 6. The law defines who is entitled to submit a complaint or appeal and what a complaint can contain. The complaint can be filed in writing either to an election commission or a court. If the same complaint is filed to both bodies, the court has to act on the complaint and inform the respective election commission.

The CAP created administrative courts (first and second instance and the High Administrative court). At present, only the High Administrative Court is established and functioning, while the courts of general jurisdiction execute the functions of the lower courts. The CAP foresees only 2 instances, ie. decisions by the courts of appeal are final, and no cassation instance is provided for non-election related administrative cases.

When an issue of the election is subject to both PAEL and CAP, but regulated differently according to the legislation selection, as a general rule the PAEL shall prevail. 34

During the election process the vast majority of the complaints concerned the refusals of registration of political parties and candidates, the composition of election commission and campaign issues.

The Venice Commission and OSCE/ODIHR have in a joint review noted that the present election system, which retains the option to file a complaint either to an election commission or to a court, can create an unnecessary duality and may be a source of inconsistent jurisdiction.

As for citizens under criminal legal proceedings the Minster of Interior gave a list of these people, which is under court ruling. The CEC is awaiting court ruling.

The applications for registration of 8 parties/blocs were rejected, resulting in four court appeals, where CEC decisions were upheld. In the second instance court, two CEC decisions were further upheld, while two other appeals are currently pending. In the case

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34 Final Provision of the PAEL.
of the application for registration from the Mighty Ukraine Party list (Mohutna Ukraina), the CEC initially rejected it on formal grounds. It was later forced to consider the substance of the application by a higher court, but the application was once again rejected. A small number of candidates’ nominations in electoral lists were rejected on the basis of technical mistakes in their applications. All the potential contestants who re-submitted documents after correction were registered by the CEC. An appeal against the CEC rejection of the registration of Pavlo Lazarenko, leader of the Lazarenko bloc, is currently pending at the Supreme Court.

Conclusions and recommendations

Positive aspects of the pre-election period included among others division of power between the parliament, government and constitutional court, professional presence of the police, a multitude of interests participating (including a differentiated business elite), campaigning that was generally free of pressure, active, open and free press, no substantial incidents of intimidation or harassment against any political party or block, procedure on mobile voting which was understood and enforced in a good way and participation of a vibrant civil society.

Despite the above mentioned improvements and the overall recognition of the election by the OSCE/ODIHR EOM, of meeting the international election standards, yet there were areas still due for improvements for the next election. The EOM noted that the Ukrainian authorities should consider taking measures to address the following issues:

Put in place better conditions to enhance the formation and the preparation of the PECs in a more professional and efficient manner;

The judicial institutions, including the constitutional court, should during the election period be empowered in order to be in capacity to act on disputes;

Strengthening the VR to enhance public confidence in the election process and the fullest exercise of voting by ensuring the finalisation of an electronic central VR system before the next elections;

The size of the PSs should be better dimensioned to meet standard requirements of the foreseen maximum number of registered voters per PS;

In building a civil society neither any practice of impunity nor misuse of administrative resources should be tolerated and be prevented through legislation;

Following the OSCE/ODIHR - Venice Commission recommendations legal provisions on campaign financing should be better defined, including improved reporting mechanisms to enhance accountability and transparency.

The conclusions and recommendations of the Norwegian observers correspond with the general assessment made by the EOM. In addition, in order to enhance further progress attention should be paid to the following needs:
Minimize legal changes close to the election period, so as to ensure a uniformed and effective enforcement of election legislation and avoid confusion among executors of the PAEL and the electorate;

Provisions should clarify and stipulate a set of obligations regulating good party performance, in order to ensure more efficient and sufficient nominations for the commissions;

Further elaborate and simplify the procedure for the absentee voters in order to ensure the widest possible participation and prevent the abuse of voting;

In order to strengthen a democratic state in Ukraine and break with overall gender imbalanced structures, continue the development of a representative political system by encouraging more women to participate in the political processes revitalize the discussions of applying female quota for representation of female deputies in the parliament.

Comments on the election observation mission

This LTO generally found the EOM core staff competent. The LTO coordinator performed his role efficiently and in an open spirit, which enhanced a good and clarifying dialogue and effective and efficient observation mission. The LTO were twice called back to Kiev to participate at the midterm and to pick up the STOs. The embassy visit the first week highlighted regionally the importance of the mission, involving meetings with the major parities participating in the election creating a good working framework.

Appendices
(not published in web edition)

Observing organisation’s statement/preliminary report