UKRAINE:
PRE-TERM PARLIAMENTARY ELECTIONS
SEPTEMBER 2007

Report
by
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NORDEM, the Norwegian Resource Bank for Democracy and Human Rights, is a programme of the Norwegian Centre for Human Rights (NCHR), and has as its main objective to actively promote international human rights. NORDEM is jointly administered by NCHR and the Norwegian Refugee Council. NORDEM works mainly in relation to multilateral institutions. The operative mandate of the programme is realised primarily through the recruitment and deployment of qualified Norwegian personnel to international assignments which promote democratisation and respect for human rights. The programme is responsible for the training of personnel before deployment, reporting on completed assignments, and plays a role in research related to areas of active involvement. The vast majority of assignments are channelled through the Norwegian Ministry of Foreign Affairs.

NORDEM Report is a series of reports documenting NORDEM activities and is published jointly by NORDEM and the Norwegian Centre for Human Rights.

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Series consultants: Hege Mørk, Lisa Kirkengen, Kenneth de Figueiredo, Christian Boe Astrup

The opinions expressed in this report are those of the author(s) and do not necessarily reflect those of the publisher(s).

ISSN: 1503–1330
ISBN: 978-82-8158-049-7

NORDEM Report is available online at: http://www.humanrights.uio.no/forskning/publ/publikasjonsliste.html
Preface

The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) was invited by the Ukrainian authorities to observe Ukraine’s pre-term parliamentary elections scheduled for 30 September 2007. The OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Ukraine between 11 and 13 July 2007. The NAM recommended a standard election observation mission to be established and to consist of one core team of experts in Kyiv and 60 long-term observers (LTOs). Furthermore, the NAM recommended the secondment of 600 short-term observers (STOs) for the election day (e-day).

The OSCE/ODIHR Election Observation Mission (EOM) was officially established in Kyiv on 10 August 2007. The EOM was headed by Ambassador Audrey Glover from the United Kingdom. The core team consisted of 17 international staff. In addition 50 LTOs were deployed in Kyiv and 21 regional centres throughout the country.

The OSCE/ODIHR deployed 600 STOs for observation on e-day. An additional number of international observers, from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and NATO Parliamentary Assembly was added, amounting to 803 observers organized under the OSCE/ODIHR Election Observation Mission (EOM).

One Norwegian LTO, Aadne Aasland, was seconded to the EOM by the Norwegian Resource Bank for Democracy and Human Rights (NORDEM). In partnership with Ann Gardner (USA) he observed the pre-term elections in the Chernivtsi and Ivano-Frankivsk oblasts (regions) in the period from 23 August – 4 October. This included monitoring of the pre-election process, e-day and the immediate post-election days.

Furthermore, NORDEM seconded four Norwegian STOs for observation on e-day: Lise Margrethe Østby (Donetsk), Espen Eftedal Svensen (Odessa), Linda Joensen (Vinnysia), and Richard Hustad (Khmelnystkyi).

This report presents the findings of the Norwegian observers. These observations correspond with those of the EOM that were presented in two interim reports and the Preliminary Statement issued on 1 October 2007.

The Norwegian Centre for Human Rights / NORDEM
University of Oslo
November 2007
# ABBREVIATIONS AND ACRONYMS

<table>
<thead>
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<tr>
<td>AoR</td>
<td>Area of Responsibility</td>
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<tr>
<td>BYT</td>
<td>Bloc of Yulia Tymoshenko</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>DEC</td>
<td>District Election Commission</td>
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<td>e-day</td>
<td>election day</td>
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<td>EOM</td>
<td>Election Observation Mission</td>
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<td>HQ</td>
<td>Head quarter</td>
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<td>LTO</td>
<td>Long-term observer</td>
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<td>NAM</td>
<td>Needs Assessment Mission</td>
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<td>NORDEM</td>
<td>The Norwegian Resource Bank for Democracy and Human Rights</td>
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<td>MP</td>
<td>Member of parliament</td>
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<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>Our Ukraine Bloc</td>
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<td>OU-PSD</td>
<td>Our Ukraine / People’s Self-Defense Bloc</td>
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<td>PAEL</td>
<td>Law on the Elections of the People’s deputies of Ukraine (PAEL)</td>
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<td>PEC</td>
<td>Precinct Election Commission</td>
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<td>PoR</td>
<td>Party of Regions</td>
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<td>PS</td>
<td>Polling Station</td>
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<td>SPU</td>
<td>Socialist Party of Ukraine</td>
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<td>STO</td>
<td>Short-term observer</td>
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<td>VL</td>
<td>Voter list</td>
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Introduction

Ukraine held parliamentary elections in March 2006, and the next regularly scheduled parliamentary elections were to be held in 2011. However, following a political crisis which developed in the spring of 2007, the president Viktor Yushchenko in a decree of 2 April dissolved the parliament and called for new pre-term parliamentary elections, originally scheduled for 27 May. Following negotiations between the president, the prime minister (Viktor Yanukovych) and the speaker of parliament (Oleksandr Moroz), an agreement was reached that the elections were to be held 30 September 2007. The pre-term elections were the fifth parliamentary elections to be held since Ukraine became independent in 1991.

The results in the 2006 parliamentary elections yielded a victory of 32.1% to the Party of Regions (PoR) which became the largest party in the new parliament (*Verkhovna Rada*). The Yulia Tymoshenko Bloc (BYT) received the largest share of votes among the former ‘Orange’ allies, with 22.3%. Our Ukraine (OU) obtained 14.0% of the vote, the Socialist Party of Ukraine (SPU) 5.7%, while the Communist Party of Ukraine (CPU), as the last party to surpass the 3% threshold got 3.7%.

The OSCE/ODIHR election observation mission’s final report concluded that the 26 March parliamentary elections were conducted largely in line with OSCE Commitments, Council of Europe commitments and other international standards for democratic elections. As positive achievements OSCE/ODIHR emphasized an inclusive candidate registration process; a comprehensive media coverage; an unhindered and dynamic campaign environment; transparent, consensual and professional CEC administration; improved conditions for domestic non-partisan observers; improved compilation of voters lists; and appropriate police performance.

However, OSCE/ODIHR also noted a number of shortcomings, including delayed formation of PECs; a non-functioning constitutional court; too large number of polling stations (PSs) exceeding the foreseen maximum number of voters; inconsistencies in the application of voter registration; a lengthy voting and counting process; and inadequate reporting mechanisms regarding campaign financing.

When a political agreement was reached to hold pre-term elections in 2007, the parties also agreed upon modifying the legal framework. Thus, amendments to the Law on Elections of the People’s deputies of Ukraine (PAEL) were adopted on 1 June 2007. Some of these amendments addressed shortcomings existing in the provisions on extraordinary elections. Nevertheless, the NAM report of 20 July 2007 noted a number of concerns. For example, there were new provisions permitting voters to vote at home without presenting documented justification; provisions that attempt to organize the removal from the list of citizens “who have crossed the borders of Ukraine” and gone abroad; provisions which organize a challenging framework for voter registration; and provisions which establish a 50 per cent turnout requirement for the elections to be valid. One serious concern expressed was the short time-frame available for preparing for the elections.

One challenge for the 2007 pre-term elections was that although a political agreement had been reached to hold such elections, the legal grounds for the dissolution of the
parliament was being questioned by some parties. The constitutional court would normally be the institution whose role it is to decide on the conformity of the president’s decision with the constitution. However, the court was not able to deliver a decision on the issue.

This report gives an overview of the key areas throughout the election process, from the process leading up to e-day, e-day itself, and the phase immediately after the elections. General findings of the EOM will be presented, as will findings of the LTO in his Area of Responsibility (AoR) and four STO reports from Norwegian observers.

Political background

The March 2006 parliamentary elections were followed by months of negotiations between OU, BYT and SPU to form a coalition.1 When the negotiations failed, SPU entered a majority governing coalition with PoR and CPU. Yanukovych (PoR) was put forward as the coalition’s candidate for prime minister, which was eventually accepted by the president.

The political crisis in the spring of 2007 can be seen as a result of a long political tug of war between the president and the prime minister and their parties and blocs. By the end of 2006 the relations between the president and the prime minister were again strained over a number of issues. Ambiguities in the constitutional framework about the delineation of constitutional powers between the president and the prime minister further aggravated the political situation. In January 2007 the parliament adopted a Law on the Cabinet of Ministers which would restrict the president’s competences substantially.

A political crisis erupted in March 2007 when a number of deputies from the opposition parliamentary groups defected towards the PoR’s majority. President Yushchenko accused prime minister Yanukovych of subverting the will of the voters and trying to usurp power. If controlling 2/3 of the parliamentarians, the coalition would be able to make constitutional changes. According to the president, the constitution stipulates that the coalition is formed by factions, and not individual members of parliament (MPs). Thereby the constitution, according to the president, prohibits MPs from joining rival factions.

Against this background, president Yushchenko on 2 April issued a decree whereby he dissolved the parliament and called new elections for the end of May, which he later postponed until mid-June. The decree was followed by a two-month stand-off between the presidency and the opposition, on the one hand, and the government and its supporters in the parliament on the other. The prime minister and coalition parties refused to comply with Yushchenko’s decree and insisted that the constitutional court should rule on its legality. The court, however, had difficulties gathering a quorum and was not able to solve the issue. Thus, at the end of May a compromise was reached between the president, prime minister and parliamentarian speaker. They agreed that the elections would be held on 30 September. The condition was that 150 MPs were

1 For political developments prior to the March 2006 parliamentary elections, see e.g. NORDEM election reports from those elections, or from the 2004 presidential elections.
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formally to give up their seats, which would create the legal grounds for dissolving the parliament. The president agreed to suspend his dissolution decree in order to make the parliament able to adopt the necessary legislation to facilitate early elections. Subsequently MPs from the Our Ukraine Bloc (OU) and BYT resigned from parliament.

Tensions between the president and the government continued over the summer. When the president issued a new decree on 1 August dissolving the parliament and ordering the election to take place on 30 September, justice minister Oleksandr Lavrynovych held that the decree had no legal force. He claimed that the elections were to be held on the basis of the agreement between the president, prime minister and parliamentarian speaker. The legal status of the outgoing parliament also remained unclear. While the presidential secretariat insisted that the parliament, now consisting only of pro-government parties (PoR, SPU, and CPU) and some defectors from BYT and OU, was illegitimate, the parliamentary speaker Moroz insisted that the parliament continued to function and called the parliament to reconvene on 4 September.

Political developments in Ukraine continue to have a pronounced regional dimension. The 2004 presidential elections were characterized by support for the OU candidate Viktor Yushchenko mainly in the western and some of the northern regions of the country. Viktor Yanukovych from PoR mostly derived support from the heavily industrialized regions in the east, and in the south of the country, including Crimea with a Russian-dominated population. Similar results were characteristic for the 2006 parliamentary elections, with BYT and OU dominating in the west, and PoR in the east and south. Both sides of the political spectrum have competed for predominance in central parts of the country.

Presentation of key political parties and blocs

Twenty parties and blocs were registered by the CEC for the 2007 pre-term parliamentary elections. The main political parties and blocs competing for the seats in the parliament were the following:

Party of Regions (PoR)

The party, which has been ruling the coalition with the CPU and SPU since the summer of 2006, was founded in 1997 and originally supported the then president Leonid Kuchma. Its electoral and financial base is located primarily in the densely populated and heavy industrialised eastern part of the country. The party is led by prime minister Viktor Yanukovych who was defeated by Viktor Yushchenko in the 2004 presidential elections. PoR combines a liberal economic policy with protection of national interests, is generally considered to be pro-Russian and supports Russian as a second state language. It has on several occasions proposed a national referendum to decide on NATO membership.

Block of Yulia Tymoshenko (BYT)

Yulia Tymoshenko, one of the main actors during the Orange Revolution, was appointed prime minister in the Our Ukraine-led government in 2005. However, the relations with president Yushchenko were strained from the start, and in September 2005 Tymoshenko was dismissed amid mutual accusations of corruption. Tymoshenko has advocated a third way between capitalism and socialism but has been criticised for alleged populism and ‘socialist methods’. More recently she has advocated referendum on a new constitution and to “contain spread of authoritarianism” from the East. The bloc consists
of the larger All-Ukrainian Union *Batkivschyna* ("Motherland") for which Yulia Tymoshenko is the leader, and the smaller Party of Reform and Order and Ukrainian Social-Democratic Party.

**Our Ukraine – People’s Self Defence Bloc (OU-PSD)**

The bloc consists of 10 parties and is rooted in the People’s Union “Our Ukraine” which was launched on 5 March 2005 by supporters of president Yushchenko. In 2007 the “People’s Self-Defence Bloc”, led by former minister of interior Yuri Lutsenko, joined the bloc. The bloc has a joint leadership between Lutsenko and Our Ukraine’s Vyacheslav Kirilenko. OU-PSD has its strongest support base in the western part of the country. It emphasises national values, getting rid of privileges of the parliamentarians and anti-corruption. The bloc is the most strongly west-oriented among the major political groupings of Ukraine, and supports integration with European structures. Its popularity has fallen considerably since the 2004 presidential elections.

**The Communist Party of Ukraine (CPU)**

CPU, headed by Petro Symonenko, is a remnant of the former Soviet Communist Party. It mainly draws its support from elderly voters, largely in the eastern and southern parts of the country. In the 2006 elections its support was significantly reduced. The CPU’s main political priorities include strengthening of social policy, abolishment of the presidency and rejection of NATO membership. It has proposed to introduce a state monopoly on foreign trade. The party is generally anti-capitalist and pro-Russian.

**The Socialist Party of Ukraine (SPU)**

The party is one of the oldest in the country, established in 1991 and headed by Oleksandr Moroz. In the 2004 elections the party supported Our Ukraine’s candidate Yushchenko in the run-off elections. After failed negotiations with OU and BYT following the 2006 parliamentary elections, the SPU changed side and formed a coalition with PoR and CPU. Moroz in return was offered the post as the parliament speaker. This step was controversial and was heavily criticized by SPU’s former partners. The party favours state control over strategic enterprises and national resources, promotes energy security and strengthening of local government. It supports a balanced foreign policy with a referendum on NATO membership.

**Lytvyn’s bloc**

The block consists of the People’s Party and the Labour Party of Ukraine. The first of the two was previously known as the Agrarian Party of Ukraine. The bloc is lead by former parliament speaker Volodymyr Lytvyn. It did not surpass the 3 per cent threshold in the 2006 parliament elections, when it received 2.4% of the vote. It presents itself as a centrist bloc, and it has not sided with any of the main political forces in the parliament. Major political priorities include restoring first-past-the-post voting for parliament and local councils; make corruption equal to treason; abolish VAT, and a foreign policy of active neutrality.

**Regional political features**

The Chernivtsi and Ivano-Frankivsk regions are situated in the western part of the country, where the Orange revolution was supported by a vast majority of the population. The two regions differ somewhat, however, in terms of their political
The Orange parties and blocs are dominant in both regions, but the voters in Ivano-Frankivsk are further to the right and more nationalist-oriented than in Chernivtsi. For example, while BYT was the largest bloc in Chernivtsi in the 2006 parliamentary elections (with 30.3% of the vote), OU was in front in Ivano-Frankivsk (45.1%). PoR also had larger support in the Chernivtsi region (varying from 7% to 21% in the four DECs) than in Ivano-Frankivsk, where no DEC reported a support of more than 4% for the PoR. Moreover, both the SPU and CPU have a somewhat higher level of support in Chernivtsi than in Ivano-Frankivsk.

The reasons for the differences are manifold. Ivano-Frankivsk is often considered to be a cradle of Ukrainian nationalism and had a very strong independent movement. This probably partly explains why the nationalist party Svoboda has more support here than in most other parts of the country. The population at large identifies with the West and is negative to Russian influence in Ukraine. Chernivtsi, although also oriented towards the west, is more ethnically mixed than Ivano-Frankivsk. Some representatives of the ethnic minorities are fearful of Ukrainian nationalism and sceptical of the weakened position of the Russian language, which was frequently used as the major language for inter-ethnic communication. Thus, the PoR and the SPU receive much, albeit not all, of their support in the Romanian/Moldovan-dominated parts of the region.

Both regions show a high level of political culture in terms of tolerance for other parties’ views and ability to speak across party lines. The level of regional political conflict is low.

The Legislative Framework

The pre-term parliamentary elections 2007 were 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 and modified in the summer of 2007; the law on Political Parties of 2001; the Law on CEC of 2004; and the Code of Administrative Procedures (CAP) of 2005.

The parliament (Verkhovna Rada) consists of 450 members and is elected in one nationwide constituency for a five-year term. Seats in the parliament are distributed proportionally between parties and blocs, which have to pass a three per-cent threshold to be represented in the parliament. The distribution of mandates is proportionally allocated in accordance with the Hare quota of the largest remainder method. The PAEL also includes provisions for invalid votes and votes against all.

All Ukrainians aged 18 or older are eligible to vote, while only Ukrainian citizens older than 21 years of age, and who have resided in Ukraine for the past five years, can be elected to parliament.

According to the legislation parties and blocks may finance their campaigns only from their own funds and from the funds allocated to the campaign from the state budget.

The major differences of the 2007 pre-term parliamentary elections compared to the elections the previous year were the following:
• The elections are to be considered valid only if the turnout is more than 50 per cent. In the case when elections are considered invalid, the CEC is to announce new elections to be held within two months from e-day.

• The procedure of absentee ballots allowing voters to vote at PSs other than at those where they are registered was abolished.

• The requirement to present medical certificates in order to be able to vote at home was abolished.\(^2\)

• Removal from the voter lists (VLs) of citizens who have crossed the borders of Ukraine and gone abroad and who have not returned to the country three days prior to e-day (see section on voter registration below).

• The percentage of ballots having to be destroyed or damaged for the results at a PS to be declared invalid was raised from 10 to 20 per cent.

Several of the amendments of the PAEL addressed recommendations made by the OSCE/ODIHR after the 2006 elections. However, according to the NAM report, some concerns remained. These included provisions on voting by homebound citizens (mobile voting), the abolishment of absentee voting, and the provisions for the compilation of VLs. Regarding the latter the NAM report especially raised the issue of the exclusion from the VLs of those who crossed the borders after 1 August and were not returning to Ukraine by 26 September. This could, it was held, give rise to disenfranchisement, discrimination, invasion of privacy and lack of transparency.

The Electoral Administration

Ukraine has a three-tired election administration consisting of the Central Election Commission (CEC), 225 District Election Commissions (DECs) and approximately 34,000 Precinct Election Commissions (PECs). The CEC is a permanent body, appointed by the parliament on the proposal of the president with a seven-year mandate consisting of 15 members. DECs are appointed by the CEC and have 18 members. The PECs consist of 10-20 members depending on the size of the precinct, and are formed by the DECs. Recent amendments to the PAEL introduced political-party representation in all the three types of election commissions whereby only the political factions that are represented in the outgoing parliament are eligible to nominate commission members.

Recent resignations of CEC members resulted in a composition of the commission for the pre-term parliamentary elections 2007 in which the coalition had nominated 8 members, and the opposition 7. The preliminary findings of the EOM concluded that the CEC handled most of the administrative aspects of the elections in an efficient manner. However, the CEC was less effective in reaching decisions on issues in which there was political divergence between the parties and blocs that had nominated the CEC members. For example, the CEC failed to give timely guidance on regulations for homebound voting, it did not establish a uniform procedure for distribution of management positions

\(^2\) This was challenged in the courts by BYT and OU-PSD, alleging that it would make fraud more likely.
in DECs and PECs, and it was frequently divided along party lines when deciding on complaints.

The DECs are responsible for administering the elections in their respective electoral district. Half of the members were nominated by the coalition (PoR, CPU, SPU), the other half by the opposition (BYT, OU-PSD). Managerial positions are split between the factions, but so that the chairperson and the secretary should not be from the same faction (coalition/opposition).

The DECs for the most part performed their work in a professional, transparent and efficient manner. About half the members, and most of the persons in managerial positions, had previous experience from DEC work. The DECs nevertheless experienced a number of challenges, the first being the short time to prepare for the elections. A second challenge was a complicated system for nominations of PEC commissions, resulting in long debates and fierce struggles within many of the DECs before PECs were eventually formed. The strong division between parties/blocs and factions sometimes resulted in unnecessary politicization of DECs, dividing the DECs along party lines when deciding on complaints or other controversial issues.

In Chernivtsi there are four DECs, while there are seven in Ivano-Frankivsk. One of the DECs in Ivano-Frankivsk is exceptionally large (about the double in size of all the others), covering not only the city but also one external district and one city in the oblast. This may have caused extra workload on this particular DEC, e.g. resulting in delays in processing protocols on e-day. Most of the DECs in the two districts appeared professional and oriented towards efficient resolution of problems, but a few appeared rather politicized and experienced some tensions between members from the coalition and the opposition.

At the local level, the PECs organize the voting and the counting process. The PAEL categorizes PSs according to size (very small, small, medium and large) for which there are different numbers of PEC members. Moreover, the PSs are either ordinary, special, or out of the country.

As noted above, the nomination of PECs by the DECs was complex. As was the case in other parts of Ukraine, in both Chernivtsi and, particularly, in Ivano-Frankivsk, some of the parties, most notably the SPU and the CPU had problems filling their quotas of PEC members. In some DECs these parties agreed with the PoR that they would fill the lacking positions. In other cases the DEC chairpersons, usually in consultation with other DEC members, nominated alternative PEC members. The challenge of filling the quotas also made some of the parties/blocs nominate rather inexperienced PEC members. This in some cases affected the quality and the efficiency of the work of the PECs. In some DECs in Chernivtsi and Ivano-Frankivsk up to one third of the PEC members resigned or did not show up at PEC meetings. Many candidates to the PECs had agreed to be nominated, but resigned when they understood the heavy workload and what they considered to be low compensation for work in the PECs. Another challenge for the work of the PECs was insufficient and non-compulsory training of PEC members. In many instances it was the parties, and not the DECs, that offered training to PEC members other than the chairperson, deputy and secretary, and the quality of training varied.

In the PECs all the parties/blocs had equal numbers of members, leaving the coalition with 3/5 and the opposition with 2/5 of the members. However, in both Chernivtsi and Ivano-Frankivsk there appeared to be a lower level of politicization of PECs than of DECs.
In Chernivtsi and Ivano-Frankivsk transparency in the work of the DECs and the PECs was exemplary. The LTOs did not experience any problems entering the premises, getting access to documents, or talking to different DEC/PEC members. Both DEC and PEC members were also very open when interviewed by the observers, volunteering information about the challenges facing them during the election process.

Voter and Civic Education

Since there had been parliamentary elections in 2006, less attention was devoted to voter and civic education for the pre-term parliamentary elections than had been done the previous year. The CEC did not engage in extensive voter education in the media. However, the basic voting procedures, including changes that were of importance to voters, such as removal of possibilities for absentee voting were explained in both state and local media. The DECs used local newspapers and regional TV to invite voters to check the VLs, as they would not be able to vote if they were not on the list on e-day. The DECs received the VLs from the working groups (WGs, see below) as late as 12 September, and the voters therefore had little time to check their information on the lists and request possible corrections.

Another challenge for the PECs was the lack of information regarding the regulations for homebound voting. Despite two court rulings, the CEC failed to provide timely guidelines on this issue. According to the amendments of the PAEL of 1 June 2007 the need for voters to provide “documents evidencing their physical state” had been removed. It vested the CEC with the responsibility to determine an application to be filled in by homebound voters, as well as its requirements. Such guidelines were adopted only 18 and 20 September, leaving little time for the PECs to prepare the necessary documentation. Eventually no serious problems were reported in connection with homebound voting in Chernivtsi and Ivano-Frankivsk, however.

Voter Registration

One of the most serious challenges in the 2007 pre-term parliamentary elections, which was highlighted already in the NAM report, concerned the compilation of accurate VLs. Although measures have been taken to prepare for a centralized, permanent and electronic VL, for the present elections there was still no such electronic list established. Specially designated WGs were established under the local administration to collect and systematize information from 10 state agencies (e.g. citizenship registration offices, military units, health authorities, etc.).

The WGs received two drafts of the VL: one in electronic format from the CEC, the other on paper from the Local State Archive. The two lists, however, tended to be

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3 A new law on the State Register of Voters of Ukraine was adopted on 22 February 2007, with a view to complete the establishment of a permanent, centralized, computerized voter register before 2010.
somewhat different, with the paper copies being more up to date since they included updates which had not yet been incorporated when the electronic versions were sent by DECs to the CEC before the 2006 elections. It was the task of the WGs to match these drafts with the information provided by the state agencies. Updated VLs were handed over on paper and in electronic format to DECs by 12 September. However, no state-wide database of voter registration was compiled in order to cross-check for possible multiple entries.

LTOs in Chernivtsi and Ivano-Frankivsk visited most of these WGs in the pre-election period. Although many complained about time constraints, the WG staff was mostly optimistic in terms of the expected accuracy of the lists. However, as was the case in other parts of the country, VLs in the LTO’s AoR turned out to be quite inaccurate, with frequent duplications of names, persons not being registered at all, persons registered at the wrong address, dead people on the lists, buildings or streets missing, and other errors. Moreover, according to the CEC some 11 million records had to be re-entered by the WGs due to software incompatibilities between the 2006 and 2007 elections. This may have further affected the accuracy of the draft VLs.

The quality of the VLs tended to become a matter of political controversy in the campaign. In Chernivtsi both the OU-PSD and the BYT bloc carried out thorough investigations of the accuracy of the voters lists, using computer software to this end. OU-PSD held a press conference on 25 September where they put forward major evidence for the poor quality of VLs. They claimed to have found 7,000 inaccuracies of the types referred to above in one DEC in Chernivtsi alone. Both OU-PSD and BYT filed complaints to individual DECs, and BYT also filed a complaint to the court. None of these complaints were satisfied, however, and BYT’s complaint filed to the court was not even considered.

The poor quality of the VLs was acknowledged by all parties and blocs, and DECs and PECs alike. During the campaign there were some claims from both opposition and coalition representatives that inaccuracies were systematic and indicating that they could be deliberate, but no public complaints were filed in Chernivtsi or Ivano-Frankivsk from political parties or blocs that substantiated such claims.

The amendments in the PAEL of 1 June 2007 also brought new provisions attempting to organise the removal from the lists of citizens “who have crossed the borders of Ukraine” and gone abroad. It left for the Border Guard authorities to submit to the DECs within three days before the elections information about individuals registered in corresponding administrative and territorial units who had crossed the Ukrainian state border, and for whom there was no data on their return to Ukraine.

The president filed an appeal to the Constitutional Court on 27 August which questioned the constitutionality of these provisions. However, the issue was not addressed due to lack of action by the Constitutional Court. Thus, in line with the provisions, the State Border Guard Service on 26 September sent the names of close to 600,000 citizens to the election administration for the removal from the lists. In Ivano-Frankivsk the number was just above, and in Chernivtsi just below, three per cent of the voters, both significantly higher than the average for the country as a whole. However, the PECs found that many of the persons who were to be deleted from the lists were actually present, whereas others who were on the lists were registered in the wrong electoral district. The DECs in Chernivtsi and Ivano-Frankivsk did not give uniform instructions as to whether remove these people or not, and the CEC left it to the DECs to make the necessary decisions. Thus, many of the PECs in the two oblasts never acted upon the
lists received from the Border Guard Service at all. Others removed people from the list (e.g. with a pencil) but allowed people to vote if they appeared with a passport on e-day. Others denied people who were on the lists the right to vote. STOs in Chernivtsi and Ivano-Frankivsk observed several instances where the latter had been the case.

**Candidate registration**

The candidate registration was for the most part transparent and took place in accordance with the PAEL. However, a few problems were experienced during the registration process, including an initial refusal by the CEC to register BYT and listing the PORA\(^4\) party among registered parties and blocs. Both cases were contested in the courts and resulted in Kyiv District Administrative Court decisions obliging the CEC to register BYT and cancel PORA’s registration.

**Gender issues**

Although several of the leading political parties have women high up in leadership positions, there is still an imbalance between male and female representation in Ukrainian politics. The under-representation of women is a reflection of the traditional gender-imbalanced structural system in the country. The parliament has discussed the introduction of quota for female deputies, but this proposal has never gained sufficient support. In the outgoing parliament, only 9 per cent of the deputies were women. Media are also dominated by men, and nearly all political broadcasts were executed by men.

However, when it comes to representation in election administration, the situation is quite different. Women are well represented both at DEC and PEC level, including in leadership positions. On e-day the EOM observers found 67% of the PSs visited having female chairperson, while 84% of the members were women. This, however, may rather be an indication of a low prestige and low pay for election administration at the PEC level, and not a sign of women empowerment. At the highest level, only 4 of the 15 members of the CEC are women.

**National minorities**

During the election process few issues arose regarding national minority groups in the elections. The OSCE-ODIHR statement of preliminary findings and conclusions explains this with the nature of the electoral system, which tends to downplay regional differences and specificities. Some instances of anti-Semitism and xenophobia were, however, noted.

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\(^4\) The civic youth organization PORA registered as a political party ahead of the 2006 parliamentary elections. While on 5 July 2007, PORA signed the “Declaration of the Joint Democratic Forces”, and subsequently became part of the OU-PSD Bloc, a controversy developed in mid-August regarding an alleged decision of certain PORA members to leave the OU-PSD Bloc and run as a separate electoral subject. PORA was subsequently registered as a political party by the Ministry of Justice, and as an electoral subject by the CEC, which was contested in courts.
Chernivtsi and Ivano-Frankivsk are rather different when it comes to ethnic composition. While Ivano-Frankivsk is rather ethnically homogeneous, Chernivtsi has large numbers of Russians, Romanians/Moldavians, and other ethnic groups, making up more than 20% of the population. This also has an impact on the way ethnic issues are treated in political life. In Ivano-Frankivsk the large majority is in favour of keeping the Ukrainian language as the only state language, while in Chernivtsi a large share of the voters are in favour of giving an official status to the Russian language.

Ethnic issues were, however, not high up on the election agenda neither in Ivano-Frankivsk nor Chernivtsi. Most of the LTOs’ interlocutors representing ethnic minorities expressed satisfaction with inter-ethnic relations. In areas with compact ethnic minority settlements in Chernivtsi oblast, there was a low level of ethnic tension during election campaign, and virtually all parties recruit members from different minority groups. The electoral system, however, with one nation-wide constituency for election to the parliament, does not guarantee ethnic minority representation in the parliament, and the level of ethnic minority representation in the Verkhovna Rada is low.

The Election campaign

The election campaign was generally calm and free of confrontation. There were no complaints from the political parties of major problems or pressure. They were all able to meet voters, organize meetings and rallies, and all had access to the media. No gross violations dealing with administrative pressure or intimidation of voters by public officials were revealed in the course of the election campaign.

In addition to campaigning through mass media (see below) in all regions the major parties and blocks organized rallies and meetings, where high-level party officials from the central party appeared and made political speeches, usually accompanied by concerts or other cultural events. This was most common for the three leading blocs and parties (PoR, BYT and OU-PSD). Moreover, while these three leading parties/blocs spent quite a lot of resources on large campaigning boards, tents and brochures, the smaller parties were less visible. The smaller parties, with less financial resources, devoted more attention to direct meetings with voters, but in general had a lower profile during the campaign.

This picture was representative also of Chernivtsi and Ivano-Frankivsk. However, while in Ivano-Frankivsk the parties and blocs associated with the inheritance of the Orange revolution (OU-PSD and BYT) were totally dominating the visible campaigning (posters, boards and tents), in Chernivtsi the whole political spectrum was much more visible. Nevertheless, the PoR headquarters in Ivano-Frankivsk, which described alleged hostility during its campaigning in the 2006 parliamentary elections, was much more content with the atmosphere for the 2007 pre-term elections.

Some minor incidents nevertheless occurred, which are reflected in the OSCE-ODIHR statement of preliminary findings. One of these incidents took place in Ivano-Frankivsk, involving a physical attack on a Svoboda (nationalist party) candidate.

One problematic issue concerning campaigning was the fact that officials of governmental agencies and local self-government bodies combined their jobs and duties
as heads of election (head quarters) HQs and being parliamentary candidates for the elections. In this way public resources were allocated for election campaigns of political parties. Likewise, several state officials who were party members but not candidates for MPs took part in campaigning, which is an irregularity according to the election legislation. There was an additional controversy surrounding the president Yushchenko’s open campaigning activities, as well as the alleged use of administrative resources by the prime minister Yanukovych in the use of state helicopters during PoR’s electoral campaigning.

In both Chernivtsi and Ivano-Frankivsk such incidents were observed. In Ivano-Frankivsk the governor, Roman Tkach, officially went on leave on August 20. However, he participated in various official events both as the Head of Ivano-Frankivsk oblast state administration and candidate for MP for OU-PSD. In Chernivtsi the governor Volodymyr Kulich was not candidate to MP, but took a leave to be head of the OU-PSD HQ. Kulich was observed, however, taking part in several events as the head of oblast state administration, during the electoral campaign period.

The Media

In Ukraine television is the most important source of political news and information. While during the final years of Kuchma’s presidency news coverage on most TV stations was tightly controlled by the state administration, this is no longer the case. During the past few years, and particularly after the Orange revolution, political broadcasting and critical analysis on TV has become freer and more pluralistic.

Although most coverage of the election campaign was rather neutral on the major TV stations, there were certain privately owned TV channels which more or less openly sided with one of the sides. This was particularly the case with the all-news 5 channel, which was quite anti-government inclined in news and political broadcasting. Similarly the Ukrayina channel, owned by the PoR MP Rinat Akhmetov, had rather pro-government coverage of the election campaign. However, all the parties and blocks were able to present their platforms in the state media, as required by the PAEL.

Many of the most popular TV-channels carried regular live political debate programs with representatives from all major political parties and blocs. The leaders of these debates tended to be rather critically inclined towards all parties and blocs. Moreover, some of the parties, particularly OU-PSD, BYT and PoR spent significant amounts of money on TV ads, which appeared regularly in blocks throughout the election campaign.

There is a large amount of newspapers in Ukraine, and they cater for different political views. The political parties with the largest financial support naturally have more access to the media, and the PoR, BYT and OU-PSD get more, and more positive, coverage than the other parties represented in the parliament – also disproportionately more than their support base would indicate.

The LTOs in Chernivtsi and Ivano-Frankivsk were not able to follow local media systematically, but some major tendencies could be observed. Firstly, as admitted by leading editors and journalists, most of the coverage of political campaigning had been paid for by the parties and blocs. This, which for the media is a welcome source of
income, was not always announced or identified as campaigning. As a consequence politicians were asked few controversial and critical questions. Moreover, there were few debates and analytical programs on local TV. The newspaper coverage reflected the major political forces in the two regions, with substantial coverage of BYT, OU-PSD and PoR campaigning, but less attention paid to CPU, SPU and smaller political parties and blocks.

The OSCE-ODIHR statements raise concern regarding the lack of transparency in media ownership, and the absence of a public broadcaster and of an independent media regulatory body.

**Observation on the election day**

Election day was calm, and voting took place in an orderly and transparent manner. According to the reports of more than 800 EOM observers, the voting process was assessed as good or very good in 98 per cent of PSs visited. It is noteworthy that there was not much regional variation reported in this regard.

The main challenge for the administration of the elections was the poor quality of the VLs. The observers noted several instances whereby persons did not appear on the VLs and were not allowed to vote. However, there had been several announcements in the media that people needed to check their status on the VLs, so one could argue that those who did not check were to blame themselves. More seriously, however, was the fact that there were persons who had been crossed out based on information received by the border guard authorities as late as 26 September, but who were actually in the country, who were turned away on e-day. In Chernivtsi and Ivano-Frankivsk the largest number of people who were turned away due to this reason was 10 persons in one PS in the city of Ivano-Frankivsk. The PECs, however, did not respond to this challenge in a uniform way, and while some DECs gave clear instructions about what to do, others left it open to the PECs to decide. Most DECs in both Chernivtsi and Ivano-Frankivsk gave the instruction to ignore the information from the border guard authorities all together, or at least to accept it if people turned up with a valid passport.

A second challenge on election night was the inefficient procedures for turning in protocols (from PSs to DECs) after the vote count. Even though 94 per cent of EOM observers assessed the vote count as good or very good (also without regional variation), many of these reports were based on the count at the PS and not the subsequent transfer and compilation of the results at DEC level. Many PECs had problems filling in the results protocol, resulting in them being rejected by the DEC and the PECs had to resubmit. The organisation was reported by many STOs to be very inefficient and inadequate. Thus, in many DECs it took a very long time before all protocols were accepted; in two DECs in the LTOs’ AoR (one in Chernivtsi and one in Ivano-Frankivsk) the transfer of the results to the CEC did not take place until the evening of 2 October.

In the following e-day reports from the four Norwegian STOs are presented.
Election day report from STO Lise Østby

The STO team was deployed to the Donetsk oblast in the eastern part of Ukraine. The population of Donetsk is nearly five million people, about 10% of the Ukrainian population. The oblast contains 133 nationalities, of whom Ukrainians and Russians make up 95%. Other nationalities include Greeks, Belorussians and Tatars. The region is a well developed agricultural area, and there are coal mines running as well as steel industry.

The STO team were based in the capital of the region, Donetsk city. However, their AoR were the four districts of Velyksnovosilkoskyy, Volnovaskyi, Volodarskyi and Pershotravnevyi, which are all located south and south-west of Donetsk city. This is an agrarian area with 163 PSs and a voter population of 153,546.

Politically the region is active and Donetsk is the birthplace of the Party of Regions that controls more than 85 per cent of the local governments and mayor’s offices. The leader of the party and former prime minister, Victor Yanukovych, is a native of the oblast and formerly served as the governor. The richest person in Ukrainian politics, Rinat Akhmetov, lives in Donetsk and is a major economic contributor to the party.

Observation of opening

For the opening the team chose a PS 15 minutes from Donetsk. This was a small rural PS with 280 voters registered in the VL. The team arrived at 06.30 and was welcomed by the precinct election commission (PEC) and its leader. Seven out of nine PEC members were present at the opening. Party observers from four different lists were also present. No unauthorised persons were present in the PS during the opening.

The PEC leader was experienced with election commission work and demonstrated a good understanding of how to conduct her duties. The PS opened on time, and the overall conduct of the opening was very good.

Observation of polling

The team visited 11 PSs during e-day, and voting was conducted in a calm and transparent manner. All stations visited were rated as very good in conducting their work by the STO team. None of the PSs were over-crowded, and people did not have to wait to vote. None of the PECs had received lists of names from the boarder guard service to delete from the VL.

The team witnessed no signs of irregularities such as ballot box stuffing, pre-marked ballots, unauthorised persons present, group voting or voters denied to vote for inappropriate reasons, in any of the PSs visited. The voters marked their ballots in secret in all the PSs visited, however, the size of the ballots in combination with transparent ballot boxes, often made it easy to see which party the voter had voted for.

All PSs visited by the team had women-dominated PECs. This in contrast to the women presence of less than 9% on the party lists.

Observation of counting

The team observed the closing and counting at a PS close to Volnovacha, where the DEC was located. The PS had 981 persons listed in the VL. The PS closed on time and the counting was carried out with no irregularities. No unauthorised persons were present at the closing.
A party observer who had experience from PEC work gave some advice on how to organise the counting. This was not disturbing and did not influence the result. However, party observers should not interfere with PECs’ work. Because of this incident, the team rated the counting as ‘good’ instead of ‘very good’.

The result in this PEC was different from the rest of the district. However, the team did not see any signs of that this was caused by irregularities. All PEC members agreed on the results protocol.

Observation of tabulation

The team left the PS after having received a copy of the protocol. Instead of following the transfer of the protocol to the DEC, the team returned to the LTO team in Donetsk. This was done in order for the STOs to be able to function as standby back-ups the next morning, to relieve the teams that followed the work at the DECs.

Election day report from STO Richard Hustad

Assignment was to the Khmelnytskyi province, Volochysk district and Horodok town. The area is rural farmland of mostly small villages and two smaller towns.

In the AoR, there were no public disturbances and no apparent tensions prior to the election. Some campaign advertisements remained posted even up to e-day. Next to one PS, there was one very large and very new billboard depicting the current Ukrainian president Yushchenko, which technically did not advocate a campaign, but had unmistakable overtones.

Fifteen PSs were visited on the day prior to the election (29 September). At every location, the ballots were securely locked in a safe with a seal that was signed by all members of the local polling commission. On many of the safes, however, the seal was of a type that seemed easy to circumvent without “breaking” it (something that was confirmed upon inspection of “broken” seals on e-day). In one PS, the seal was merely attached by string to the safe handle so that it was not truly “sealed.” A police guard was posted at each PS, although the STOs found a number of them not present, having “taken a break.” Each PEC appeared to be well-prepared, being well-versed in the regulations and having all physical facilities in place.

Observation of the opening

On e-day, the STOs observed the opening of a safe and removal of ballots in the town where they were based. The entire PEC, as well as party observers from all of the major parties, were present. The seal on the safe was intact. All ballots were accounted for. Procedures from the election rules were strictly followed.

Observation of the polling

The STO team observed eleven PSs throughout the day, each for approximately 30 minutes. No significant irregularities were observed. There was a general sense of reverence attached to the voting process and a seemingly genuine desire for a truly democratic process. At every PS the STOs were greeted warmly and with a proud desire to demonstrate the correct process. Voter turnout in this region was approximately 80%, with elderly refusing homebound voting, desiring instead to walk long distances to vote at the PS, and one local mayor providing a bus to transport distant voters.
At every PS visited, there were observers from the largest parties. In particular, the PoR had observers at every location in this strongly BYT/OU-PSD territory. All of the observers explicitly stated their satisfaction with the process. However, one PoR observer noted quietly that any cheating was feared to occur not at the local level, but at the district and national levels.

An issue that originally was feared to be ripe for cheating was the mobile voting lists, where people can vote from home for no special reason. However, there were not excessive numbers on these lists and nearly all stations visited declared that they would only put truly disabled individuals on the list (the small population numbers making personal screening possible).

Another potential issue involved individuals who were removed from the voter lists because they had crossed the international borders shortly before the election. It was found that the border authorities had, in fact, distributed such lists which contained the names of hundreds of individuals. Each PS dealt with these names differently. Some removed the names and the ability to vote; one removed the names, but the day before the election added back those who were known to be present in town; others removed the names, but allowed the individuals to vote if they came. The STO team found only one person whose name had been removed for this reason and was not allowed to vote.

A few minor irregularities were observed. An elderly woman without the internal passport was allowed to vote since she was known to everyone and the PEC members did not want to send her walking back home to retrieve her passport. At one PS, a few pairs of signatures on the voter list appeared to be identical (possibly meaning proxy voting). Generally, older voters did not seem entirely understanding of the voting procedures.

Observation of the closing and counting

The counting of ballots was observed in the second largest town in the region. All procedures were strictly followed and there were no incidents to report. The counting of just over 1,000 ballots lasted from 22:00 to 03:00 the next day because the count was short by three votes and required a recount. The only issue to be noted was that the PEC was quick to nullify ballots, such as those that had not only checked the party for whom they voted, but also crossed out all other options. However, this occurred for less than ten ballots and was consistently applied.

Observation of the aggregation and verification of results

The STO team did not observe the aggregation of results at the DEC. Another team was stationed there and reported on it. However, from discussions with PEC members regarding the election procedures in general, a recurring issue raised was that the DEC procedures were lacking respect for human dignity. After having reported for duty at approximately 06:00 and counting the votes until the early hours of the next day, PEC members were then expected to immediately transport the protocols and ballots to the DEC where there was chaos, long lines of PECs, and routine rejection of protocols for minor and generally non-substantive mistakes. Since most PEC members are women (80-90%, including the chair, was observed in the AoR) and the legislature is predominantly made up by men, this could be seen as a women’s equality issue in that such gruelling work conditions may be expected of women where they perhaps would not be tolerated by men.
Election day report from STO Espen Eftedal Svensen

Espen Eftedal Svensen was deployed to the town of Kotovsk in Odesa oblast in the south of the country. The town of Kotovsk is situated in the north-western part of the oblast, close to the unrecognised republic of Transdniestria, the breakaway area in Moldova.

Observation of the opening

The team observed the opening of a PS in Kotovsk. Like all the other PSs the team visited prior to and during e-day, the PS was well suited for polling, had received all the necessary materials and had an experienced and well-functioning election commission. The first voter, the eldest member of the PEC and a decorated World War II veteran, personally illustrated a problem that would be very visible to the team during e-day: This man had been listed as a homebound voter, even though he was a member of the PEC and most certainly able to come to the PS himself. If he had not been a member of the PEC, he might not have found out until e-day. This was the first of many examples of VL inaccuracies in every PS visited by the team. The opening was conducted without problems, and at the opening at 07:00 several voters were in place to cast their ballots.

Observation of the polling

The team was well received in all the 12 PSs it observed during e-day. In all the PSs the commission members were cooperative and for the most part seemed well-acquainted to the presence of international observers.

Some general observations were made in every PS:

The single biggest challenge in all the PSs was the lack of accuracy in the VL. In all the PSs there had been major challenges with double entries,”dead souls” and misspellings or incomplete data. Since it was not possible to be added to an additional list on e-day, the team observed several voters being turned away and not given the chance to vote. This was mostly due to more than one mistake in the person’s entry data in the list, or because of non-listing. One so-called administrative mistake, meaning one misspelling in the name, wrong house number or wrong age etc. could be corrected on e-day with the approval of the PEC chairperson, and the voter would be allowed to participate. If there were more than one mistake in the data, the person would not be allowed to vote. This caused problems for several voters, and the PEC members that the team talked to, were very dissatisfied with the work of the WGs in charge of compiling the VLs. In many cases on e-day the PEC members were held personally responsible for the VL problems by disgruntled voters, even though the PEC did not have the responsibility for the compilation of the VL.

There was an almost a total absence of young people involved in the electoral process in this area. Many young people from the region have left for Russia or the EU to find work, but there were still many to be seen in town on e-day. Only in a very limited amount of PSs were there young people present as members of the PECs. The party observers were also for the most part pensioners or at least above 50 years of age. However, the most surprising about young people’s lack of participation in the electoral process was the lack of young voters. The team would estimate that of all the voters seen in the PSs during e-day, less than 10 percent were under the age of 30.

There were no non-party observers seen by the team during e-day. However, all five parties represented in parliament had observers present in most PSs. For the most part,
these observers were passive and seemed to be satisfied with their placing in chairs often too far away from the commission to see what was going on and to observe the work of the PECs. The team got the impression that many of the observers were just hired to be present on e-day, and that they otherwise had no linkage to the parties and little interest in, or understanding of, the electoral procedures they were supposed to observe.

On the positive side, and most of the observations the team did on e-day were positive, the elections in this area were well-organised, and the team assessed the over-all situation as good or very good in all cases. The team did not observe any attempted fraud or serious violations to the electoral law. The voting took place in an orderly and correct fashion, and for the most part the voters showed a good understanding of the procedures.

The political landscape in Ukraine, with several strong centres of power and with several influential political parties, was also felt at this local level. The PECs and the party observers were from all the five parties represented in the outgoing parliament, and it seemed to the team that this provided for a certain guarantee that the massive vote rigging of earlier years’ Ukraine no longer is that easy to pull off. This was at least the case in this area.

Observation of the closing and counting

The closing was observed in a village outside Kotovsk. The counting started as soon as the PS closed at 22:00. All the procedures were followed, but not necessarily in the correct order. This did not, however, threaten the accuracy, and did not pose a challenge to the confidence in the counting process. The complexity of the procedures, and the amount of cross-checking, provide for an accurate count, but also indicate a lack of confidence in the system, resulting in a very complicated and time-consuming counting process. The result was, however, positive in the team’s case. The biggest challenge at this stage seemed to be the hand-over of the results at the DEC. The DEC was overcrowded, and PEC members that already had been working for almost 24 hours had to wait for long hours before they were able to hand over their results. The team observed that all participants in the electoral process were very tired during the counting, and the very long hours on e-day plus a complicated counting process seemed to pose the biggest potential threat to the accuracy. It seemed that everyone wanted to do anything an honest and good job, but the long hours no doubt wore people out. If anything should give room for mistakes, it would be this fact.

Election day report from STO Linda Joensen

The STO team was undertaking observation on polling day in Trostyanets district, Vinnitsya region, in the central western parts of Ukraine. Out of Vinnitsya’s approximately 1,900,000 inhabitants, Trostyanets district has a population of approximately 120,000, and the ethnic composition is mainly Ukrainian. Trostyanets is also the name of the administrative centre, a small town of some 2,000 inhabitants with diffuse borders to the surrounding farming land. In Vinnitsya region the main source of income is agriculture. Remarkably many people from the region were present in Kyiv during the Orange revolution, and parties and blocs from the Orange coalition received the majority of the votes in Trostyanets during the 2006 parliamentary elections.

The polling stations (PS) were geographically very widespread within the STO team’s AOR, and traveling from the west to the east took approximately 2-3 hours each way. On polling day, the STO team selected PSs within two hour’s driving radius from Trostyanets, and PSs in Trostyanets to observe the opening and closing procedures. The
polling stations were deliberately chosen to cover both small and big settlements, and both rural and urban areas were covered.

Observation of the opening
The STO team picked 10 PSs to visit, including the ones where the opening and closing procedures were held. At the small PS where the team observed the opening procedures, the PEC members adhered strictly to the Election Law procedures concerning the storage and security of ballot papers, sealing and preparations of the ballot boxes. They counted and noted the number of ballots in the protocol. As was the case with all the other PSs, the only other observers encountered were the local party representatives. The PS opened in time and there were no irregularities to be observed during the first votes cast. The ambience was cheerful and a little excited.

Observation of the polling
Nearly all PEC members seemed well informed and made a point of onsite voter education, such as ballot folding and secrecy of vote. The voters and the PEC members seemed very intent on holding elections according to law and procedure. In one PS the chairperson of the PEC consulted the election law about an issue raised by the STO team to make absolutely sure. Voter registers and ballot papers were duly signed throughout the PSs visited, and the STO team did not observe any case of multiple signatures, attempts on family voting or proxy voting. There were hardly any queues, except a slight congestion around lunchtime in one large PS. Voters came in all day, but mainly in the morning and early afternoon. Police and security personnel were present in all PSs but mostly stayed well out of the voting premises and did not intimidate or approach the voters as far as the STO team could observe. The STO team observed only one voter being turned down, this was due to him belonging in another election precinct than where he came to vote. The team had been instructed to check whether the PSs had received updates to the voter lists from the border police of movements of people into and out of the country. Very few PECs had received such information. Any corrections made were based on information from the municipality of deaths and people moving out of or into the area. A peculiarity noted was that around 90% of the PEC members were women. The few, if any, men represented typically had chairman or vice chairman functions.

The team observed a few irregularities. One PS had constructed very large, open booths. When asked, the PEC chairperson referred to the principle of transparency over the principle of security. He claimed the booths were of the “European model” and said they had won a court case on the right to use these particular booths. In another PS a clearly intoxicated man was allowed to vote without producing a piece of identification. The chairperson of the PEC explained that as he was permanently drunk and not in any state to carry a passport, his wife had shown it to them when she came by to vote earlier in the day. Outside two of the PSs there were still large election campaign posters of the sitting president.

Observation of the closing and counting
The team observed the closing and counting in one of the largest PECs of Trostyanets district. The overall impression was that the PEC was eager to perform according to law and procedure. The PS closed on time and did not subsequently open to anyone, not even a party observer that was out at the time, until the counting was over. The counting took
place in the middle of a large room, and all observers and commission members could see the ballots clearly and hear the counting at all times. The used and unused ballots were all presented and counted aloud, and the unused ballots were packed and sealed according to procedure. The STO team was given free access to all areas and all questions were properly answered. The party representatives corrected the PEC members aloud when they thought the counting of ballots from each ballot box got wrong, whereupon the counting of the contents of the ballot box simply restarted. The chairperson of the PEC was supervising and controlling everything, and the PEC members were doing the counting and sorting. The PEC secretary jotted down the figures in a notebook as counting proceeded, and entered them in neat handwriting into the protocol only when the counting was final. This was to avoid adding corrections and changes into the protocol.

As to the few irregularities observed, they seemed to be acceptable to all participants in the counting. One particular party observer (a member of the PoR) was heavily involved in the counting and sorting of ballots along with the PEC members, who seemed to find this perfectly natural. It was explained that he was a well known and highly respected political person in the PEC’s electorate. The counting lasted very long, approximately six hours, seven before the results were registered in the protocol and the ballots taken to the DEC. The fatigue led to confusion in the counting as the night proceeded, and the ballots were recounted several times until everybody was content, but all counting and any changing in figures was done in public and did not seem to be causing any disagreement among any of the party observers. The odd outburst of temper caused by details was quickly overlooked by all. The police and security personnel present took part in the closing of the premises, and at first stayed away from the counting. As time passed they got bored, entered and started socializing, which seemed to be accepted by the PEC.

Observation of the aggregation and verification of results

At the DEC in Trostyanets the tabulation and registering of incoming protocols was very slow. The PEC representatives, who turned up at different times at the DEC with their protocols, were made to wait outdoors until called, which made for a long wait in a region of more than 300 PECs. Tension was rising, there was agitation and quarreling and the weather was cold. People had come from far away to deliver the results after a long election day, but no provisions were made to accommodate the situation. The STO team was let in and observed the tabulation for a while. There was no likelihood that the protocol of the PEC where the team observed the closing procedures would come up before hours later. Thus, the team withdrew at around 5 a.m.

Upon visiting the DEC earlier in the day, the STO team encountered a well dressed security personage outside the door that, according to one STO team member, made it clear that he belonged to the state security agency and was put there because trouble was expected. He stayed out of the premises, however, and was not seen intimidating anyone.
The review of Complaints Process

The procedure for complaints and appeals in the election is regulated by the PAEL and the Code of Administrative Procedures. The law defines who is entitled to submit a complaint or appeal, and what a complaint may contain. Election complaints fall under the jurisdiction of administrative courts. A complaint can be filed in writing, either to an election commission or the court. If the same complaint is filed to both bodies, the court has to act on the complaint and inform the respective election commission. Thus, court decisions are given precedence over decisions by election commissions.

Minor problems were experienced during the registration process, including an initial move by the CEC not to register BYT’s list and a decision to accept a separate registration list from POR, but these issues were quickly resolved by appropriate court decisions.

The number of complaints to DECs or courts during the pre-election campaign was modest. In the LTO’s AoR (Chernivtsi and Ivano-Frankivsk) there were some complaints regarding alleged illegal campaigning of some of the political parties and blocs, complaints (from BYT and OU-PSD) on the compilation of VLs, and a few complaints over some more specific local issues. The number of complaints was larger in Chernivtsi than in Ivano-Frankivsk. Many of the complaints were never accepted by the DECs or the courts based on alleged formal irregularities of the complaints themselves.

In the days before the elections a considerable number of people complained to the DECs and, later, the courts about not being included in the voters lists. In Chernivtsi and Ivano-Frankivsk the LTOs did not find any examples of people who were denied the right to vote if they were able to produce the required documentation within the specified terms established by the PAEL.

In the days following the elections, there were some complaints from political parties and blocs in both Chernivtsi and Ivano-Frankivsk. Examples of such complaints concerned the need for a recount in one DEC (the complaint was satisfied), procedural complaints about vote count and lack of uniformity of DECs and PECs in dealing with the lists from the border authorities. The majority of such complaints were turned down.

With few exceptions courts considered cases in a timely manner. One of the exceptions was in Chernivtsi, where it took the administrative court 11 days to hear a complaint from the SPU on the decision of a DEC not to deem the alleged irregular campaigning of BYT illegal. The PAEL stipulates three days as the maximum for hearing such a case. The reason given for the delay was an alleged problem identifying the sufficient number of judges to hear the case.

The office of the Prosecutor General received some 35 election-related complaints between 1 and 4 October. Most complaints were rejected or forwarded to the relevant institutions. In two cases, criminal proceedings were initiated. One of these cases was in Chernivtsi, where documentation had been received that SPU representatives allegedly had engaged in vote buying.
Conclusions and recommendations

Undoubtedly, in comparison with e.g. the presidential elections in 2004, which were characterized by substantial electoral fraud, the conduct of voting for the pre-term parliamentary elections 2007 has been significantly improved. There are a number of positive elements, such as the open and free atmosphere for campaigning, a diverse choice of candidates and parties/blocs, a transparent process of party registration, free access to premises and requested documentation for domestic and international observers, and an open and transparent administration of voting and counting. The fact that all parliamentary parties and blocs had observers at virtually all PSs was important in preventing potential rigging of votes.

Nevertheless, some shortcomings were noted, many of which were related to the short timeframe available. While a number of the prior shortcomings of the PAEL were addressed, some of the amendments appear to have been somewhat hastened. The preparation for the elections as well as the PECs’ overall performance was therefore hindered by a considerable number of technical mistakes and confusion over disputed procedures. This in turn led to e.g. a poor quality of VLs. Moreover, inexperienced and insufficiently staffed PECs contributed to deteriorating standards. In an already polarised pre-electoral and electoral atmosphere, the politicization of election commissions at all levels also created tensions between such members representing different political parties.

The LTOs in Chernivtsi and Ivano-Frankivsk made the following recommendations for forthcoming parliamentary elections in Ukraine:

Sufficient resources should be allocated to secure a speedy introduction of electronic VLs. Proper procedures for continuous updating of the lists should be established. A system should be worked out that reveals possible duplications in the lists, including communication lines between the state authorities responsible for the lists in different localities. This system must be able to identify whether such seeming duplications are different people with similar/exact data living in different places or people who are registered on two different addresses. A uniform and thorough system of corrections of the voters lists based on amendments that took place for the pre-term parliamentary elections should be introduced.

The courts should be open on e-day in order to allow people, who for various reasons are not on the VLs, to have the possibility to vote on e-day.

One should avoid involving the border authorities in work on compilation of VLs.

Better training for PEC members, and particularly on counting procedures and filling out the protocols in a correct way, should be provided.

Better guidelines should be given for PEC organisation of submission of protocols at the DECs.

Last-minute amendments in CEC regulations and instructions should be avoided, as they may cause lack of uniformity in their application and confusion in PECs as to how to interpret them.

A restructuring of the complaint process should be considered. Complaints after the elections at the PECs or DECs should be filed directly to the courts after the count is completed so that parties are not able to stall or block the count process. This would
reduce the number of unfounded complaints to a minimum, but still open up for serious consideration of complaints that are well founded.

Comments on the election observation mission

The conduct of the OSCE-ODIHR election mission was very satisfactory. The core team was well qualified and competent, and had planned deployment and logistics in a thorough and efficient manner. Taking into account the large number of STOs, the logistics went very smoothly. The STO handbook was thorough, informative, up-to-date and user-friendly. Moreover, summaries of weekly reports made by the LTO coordinators were very useful to the LTOs, as they helped to put the findings from their own regions into a broader context. Three interim meetings of LTOs and core team in Kyiv were organised which, apart from providing feedback to the core team, also gave the LTOs an update of the overall election framework, which was useful for further observation in the AoR.

This was the first OSCE-ODIHR mission when the core staff had assigned two LTO coordinators, each of whom had the responsibility for about one half of the LTO teams (divided east-west). This was very helpful as it eased and speeded up communication. Daily briefs by e-mail from the core team were informative and to the point. Moreover, routines for reporting back to the core team were timely and adequate, leaving options for different types of reporting (weekly reports, special reports, flash reports, etc.) without taking too much time to compile. It would, however, have been helpful if issues (or at least a draft of such issues) to be covered in LTO reports on e-day had arrived at an earlier hour, as the LTOs spent quite a lot of precious time communicating questions to the STOs on poor phone-lines on the night of the elections.

The fact that some LTO teams covered two regions, as was the case with the team in Chernivtsi and Ivano-Frankivsk, gave less room for following the political campaign thoroughly in each region, and quite a lot of time was spent on the road travelling to DECs.
Appendices

List of political parties

Twenty political subjects (parties and blocs) were registered by the CEC to contest the pre-term parliamentary elections. They were, in order of appearance on the ballot:

1 Communist Party of Ukraine (Renewed)
2 Party of National Economic Development of Ukraine
3 "Ukrainian People’s Bloc"
4 Party of Regions (PoR)
5 Party of Free Democrats
6 Socialist Party of Ukraine (SPU)
7 "Lytvyn’s Bloc"
8 "Bloc of Yuliya Tymoshenko " (BYuT)
9 "Election Bloc of Ludmyla Suprun – Ukrainian Regional Asset"
10 Bloc "Christian Bloc"
11 Peasant’s Bloc "Agricultural Ukraine"
12 Progressive Socialist Party of Ukraine
13 Communist Party of Ukraine (CPU)
14 Bloc "Our Ukraine – People’s Self-Defense" (OU–PSD)
15 Bloc "All-Ukrainian Hromada"
16 All-Ukrainian Union "Svoboda"
17 PORA (Registration cancelled by court order) CANCELLED
18 Green Party of Ukraine
19 "Bloc of Parties of Pensioners of Ukraine"
20 All-Ukrainian Party of People’s Trust
21 Election Bloc of Political Parties "KUCHMA" (Constitution – Ukraine – Honor – Peace – Antifascism)

Source: CEC Website (http://www.cvk.gov.ua/pls/vnd2007/w6p001)

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Post-election interim report

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