



INTERNATIONAL ELECTION OBSERVATION MISSION

Parliamentary Elections, Ukraine – 26 March 2006

PRELIMINARY STATEMENT

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

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

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

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

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

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

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

PRELIMINARY CONCLUSIONS

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

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

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

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

Shortcomings which require further attention include:

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

Election Day

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

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

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

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

PRELIMINARY FINDINGS

BACKGROUND

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

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

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

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

LEGAL FRAMEWORK

The legal framework for the election of the Parliament (*Verkhovna Rada*) of Ukraine includes the Constitution of Ukraine of 1996; the Law on Elections of People's Deputies of Ukraine (PAEL) of 2004, substantially amended in 2005; the Law on Political Parties of 2001; the Law on CEC of 2004; and the Code of Administrative Procedures (CAP) of 2005. The Council of Europe's Venice Commission, jointly with OSCE/ODIHR, assessed¹ that the legal framework could provide an adequate framework for the conduct of a democratic election and provided recommendations for possible further improvements.

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

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

¹ Opinions 338/2005 and 339/2005

twice, and eventually deleting it². While such amendments might have had rationale, election legislation should enjoy a minimum of stability, both for voters and for all other subjects of the electoral process.

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

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

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

ELECTION ADMINISTRATION

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

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

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

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

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

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

² On 17 November 2005, 19 January 2006 and 9 February 2006

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

Candidate Registration and De-registration

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

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

Voter lists

There was political will to conduct a countrywide overhaul of the voter lists to address deficiencies identified in previous elections. A new two – stage mechanism for compiling and updating voter lists was set up in September 2005. This mechanism is transitional and only used in preparation of the 26 March elections. In the longer term, the establishment of a permanent, centralized State Register of Voters is foreseen and a specific law drafted to that effect has been reviewed jointly by the Council of Europe's Venice Commission and the OSCE/ODIHR³.

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

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

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

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

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

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

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

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

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

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

COMPLAINTS AND APPEALS

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

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

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

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

CAMPAIGN ENVIRONMENT

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

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

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

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

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

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

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

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

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

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

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

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

GENDER

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

NATIONAL MINORITIES

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

ELECTION OBSERVERS

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

MEDIA

In the aftermath of 2004 presidential elections the media environment underwent significant and positive changes. *Temnyky* (guidelines to media editorial lines) and patterns of intimidation of journalists no longer appear to be an issue. The majority of media monitored⁵ by the EOM engaged in an extensive coverage of the campaign and provided voters with an active political debate in their evening news, various talk shows and the substantial amount of paid advertisements.

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

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

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

The State-funded broadcaster *UT 1* complied with its legal obligation to provide free time for all contestants. However, it also devoted a significant portion of the political coverage in its main news programme to activities of the executive branch and the President⁶, which was largely neutral and positive in tone. The overall monitoring analysis also showed a level of unbalance in its coverage of the main political contestants. Out of the parties and blocs related coverage, the largest portion went to OU, with 9%, while BYT and PoR accounted for 5% each. In addition, while the information about the ruling party was more neutral and positive in its tone, PoR was presented in an overall balanced way. The portrayal of BYT was on the contrary more neutral or negative.

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

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

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

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

At regional level, some political parties and blocks used a provision of the PAEL⁷ to challenge unbalanced election reporting by the media, requesting the temporary suspension of licenses. In Crimea, privately owned *Chernomorskaya TV* faced at least two legal challenges filed by a local bloc that included PoR. In Dnipropetrovsk, the private *9th Channel* was challenged in court, in a similar case initiated by *Viche* party.

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

ELECTION DAY

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

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

IEOM observers assessed the opening process as good or very good in 93% of visited PECs. Voting procedures were similarly assessed in 91% of observations. However, bad organization was noted in 8%

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

⁷ Article 71.10

of polling stations visited and shortcomings in voter lists in 10%. In some cases, EOM observers noted that voters were added on the voter list during the day, in contravention to the law. This might have resulted from poor voter information, or from possible confusion generated by an announcement made on election day by the outgoing Speaker of Parliament, Mr. Lytvyn, hinting that voters may be added to the voter lists with a Court decision. As noted above, an amendment to the law foreseeing this possibility was adopted by Parliament on 14 March, but was not signed by the President.

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

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

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

For further information, please contact:

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