



Office for Democratic Institutions and Human Rights

UKRAINE

PARLIAMENTARY ELECTIONS
26 March 2006

OSCE/ODIHR Election Observation Mission Report



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OSCE/ODIHR ELECTION OBSERVATION MISSION FINAL REPORT

I. EXECUTIVE SUMMARY

In response to an invitation from the Ukrainian authorities, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 23 January 2006 to observe the 26 March elections to the Verkhovna Rada, the Parliament of Ukraine. The parliamentary elections were assessed in terms of their compliance with OSCE Commitments, other international standards for democratic elections and domestic law.

The 26 March parliamentary elections were conducted largely in line with OSCE Commitments, Council of Europe commitments and other international standards for democratic elections. Overall, civil and political rights were respected, including the fundamental freedoms of expression, association and assembly. An inclusive candidate registration process and a vibrant media environment provided for genuine competition. This enabled voters to make informed choices between distinct political alternatives. Progress in the electoral process, already evident during the 26 December 2004 repeat second round of the Presidential election, was further consolidated.

The following positive developments were noted during the pre-election period:

- The participation of parties and blocs, representative of the broad political spectrum, was facilitated by an inclusive candidate registration process;
- The media allowed for a comprehensive coverage of the campaign and enabled parties and blocs to communicate their messages to the electorate;
- The campaign unfolded in a largely unhindered and dynamic environment;
- The Central Election Commission (CEC) administered the elections in an overall 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;
- A countrywide overhaul of voter lists in an attempt to address deficiencies identified in previous elections, despite the condensed timeframe, demonstrated political will and a measure of improvement;
- The performance of the police during the campaign and on election day was appropriate.

However, shortcomings were also noted, including:

- The formation of a significant number of polling station election commissions (PECs) was delayed, as only some of the parties could provide the legally required number of nominees for membership in a timely manner;
- The Constitutional Court was prevented from functioning throughout the election period because the outgoing Parliament failed to fulfil legally required appointments;
- There were some 1,400 polling stations in which the number of registered voters exceeded the legally foreseen maximum of 2,500, which remains too high;

- The scope, timing and duration of the voter registration overhaul, vesting significant responsibilities with local authorities, presented a challenge which was compounded by insufficient guidelines, and leading in some cases to inconsistent application;
- The simultaneous conduct of parliamentary and local elections resulted in a lengthy voting and counting process, contributing to overcrowding in a significant number of polling stations;
- The current legal requirements regarding campaign financing require improved reporting mechanisms in order to increase accountability and transparency.

Election day was mainly peaceful and orderly. In more than 92 percent of polling stations visited, observers assessed both opening and voting as ‘good’ or ‘very good’. Despite the slow process and occasional overcrowding of polling stations that at times resulted in breaches of the secrecy of the vote, the overall impression of the election day was positive. While the vast majority of voters should be commended for their patience in carrying out their right to vote, it must be recognised that for some voters, the right to vote may have been compromised by long lines. The CEC reported voter turnout was over 67 percent.

Due to inadequate organisation and insufficient command of the procedures, the process deteriorated during the vote count and tabulation, further compounded by cases of overcrowding. Filling in the protocols was often lengthy and confusing for PEC members. Observers assessed the vote counting procedures as ‘bad’ or ‘very bad’ in 22 percent of polling stations observed. Similarly, observers assessed the tabulation at District Election Commissions (DEC) as ‘bad’ or ‘very bad’ in 22 percent of DECs observed.

After the completion of results tabulation, a number of parties requested a country-wide recount of the votes, alleging that widespread fraud had taken place. The Parliament did not pass the necessary provision. On 10 April, the CEC published the final election results. Four parties and blocs¹ which did not clear the three percent threshold for parliamentary representation contested these results in an appeal to the High Administrative Court (HAC), who rejected the appeal on 25 April. The hearing was followed by the OSCE/ODIHR. The CEC results of the parliamentary elections were published on 27 April in the official newspaper *Uryadovyy Kuryer*.

The consolidation of the progress made in meeting the OSCE election-related Commitments needs to be continued, especially in key areas such as: the establishment of a centralised voter register; the harmonisation of the different election-related laws, possibly under a single Election Code; and a further increase of professionalism of the lower level election commissions.

This report offers recommendations for further improvement of the conduct of elections in Ukraine. The OSCE/ODIHR continues to remain ready to support the efforts of the authorities and civil society to conduct elections in line with OSCE Commitments.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ukrainian authorities, the OSCE/ODIHR established an Election Observation Mission (EOM) in Kyiv on 23 January 2006. The OSCE/ODIHR EOM

¹ Nataliya Vitrenko’s Bloc, Bloc of Karmazin, Viche and Bloc of Lytvyn

was headed by Ambassador Lubomir Kopaj (Slovakia) and before election day consisted of 12 election experts in Kyiv and 52 long-term observers deployed across Ukraine.

On election day, the OSCE/ODIHR EOM joined efforts with the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP), and the NATO Parliamentary Assembly (NATO PA) to form the International Election Observation Mission (IEOM). The Honorable 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.

On election day, the OSCE/ODIHR deployed over 900 observers from a total of 44 OSCE participating States. In addition to short-term observers seconded to OSCE/ODIHR from OSCE participating states, there were also over 100 parliamentarians and staff members from the OSCE PA, 46 from the PACE, 16 from the EP and 25 from the NATO PA.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs of Ukraine and the Central Election Commission for their cooperation. The OSCE/ODIHR would also like to recognise the support provided by the OSCE Project Co-ordinator in Ukraine to the OSCE/ODIHR EOM.

III. 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 OSCE Commitments and other international standards, although in 2002 some progress was noted.²

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 a constitutional reform, was reached on 8 December 2004, increasing the authority of the Parliament and extending its mandate to 5 years.

The political landscape was significantly altered after the presidential election and the Parliament that was elected in 2002 underwent internal realignments. A governing coalition comprising the political forces which had supported Viktor Yushchenko's candidacy formed a Government led by Yulija Tymoshenko.

However, in the beginning of September 2005, a controversy developed following the resignation of vice PM Tomenko and of Head of Presidential Secretariat Zinchenko. These resignations were accompanied with claims that corruption existed within the authorities. This episode added to a series of disagreements within the ruling coalition and led to the dismissal

² OSCE/ODIHR Final Report on the 29 March 1998 Parliamentary Elections in Ukraine, http://www.osce.org/documents/html/pdftohtml/1303_en.pdf.html;
OSCE/ODIHR Final Report on the 31 March 2002 Parliamentary Elections in Ukraine, http://www.osce.org/documents/odihr/2002/05/1293_en.pdf

of the Tymoshenko Government by President Yushchenko on 8 September, who on the same day appointed Yuriy Yehanurov as acting Prime Minister. He was confirmed by the Verkhovna Rada on 23 September.

The institutional framework was altered by 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 the Parliament to appoint a new cabinet would only come into force after the 26 March elections.

Several political blocs emerged in the run up to the 2006 elections. The blocs structured around the Party of Regions (PoR), the Yuliya Tymoshenko's Bloc (BYT) and Our Ukraine (OU) appeared to be perceived by many as the leading political interests.

Local elections took place on the same day as the parliamentary elections. The OSCE/ODIHR did not observe the local elections, but took note of them to the extent that they impacted on the parliamentary elections.

IV. LEGAL FRAMEWORK

A. GENERAL

The Legal Framework for the Elections comprised the Constitution of Ukraine of 1996 (amended in December 2004), the Law on Elections of People's Deputies of Ukraine of 2004 (PEL), the Code of Administrative Procedure of 2005 (CAP), including respective amendments, as well as the Law on the CEC, the Law on Political Parties and parts of the Criminal Code.

Over the years 2003 and 2004, former President Leonid Kuchma had initiated a process of constitutional reform, aimed at shifting some of the presidential powers towards the Parliament and the Cabinet of Ministers. A political compromise was reached in 2004 between the presidents' supporters and other political forces, which included a change of the election system for the Parliament from a mixed system to full proportional representation. To that effect, on 25 March 2004, the Parliament voted a new law on parliamentary elections. However, further disagreements led to a failure of the final adoption of the constitutional amendments on 8 April 2004. At the time when these constitutional amendments were still presented as draft, the Council of Europe's Venice Commission³ had pointed out that some changes envisaged raised questions, including the introduction of a concept of 'imperative mandate' for MPs⁴, and possible setbacks on protection of fundamental freedoms resulting from a considerable extension of the powers of the Prosecutor General.

³ Upon a request from the Monitoring Committee of the PACE, the Venice Commission issued an "Opinion on three Draft Laws Proposing Amendments to the Constitution of Ukraine" CDL-AD(2003)19, dated 15 December 2003. This opinion covered draft constitutional laws n. 3207-1, 4105 and 4180.

⁴ Draft art.81 : "Powers of a National Deputy of Ukraine shall terminate prior to the expiration of his or her term in office in the event of [...] his or her failure, as having been elected from a political party [...], to join the parliamentary faction representing the same political party [...] or his or her withdrawal from such a faction;"

Draft amendments to the Constitution resurfaced at the beginning of December 2004 as elements of a possible solution to the crisis that unfolded after the 21 November 2004 flawed second round of the presidential election. On 8 December 2004, the Parliament adopted several pieces of legislation, often referred to as the 'Political Package'.

The constitutional reform vests the Parliament with the power to form the Cabinet of Ministers and to present the candidate for premiership to the President, who formally retains the right to appoint the Prime Minister. Other key positions in the state administration such as the Chair of the Antimonopoly Committee, the Chair of the State Property Fund or the Chair of the Committee for TV and Radio Broadcasting will be appointed by Parliament and no longer by the President, who only kept the right to propose individuals for appointment.

B. THE ELECTION LAW

The Law of Ukraine on Election of National Deputies of Ukraine, or parliamentary election law (PEL) was adopted on 25 March 2004 and later substantially amended in a revised version on 7 July 2005, which came into force on 1 October 2005. An essential change was the move from a mixed proportional/majoritarian system (225 MPs elected in one nationwide constituency, 225 MPs elected in 225 single mandate constituencies) to an entirely proportional system where all 450 Members of Parliament are to be elected in a single nationwide constituency. Furthermore candidates can only run for office on a party/bloc-list. Independent candidates, not affiliated to any political party or bloc, have no possibility to run for office, which contravenes paragraph 7.5 of the 1990 OSCE Copenhagen Document. This restriction is reinforced by the fact that only political parties which were founded at least one year prior to election day, can submit a list of candidates. The independence of candidates or elected members of the Parliament is further limited by the above mentioned introduction in the Constitution of a concept of 'imperative mandate', that prevents a member of parliament from shifting to another party/bloc or to leave his/her faction and remain in the Parliament as an independent deputy.⁵

The new Parliament was elected for a five-year term; one year longer than the tenure of the previous Parliament. The applicable threshold for the parties/blocs to be eligible for seat allocation was lowered from four to three percent. Contrary to previous recommendations of OSCE/ODIHR and the Venice Commission, the threshold is calculated on the basis of all votes cast, including invalid and votes 'against all', which do not express a distinct choice of the voter that can be accounted for in the allocation of seats.

The OSCE/ODIHR, together with the Council of Europe's Venice Commission assessed that the PEL could provide an adequate framework for the conduct of a democratic election in accordance with international standards, if implemented in good faith.⁶

In order to enhance the stability of the legal framework, the PEL final provision number 2 originally set a 240 day period prior to election day during which no amendment to it should be possible. This deadline was repeatedly moved by Parliament, by shortening the period, and eventually deleting it⁷. While such amendments might have had rationale, election

⁵ Constitution Article 81 paragraph 6 (2)

⁶ Legal Opinion no.338/2005 published 20 January 2006,
http://www.osce.org/documents/odihr/2006/01/17929_en.pdf

⁷ On 17 November 2005, 19 January 2006 and 9 February 2006

legislation should enjoy a minimum of stability, both for voters and for all other subjects of the electoral process. One of the envisaged late amendments to the PEL foresaw the possibility to add voters on voter lists on election day; this draft was adopted by the Parliament also only 12 days prior to election day and was commented and discussed at length by the media, but finally not signed by the President. These events caused confusion among voters and lower level election commissions across the country.

C. THE JUDICIARY

While courts of general jurisdiction conduct most judicial proceedings, the newly introduced Code of Administrative Procedure (CAP) from 2005 created administrative courts that deal, among other administrative issues, with election related cases. It created a new court system, headed by the High Administrative Court and lower level administrative courts of first appeal. However, because the lower level courts were not yet established during the election period, their task was carried out by the ordinary courts.

The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction in the country, which is entitled to rule on the constitutionality of laws and draft laws. It is composed of 18 judges. The President, the Parliament and the Congress of Judges respectively appoint the members with equal share. Its judges must then be sworn in by the Parliament. Since late October 2005, the Constitutional Court could not carry out its duties because the Parliament failed to appoint four judges from amongst its allocated share of nominations, and to swear in judges already appointed by the other two institutions. It is of concern that the Parliament did not fulfill its tasks and left the country without the benefit of the sole court which could have dealt with decisions on constitutionality.

The possibility to submit election-related complaints to either an election commission or a court, allowed by the current system, was repeatedly criticised by the OSCE/ODIHR. This dualism can lead to inconsistent jurisdiction and non-transparency of the complaints procedure. It could also be open for consideration whether election commissions, whose members are not required to hold specific professional and legal skills, should still be needed to deal with complaints.

V. ELECTION ADMINISTRATION

A. THE CENTRAL ELECTION COMMISSION (CEC)

A three-tiered election administration carried out the parliamentary elections. The CEC, whose 15 members are elected individually by the Verkhovna Rada for a seven year term, is the only permanent election administration body in Ukraine. The current CEC was elected on 8 December 2004 as part of the efforts to solve the political crisis that unfolded in Ukraine after the rigged second round of the presidential election. The first task of the newly formed CEC was the conduct of the repeat second round of the Presidential Elections on 26 December 2004. For the 2006 elections, the CEC worked with 14 members because one of its members was running for a seat in Parliament and had to step down.⁸

⁸ A member who would decide to run as a candidate would have to resign from his position, in accordance with art.7.4 of the Law on the Central Election Commission.

The CEC held frequent sessions open to party representatives, international observers and the media. The vast majority of the regulations necessary for the conduct of the elections were adopted on time. Most of the CEC decisions were taken by consensus. Adjudication of complaints often generated lively discussions, with some members expressing dissenting opinions during both the discussion on the merits and the vote. Contestants' proxies were also active in these discussions.

B. DISTRICT ELECTION COMMISSIONS

At the intermediate level, 225 District Election Commissions (DEC) were formed by the CEC, one for every territorial election district, a heritage of the previous mixed electoral system whereby 225 MPs were elected in single-member constituencies. DEC members were in charge of the creation of election precincts, the formation and oversight of Polling Station Election Commissions (PEC) and of the tabulation of polling station results.

New rules for forming DEC members were introduced by the 7 July 2005 amendment to the PEL. DEC members acquired the status of legal entities for the first time, and a principle of legal responsibility for their members was introduced. Drawing upon lessons learnt during the 2004 presidential elections, when commissions had a very large number of members, DEC membership was reduced to a maximum of 18. The main part of the DEC membership was appointed by the 15 parties/blocs that were represented in Parliament on 15 September 2005, while all other parties/blocs registered for the elections had the right to appoint the remaining three positions through a lottery conducted at the CEC. Each party/bloc had the right to a proportional share of each category of 'troika' positions⁹ in polling stations in the area covered by a given DEC.

Some of the 15 parties that had parliamentary representation as of 15 September 2005 were running within the same election bloc for the elections, which meant that the bloc, although being one single contestant, received more than one representative in the DEC members. Hence, 'Our Ukraine' bloc had up to three members in every DEC, appointed by the 'People's Movement of Ukraine', the 'Party of Industrialists and Entrepreneurs of Ukraine' and the political party 'People's Union Our Ukraine'. On the other hand, being a parliamentary faction in the same moment in 2005, the 'United Ukraine' Bloc could appoint a member in every DEC, although the bloc as such was not registered as a contestant in the election. Some of its members were however individually running in the Yulia Tymoshenko Bloc, and a smaller number in the 'Party of Putin's Politics' list.

The formation of the DEC members and the distribution of the managerial positions were done in a timely manner¹⁰ and in accordance with the law. However, frequent changes in personnel hampered the work of some DEC members. This directly impacted on the quality and consistency of their work. As of 18 March, 646 DEC members had resigned, more than 15 percent of the total DEC membership. The rate of withdrawals from managerial positions for the 225 DEC members was even higher, affecting 58 chairpersons, 48 deputy chairpersons and 77 secretaries. The reasons given for withdrawing included the responsibilities vested in managerial positions, newly-introduced individual liability for members, the heavy workload with tight deadlines, and low compensation. In addition, on 19 March, the CEC terminated¹¹ the DEC membership

⁹ PEC chairperson, PEC deputy chairperson and the PEC secretary

¹⁰ CEC decision no. 259 of 24 January 2006

¹¹ CEC decision no. 1021 of 19 March 2006

of 42 persons who had refused to take the oath. The CEC also dismissed¹² the chair and the deputy chair of DEC 48 in Mariupol, Donetsk region, for inactivity that prevented that DEC from fulfilling its duties.

Originally 4,050 DEC members were appointed. This corresponded to 18 members per DEC, the legal maximum. Due to multiple resignations and new appointments, the DEC membership on election day was of 3,855, an average of 17 per DEC.

According to observers, the organization of their work, the collegiality of the decision making process and the compliance with legal provisions were assessed as “very good” or “good” in 65 percent of cases, “adequate” in 25 percent and “poor” or “very poor” in 10 percent of the cases. Allegations of interference of local officials with the work of DEC, or complaints for discrimination against certain DEC members, or allegations of DEC members involved in the campaign, were received in relation to four percent of the DEC.

On the eve of the elections, the CEC overturned decisions of DEC 50 in Krasnoarmiysk, Donetsk region, that were preventing newly appointed commission members from participating in the work of the commission¹³ and refusing to register observers from the Yulia Tymoshenko¹⁴ and “Our Ukraine” Blocs¹⁵, as well as non-partisan observers¹⁶. A similar pattern was also observed, although to a lesser extent, in DEC 47 (see below, Polling Stations) and DEC 96 (see below, Complaints and Appeals).

The OSCE/ODIHR EOM received some complaints of local administration interference with the work of DEC. For example, the chairman of DEC 177 in Dergachi, Kharkiv region, received several oral and one written ‘request’ from heads of local administration, seeking to influence the appointment of ‘troika’ members of PECs. The interest of the local administration in the composition of the PECs appeared to be high possibly due to their role in the conduct of the concurrent local elections.

C. POLLING STATIONS

Following, in part, previous OSCE/ODIHR recommendations, amendments to the PEL foresaw a reduction of the maximum number of voters by polling station from 3,000 to 2,500. As a consequence, the CEC had requested in the autumn of 2005 the establishment of approximately 3,200 additional polling stations. Yet, the total number of election precincts was only increased by 900 compared to the 2004 Presidential elections. Some 1,400 polling stations were listing more than 2,500 voters, and in some cases even 3,500 voters, mainly in urban areas. The big number of voters combined with the slow process caused by the concomitant holding of local elections resulted in frequent overcrowding in polling stations on election day, at times compromising the secrecy of the vote or discouraging voters from exercising their right to vote.

Permanently homebound or disabled voters registered as such, were allowed to cast their ballots in a mobile ballot box without requiring any specific PEC decision, while those who are temporarily incapable had to obtain a PEC decision on the basis of an application and a

¹² CEC decision no. 799 of 2 March 2006

¹³ CEC decisions no. 1095 and 1096 of 25 March 2006

¹⁴ CEC decision no. 1087 of 25 March 2006

¹⁵ CEC decision no. 1100 of 25 March 2006

¹⁶ CEC decision no. 1079 of 25 March 2006

medical certificate. The preliminary CEC data show that 1,129,311 voters were registered for mobile voting and 934,236 of them cast their ballot this way.

At the lower level 34,039 PECs administered polling on election day. The composition of PECs and the appointment of their managerial staff were undertaken by DEC in the respective electoral district under rules similar to those used for the formation of DEC. In order to prevent possible cases of interference in PEC work observed in past elections, the new PEL had established a prohibition for employees of state authorities and bodies of local self government to be nominated to DEC or PECs.¹⁷ In cases where there were not enough candidates proposed by the parties, DEC chairpersons were supposed to make nominations in order to fill the vacancies.

The process of PEC formation had to overcome substantial difficulties in most of the DEC. Most of the smaller parties were not in a position to provide enough nominees for membership, and bigger parties had no right to compensate by increasing the number of their nominees. As a result the total number of party nominations covered 82 percent of the minimal¹⁸ PEC needs. On 9 March, some 20 days after the deadline¹⁹, the CEC chairman announced that the formation of PECs was practically completed, although affected by the remaining need to replace PEC members who resigned in the meantime. An attempt to find a solution resulted in the Parliament passing a last moment²⁰ amendment to the PEL, allowing the broadening of the number of actors that could submit nominees for PEC membership. Unfortunately, no provision for maintaining some balance in party representation in the commissions was introduced.

DEC in some cases applied a restrictive approach, when particular party nominations were submitted. One example was the refusal of DEC 47 in Makiyvka, Donetsk region to accept all Yulia Tymoshenko Bloc and "Our Ukraine" Bloc nominations for PEC membership. These DEC decisions were later overruled by the CEC²¹.

While in some districts PECs reported no problems in finding substitutes for a small number of withdrawals, some others had to deal with the withdrawal of half of their members, and had difficulties replacing them. OSCE/ODIHR EOM observation confirmed that the formation of PECs continued until the eve of the elections and that before election day, the majority of PECs operated either without the quorum or at least with members missing. Additionally, a number of PECs did not open on a regular basis. As a consequence, voters' possibility to check voter lists (VL) and update their data, or to receive Absentee Voter Certificates (AVCs) was lessened.

Moreover, many PEC members did not undergo a specific training for the current elections. According to OSCE/ODIHR EOM observation, confirmed by difficulties later evidenced during election day, the training process of DEC and PEC members was not sufficient. A lack of familiarity with the election procedures was observed in many instances and especially during the counting process. The CEC resolution "On clarification of completion of protocol

¹⁷ Art.26.4 PEL

¹⁸ A PEC with less than 500 voters was due to have between 10 and 18 members, a PEC with 500 to 1500 voters between 14 and 20 members and a PEC with more than 1500 voters from 18 to 24 members.

¹⁹ 18 February 2006

²⁰ 14 March 2006

²¹ CEC decisions no. 540 and 541 of 13 February 2006

of the PEC on the count of votes of voters in the election precinct”²² was also adopted only ten days before the elections and might not have been sufficiently clear to allow a smooth completion of PEC protocols.

D. VOTER LISTS (VL)

Ukraine does not have a centralised voter registration system. The current system is based on the aggregation of a multitude of lists provided by local executive authorities. The quality of the data provided varied substantially across regions, because of different technologies used locally to store data, and of variable degrees of commitment of local administration to the exercise.

There was the political will to conduct a countrywide overhaul of the VL to address deficiencies identified in previous elections. A new two stage mechanism for compiling and updating VLs was set up in September 2005. The first stage was transitional and only to be used in preparation of the 26 March elections. In the longer term, the establishment of a permanent, centralised State Register of Voters is foreseen and a specific law drafted to that effect has been reviewed jointly by the Council of Europe’s Venice Commission and the OSCE/ODIHR.²³

Yet, the timing and intended duration of this exercise, vesting significant responsibilities with local government authorities, implied that inherent challenges might have been underestimated. Moreover, the involvement of several different subjects in the compilation of VLs resulted again, although to a lesser extent than in 2004, in the lack of clarity as to which institution would be responsible for possible shortcomings.

During the first stage, 716 local working groups comprising representatives of the administration, supervised by 27 regional working groups and a central working group contributed to the compilation of a countrywide voter list database. A database was created for this specific exercise by merging local databases containing available information provided by passport offices from the Ministry of Interior, local administrations and other local branches of State administration. The quality of personal data of citizens varied considerably throughout the country, in some areas data were kept only on file card systems.

Before election day, the vast majority of complaints regarding the VL, mainly from PoR, focused on allegations that there had been cases of translation, as opposed to ‘transliteration’, of surnames from Russian into Ukrainian. According to them, Russian surnames were purposefully translated into Ukrainian in order to disenfranchise voters with a Russian background, who, it was alleged, were more likely to vote for PoR. As Ukrainian became the sole official language after independence, a process of transliteration of names into the Ukrainian Cyrillic script has been carried out since 1991. During the preparation of voter lists, when having to deal with transliteration, the working groups used a variety of software for transliterating names and surnames. In the absence of effective guidelines to ensure uniformity and compatibility, this resulted in divergences in the spelling of names of voters and streets, creating some cases of multiple entries.

²² CEC decision no. 966966 of 16 March 2006

²³ Council of Europe, Venice Commission, Opinion 338 – 2005, CDL-AD(2006)002;
http://www.osce.org/documents/odihr/2006/01/17929_en.pdf

The OSCE/ODIHR EOM has not found indications of any systematic or widespread alleged malpractice. In only one single case, the EOM was able to verify an allegation of translation of a surname into Ukrainian. In order to address any such potential cases, the CEC gave an official interpretation of Art. 45.8 PEL on 23 March, that included possible cases of translation of names from Russian into Ukrainian in the category of technical errors in voter lists, which can be corrected by the PEC on election day.

The second stage comprised some two months for the verification of the newly compiled VLs. Voters were given the opportunity to check their records in the draft VLs, and a voter awareness campaign was conducted. Also, political parties represented in Parliament were granted access to the VL database through the central working group, and had an opportunity to follow activities of local working groups. To the EOM's knowledge, only a few parties took this opportunity during the verification stage.

The highest number of complaints on the accuracy of the VLs was conveyed to the OSCE/ODIHR EOM by the PoR, in most of the cases lacking concrete and verifiable evidence. Where sufficiently specific evidence was provided, the EOM found that the reported errors had already been corrected by working groups, or were not confirmed, for instance in the Kherson area. However, in Luhansk and Sumy areas, complaints were largely confirmed.

The OSCE/ODIHR EOM conducted a limited survey of the quality of VLs in urban areas in Dnipropetrovsk, Kharkiv, Kherson, Luhansk, Lviv, Mikolayev and Ternopil regions. The quality and layout of the VLs, as handed to PECs by local authorities through the DEC's after the verification stage, was found both by LTOs and election commissions to vary from one DEC to another, without evidence of regional patterns.

The PEL provides the possibility for PECs to add voters on voter lists before election day through a lengthy mechanism, but no addition is allowed on election day. An amendment to the PEL allowing for additions on voter lists on election day, based on a court decision, was adopted by the 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 could open possibilities of multiple voting.

E. OUT-OF-COUNTRY VOTING

As the PEL allows the formation of out of country polling stations only in diplomatic and consular representations, as well as in military units abroad, the CEC formed election commissions for 116 polling stations located in 78 countries abroad.²⁴ All parties/blocs had the right to nominate PEC members but submitted altogether only 118 names, which were all accepted by the CEC. According to the law, all remaining 1,590 positions were filled by members forwarded by the Ministry of Foreign Affairs. A total of 422,115 voters were registered to vote out of country; only 34,115 cast their votes.

²⁴ CEC decisions no.636 of 18 February 2006 and no.830 of 4 March 2006

F. ABSENTEE VOTING CERTIFICATES (AVCs)²⁵

Every DEC determined one PEC for absentee voting per every city in its area of responsibility. A PEC could issue an AVC to a voter registered to vote in the designated precinct, if he/she was to be away from his/her place of residence on election day. The voter had to submit two days before election day an application to his/her PEC for an AVC pointing out the DEC in another urban area at which he/she intended to vote. Then, in order to vote the voter had to register with the DEC where the vote would be cast by 12:00 on 25 March.

According to CEC data 50,478 voters received AVCs from their PEC of origin. CEC data show that out of these, only 22,048 voters registered with their destination DEC and of them, 15,674 cast their ballots. Overall, it appears that issues of uncontrolled AVCs observed during previous elections have been successfully tackled.

VI. CANDIDATE REGISTRATION AND DE-REGISTRATION

Political parties could contest the election individually or in a bloc of political parties registered with the CEC. A deposit of 2,000 minimal salaries had to be paid by parties/blocs participating in the elections. The deposit was to be returned after the elections only to those parties that cleared the three percent threshold. The deadline for party nomination of candidates was 30 December 2005.

The process of registration of candidate lists by the CEC was inclusive and ended on 13 January 2006. The CEC registered a total of 45 electoral lists, among which there were 28 parties running individually and 17 blocs, for a total of 78 contesting parties.

The same inclusive approach was adopted by the CEC with the registration of candidates. The initial total number of registered candidates was 7,747. Only a small number of candidates' nominations in electoral lists were rejected on the basis of technical mistakes in their applications. Furthermore, contestants who re-submitted documents after refusal were registered by the CEC.

Candidates could withdraw from party lists until three days before the elections. In total, 152 candidates withdrew or were revoked by the nominating political party. Ten of the initially registered candidates were in the past convicted by courts, and therefore not eligible to take part in the elections. Of them, 5 withdrew, 3 were revoked by the nominating political party, and the registration of one candidate was canceled by CEC on 10 March. One could however run in the elections, on the list of the People's Opposition Bloc of Nataliya Vitrenko.

The law still allows for parties/blocs to withdraw from the elections after all the ballots have been printed. This allows for a practice where ballot papers may need to be stamped to cancel out a withdrawn contestant after their printing. Such practice could lead to mistakes, including intentional or unintentional invalidation of ballot papers. On 9 March, the 'New Force' party chairman submitted to the CEC a formal request for withdrawal of their list from the elections. If the request had been satisfied, all PECs nationwide would have had to strike off

²⁵ After reports of widespread misuse in the first two rounds of the 2004 presidential election, measures restricting the issuance of AVCs were introduced by transitory amendments to the Presidential Election Law on 8 December 2004. The current system draws upon these transitory amendments.

the party's name from all ballot papers. However, the CEC rejected the request on 14 March stating that the PEL does not provide for the withdrawal of an entire party from the elections²⁶.

VII. CAMPAIGN ENVIRONMENT

The election campaign that ran from 12 December 2005²⁷ until 24 March 2006, demonstrated a considerable improvement over the 2004 presidential election, and confirmed the positive developments observed before the 26 December 2004 repeat second round. The pool of registered parties and blocs was highly representative of the political forces currently active in Ukraine, encompassing the entire political spectrum. Moreover, the majority of interlocutors interviewed by the OSCE/ODIHR EOM considered the process of candidates' registration 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 incidents. Parties and blocs were able to meet with voters throughout the country and the OSCE/ODIHR 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 some campaigning events.

Nevertheless, the campaign focussed more on personalities rather than on policy content. The majority of campaign rallies observed by the EOM focused on criticism rather than concrete policy platforms.

The police retained a high degree of professionalism and neutrality throughout the course of the election campaign, 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.²⁸

The tone of the campaign became considerably sharpened at the beginning of March. At the 9th PoR Congress, party leader Viktor Yanukovich announced that the pro-government forces were organising mass election fraud throughout the country. PoR pointed to problems in VLs and in the staffing of PECs as the major avenues for such violations.²⁹ Other opposition parties adopted the same claims soon after. OU televised a severe 30 minute

²⁶ CEC decision no. 931 of 14 March 2004

²⁷ The date of the registration of the first party list from the Communist Party of Ukraine

²⁸ One exception to this rule was the tragic shooting of a PORA-ROP activist by a Kyiv police officer on the night of 22 March. The activist survived and the incident did not appear to be politically motivated.

²⁹ Similar allegations were echoed to the OSCE/ODIHR EOM by PoR in Dnipropetrovsk and Kharkiv, and by *Ne Tak!* in Donetsk.

campaign spot, portraying the PoR as criminals and associating the leadership of the party with past killings in Donetsk.

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

In some limited instances, the OSCE/ODIHR 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 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.

Throughout the campaign, incidents of negative campaigning by anonymous individuals were evident throughout the country. Although the EOM received numerous verbal complaints from parties and noted the existence of such materials, few complaints were submitted to courts or to elections commissions.

A few violent incidents occurred in the run up to election day, connected to the concurrent local elections. These included the murder on 24th March of an OU candidate running for city council elections in Artemivsk (Donetsk oblast). Our Ukraine local representatives refrained from speculating as to whether or not the murder could have been politically motivated. In addition, an OU candidate running for the local contest in Zhytomyr, a *Ne Tak!* parliamentary candidate in Sumy, and a Republican Party candidate in Crimea were beaten by unknown assailants. Anatoliy Symonenko, who won the election to the head of Myrnyy village, near Yevpatoriya, died of his injuries. Police started investigating the murder.

A. CAMPAIGN FINANCE

Political parties/blocs were required to submit a financial report of their incomes and campaign spendings to the CEC within 15 days of election day. However, concrete mechanisms of reporting and checking of party/bloc campaign spending are currently not adequately defined, leading to questions of confidence and transparency. There is no ceiling to campaign expenses in the election law for parties/blocs contesting the parliamentary elections. Among the complaints that the EOM received from smaller parties, their major concern was how to attract funds in order to run their campaigns.

VIII. MEDIA

A. MEDIA LANDSCAPE

While previously the country suffered a lack of alternative broadcast information sources, in the aftermath of 2004 presidential elections the media environment underwent significant positive changes. The most visible problems, namely the *temnyky*, which were used to guide media editorial line, and patterns of intimidation of journalists no longer appear to be an issue. Also an official court trial regarding the death of the investigative journalist Georgyi Gongadze in 2000 was opened in 2005.

There are many media outlets operating in Ukraine, with 1,211 registered television and radio companies and some 20,903 printed outlets³⁰. Broadcast media are overseen by the National Council for TV and Radio Broadcasting, which is also in charge of granting licenses. The body is composed of eight members, four elected by the Parliament and four appointed by the President. Another body, the State Committee for TV and Radio Broadcasting outlines state informational policy and allocates budgets for the State-funded media.

Television is by far the most important and influential source of information, with the State broadcaster *UT 1* and at least seven other private channels having nationwide outreach. In most of the regions, the main Russian television stations are also broadcast. Print media includes both state-funded and private newspapers, with some nationwide newspapers having a relatively high circulation.

Regional media outlets are to a relatively high degree economically dependent on local authorities or locally-run businesses, and as such, their editorial independence is still vulnerable vis-à-vis particular interests at local and regional level.

Lack of transparency in media ownership remains an issue. While there has been an attempt to address it in a new draft of the Law on TV and Radio Broadcasting, it appeared to be only a partial step. Although a widely discussed process of transformation of the State-funded broadcaster into a fully fledged public media service has been initiated in 2005, the main political actors have not yet found a common approach to the issue.

B. LEGAL FRAMEWORK

While the Constitution and a number of laws³¹ are relevant for the media environment, the PEL was the main legal framework for the elections. The PEL³² requires ‘*equal and unbiased treatment of parties and blocs by the mass media*’, and contains detailed regulation of electronic and print media during the campaign, *inter alia* providing for free and paid broadcast time, as well as print space to all political forces, based on the principle of ‘equal opportunities³³’. Yet, it does not stipulate an official campaign start for media, allowing

³⁰ IREX, Media sustainability index 2005

³¹ The Law on Television and Radio Broadcasting (1993), The Law on the National Council for TV and Radio broadcasting (1997), The Law on the System of Public TV and Radio Broadcasting (1997), The Law on the Print Media (1992), The Law on Information (1992), The State support of Mass Media and Social Protection of Journalists (1997), The Civil Code (2003), The Code on Administrative Violations (1984).

³² Article 3.5

³³ Constitution, Art. 65-71.

political forces to initiate their campaign individually, according to their date of registration with the CEC.

Through a lottery on 27 January, the CEC allocated free time and space on the State funded national broadcasters (*UT 1* and *UR 1*) and print media (*Uriadovy Kurier* and *Golos Ukrainy*). All registered parties and blocs could utilize one hour air time on both national State funded television and radio, as well as 7,800 characters in State funded newspapers³⁴.

Following an OSCE Project Coordinator in Ukraine initiative, based on the recommendation of the OSCE/ODIHR and the Venice Commission, and joint discussions with the CEC and the National Council of Ukraine for TV and Radio Broadcasting, the Expert Council on Mass Media was formed on 6 February. This independent consultative body, composed of domestic media NGOs and professional organizations, played a positive role in helping media outlets, especially in the regions, comply with the legal framework.

C. MEDIA MONITORING

On 26 January, the OSCE/ODIHR EOM commenced monitoring nine nationwide televisions, including one Donetsk-based channel, and eight daily and weekly newspapers³⁵. In addition, the EOM analysed news programmes of several regional TV channels in 13 regions³⁶.

Most of the nationwide media extensively reflected the campaign, providing voters with a large amount of information in news broadcasts, talk-shows and through a sizable amount of paid advertisements. The overwhelming majority of media material was devoted to the main contestants, and only sporadically covered smaller political forces. Regional and local media focussed more on issues related to local elections. In general, media focused on speech items of the main personalities, rather than on political platforms.

The efforts by various channels to organise televised debates between contestants achieved little success. A first proposal by *I+I* channel resulted in only one debate³⁷ being held. This was due to various reasons, including high air time costs, contestants' preferences, as well as the reluctance of certain leaders to face a live discussion. On March 5, *Channel 5* launched free of charge debates³⁸. Only Bloc *Ne Tak!* decided not to utilise the provided air time and not to participate in a debate foreseen with PORA-ROP. Yet, the leaders of three leading political forces declined to participate in person.

Debates organised by Channel 5 as its own project with an international support, were held under the provisions of Article 68.12 of the PEL that permits the holding of such form of programme, if based on the principles of "objectivity, impartiality and balance", instead of conducting them within the form of election campaigning envisaged in Article 66.2. Holding

³⁴ PEL Art. 69.4 and 70.1.

³⁵ The OSCE/ODIHR EOM used qualitative and quantitative analysis to monitor, from 26 January through 24 March, the following media outlets: *UT 1*, *Channel 5*, *ICTV*, *Inter*, *Novy Kanal*, *NTN*, *STB*, *TRK Ukraina*, *I+I* (TV channels); *Golos Ukrainy*, *Uriadovy Kurier*, *Facty i Komentarii*, *Segodnia*, *Silski Visti*, *Vechirni Visti*, *Ukraina Moloda*, *Zerkalo Nedeli* (newspapers).

³⁶ The monitored regions were as follows: Donetsk, Dnipropetrovsk, Ivano-Frankivsk, Kharkiv, Kirovograd, Lviv, Mykolaiv, Odesa, Poltava, Simferopol, Uzhgorod, Zaporizhzhia, and Zhytomyr.

³⁷ Debate between N. Vitrenko Bloc and *Viche* party took place on 23 March.

³⁸ Model of debates composed of five series of discussions, pairing two political forces chosen according to recent opinion polls.

debates under Article 66.2 would mean that these would be considered as paid advertisement, and require the participants to pay for the airtime from their electoral funds.

The OSCE/ODIHR EOM received a considerable number of complaints regarding limited access to media because of high advertisement costs, both at national level and in some regional media outlets. The EOM was not informed about any case of media applying a selective approach in terms of prices requested from different political forces. However, initial EOM concerns that the provision of the PEL³⁹ prohibiting the placement of election campaign materials within news programmes might be circumvented appeared to be grounded. Monitoring findings showed several items on nation-wide media news programmes, such *ICTV*, *Inter*, *Novy Kanal*, *STB* and *TRK Ukraina* (televisions) and *Silski Visti* (newspaper) that bore a significantly promotional character in favour of specific political forces, and were of questionable informational value for the voters.

The EOM noticed that one of the main PEL provisions⁴⁰ regulating election campaigning appeared to generate a degree of confusion among some regional media in terms of potential limits for free reporting. Eventually, most of the media did not seem to be particularly restricted in their reporting. Yet, the CEC in its decision of 23 February⁴¹ implemented the mentioned provision in a formalistic manner, when it partially satisfied a complaint of bloc *Ne Tak!* against newspaper *Silski Visti*, and declared that a critical article on bloc *Ne Tak!* was to be considered as campaigning. The limited amount of thorough critical analysis in the media during the campaign could be, to a certain extent, perceived as a result of an unclear interpretation of this provision.

In their news programmes, apart from a quite extensive coverage of the President and the Government, most of the monitored media allocated the biggest part of their parties/blocs related information to OU. While the presentation of the ruling authorities was prevalingly positive and neutral in its tone, the activities of the party were generally covered in a balanced manner.

In the last three days prior to the silence period, broadcast media showed President Yushchenko also outside their news programmes through interviews (*UT 1*, *Channel 5*, *1+1*) and his address to the nation delivered on 24 March was aired live on all major nation-wide TV channels.

D. UT 1

State-funded broadcaster *UT 1* dedicated a significant portion of its political newscast to the incumbents⁴². Over the eight week period of the campaign, the channel provided the Government with 35 percent of its political prime-time news coverage and the President with 19 percent. The tone was notably neutral and positive.

Overall, *UT 1* showed a low interest in the electoral campaign. And although the state-funded television complied with its legal obligation to provide free time for all contestants, the

³⁹ Article 71.17

⁴⁰ Article 66.1 and 66.2, which define and list the activities to be considered as campaigning

⁴¹ Blok *Ne Tak!* against newspaper *Silski Visti*

⁴² 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.

overall monitoring analysis showed a certain level of imbalance in the coverage of the main political contestants. Out of the coverage devoted to running political forces, the largest part was allocated to OU with nine percent, BYT and PoR accounted for five percent each. In addition, while the information about the incumbent was more neutral and positive in its tone, PoR was presented in an overall balanced way, while BYT received a more neutral and negative coverage.

E. PRIVATE CHANNELS

Inter paid the highest attention to three political forces, OU, PoR and *Ne Tak!*, granting them 12 percent, 12 percent and nine percent respectively of its political prime time news coverage. However, while in the coverage of OU negative information prevailed over positive, the two opposition forces were presented in a favourable manner, with a very positive coverage of bloc *Ne Tak!*. Channel *1+1* similarly covered OU with 13 percent of a rather balanced coverage. At the same time, PoR received the second largest amount of coverage (nine percent), however with a significant amount of negative tone.

The Donetsk-based channel *TRK Ukraina* dedicated 18 percent of its political news coverage to PoR. *ICTV* devoted the greatest part of its political news to PORA-ROP (nine percent); it also significantly covered Lytvyn's Bloc (seven percent). The information about these parties and blocs was almost exclusively positive and neutral in its tone.

On the contrary, other private channels *NTN* and *Channel 5* offered their viewers a variety of political viewpoints, including interviews of top ranking candidates as guests of their news programme. However, *NTN* in its news regularly presented domestic current affairs in a manner indirectly critical of the authorities, and on channel 5, until a change of the programme format on 6 March, the anchors of the evening news bloc often expressed personal comments in favour of the incumbents.

F. PRINT MEDIA

Most of the monitored print media displayed an imbalance and partisan approach by openly supporting some parties/blocs. State-funded newspapers, although adhering to legal free space regulations, openly favoured the incumbents. *Uriadovy Kurier* displayed a clear bias in favour of the Government and the President, granting them altogether more than 75 percent of very positive information, whereas *Golos Ukrainy*, an official Parliament publication, presented one-sided positive information about the incumbent Speaker of the Parliament, Volodymyr Lytvyn, leader of the Lytvyn's Bloc.

Amongst the privately owned papers, *Silski Visti* and *Vecherni Visti* demonstrated a clear bias in favour of SPU and BYT allocating them 48 percent and 38 percent respectively, of almost exclusive positive and neutral information in its content.

G. REGIONAL MEDIA

The media coverage of the electoral campaign differed significantly across the country. While in the east and south of Ukraine the media showed support for PoR (Donetsk, Zaporizhzhia), regional media in Kirovograd and Zhytomyr tended to support OU, in Crimea BYT, in Mykolaiv SPU, and PORA-ROP in Lviv. Out of 26 monitored regional televisions, the most

biased coverage was shown in 1st Municipal Channel in Donetsk with 52 percent of overwhelmingly positive coverage of PoR.

At regional level, some political forces challenged allegedly unbalanced election reporting by the media⁴³, requesting a temporary suspension of the licenses until the end of the campaign. While in Crimea, privately owned *Chernomorskaya TV* faced at least two complaints filed by a bloc including PoR, in Dnipropetrovsk, the private *9th Channel* was defendant in the similar case initiated by *Viche* party.

A few isolated cases of attacks on journalists occurred during the electoral campaign, including an arson attempt on the house of a prominent local journalist Lylia Budzhurova, the Head of Crimean Association of Independent Journalists.

IX. COMPLAINTS AND APPEALS

The PEL includes a specific section on election-related complaints and appeals. The Law keeps the alternative possibility of appealing to an electoral commission or to a court (specifically administrative courts since the introduction of the Code of Administrative Procedure in 2005), at the discretion of the plaintiff (art. 105.2), and it foresees appeals against private persons or legal entities (art. 104.3). As the administrative courts were still to be established, ordinary courts would handle complaints lodged with courts.

The system of courts demonstrated to be capable of dealing with election related issues. The courts and the Central Election Commission handled most complaints professionally, in a timely manner, and overall in respect of fundamental rights and freedoms.

The OSCE/ODIHR EOM reviewed statistically all cases dealt with by the CEC⁴⁴, High Administrative Court and the Pechersky District Court⁴⁵, in charge of adjudicating appeals against CEC decisions. The EOM reviewed 166 resolutions on complaints available from the CEC. Among these were complaints against activities of election commissions (79), against activities of candidates (37), complaints against State authorities and their officials (21), against inactivity of election commissions (15), complaints against activities of mass media (12), against NGOs (2). Of them, 84 were left without consideration because they regarded local elections and did not fall under the CEC jurisdiction, 45 were rejected on formal grounds, 15 were partially satisfied⁴⁶, 15 were rejected and seven were fully satisfied⁴⁷.

The courts overall acted in a timely manner and in accordance with the law, but often took a rather legalistic/formalistic approach. Some political interlocutors, mostly smaller parties, reported that they would not avail themselves of existing means of legal redress, indicating that they had little trust in the judiciary.

⁴³ Article 71.10 PEL enabled courts to adopt a decision on the suspension of television licenses, or the ban on print media, until the end of the campaign if determining that the claimed dispute established a multiple or a single gross violation of requirements of the PEL.

⁴⁴ Official resolutions on complaints posted on the web site of the CEC were used as a source for statistics.

⁴⁵ Official statistics were used.

⁴⁶ The CEC partially satisfied cases presented by: BYT (2), OU (2), Ne Tak (8), Natalya Vitrenko Bloc (1), CPU (1), an election commission member (1).

⁴⁷ The CEC fully satisfied cases in favour of: BYT, Pora – PRP, OU, Ukrainian Social Democratic Party, Natalya Vitrenko Bloc and Ne Tak (2 cases).

The High Administrative Court decided on 69 cases and the Pechersky District Court on 190 cases. At the beginning of the campaign, the majority of the cases dealt with registration refusals to political parties and candidates, then at the stage of election commissions' formation, with complaints regarding the composition of election commissions. During the course of campaign most cases related to breaches of campaign rules (negative campaigning, campaigning by the officials, dissemination of inaccurate information). Prior to and on the election day, most complaints related to mistakes (mostly omissions) on voter lists and lack of secrecy of the vote due to overcrowding. After election day, the issues at stake were essentially relating to alleged irregularities in the count and tabulation by PECs and DEC.

The CEC refused to register five political parties. These were the "Party of Ukrainian People Rehabilitation", the "Liberal democratic party of Ukraine", the "All Ukrainian Party of Ecology and Social protection", "Mighty Ukraine" and "People's Power". In the case of the "Party of Ukrainian People Rehabilitation", the party did not provide a proper certification of monetary deposit as required, and was denied registration. The "Liberal Democratic Party of Ukraine", was not able to provide a statute as required. Providing a party statute certified by the Ministry of Justice is a prerequisite for registration for elections by the CEC. The "All Ukrainian Party of Ecology and Social Protection" was not registered for failing to provide a party program to the CEC. "People's Power" was denied registration due to mistakes in candidates' documentation.

Other complaints regarded the composition of election commissions, mainly contesting DEC refusals of nominations by the political parties to polling station commissions. In Kirovograd, DEC 96 refused to accept nominations from PORA-PRP, arguing there were technical inaccuracies in the applications. The CEC considered the complaint at its session on 16 February and granted relief. In Dnipropetrovsk region, DEC 47 refused to include in PECs all candidatures proposed by BYT. The formal reason for the refusal was a mistake in the name of the bloc on the submission. The CEC considered the complaint on 13 February and ordered the DEC to include the candidatures nominated by the bloc to PECs.

Several complaints to the courts and the CEC were lodged against comments made to the media by the Minister of Internal Affairs, Mr. Lutsenko, about candidates from different parties and their possible criminal records. These complaints were partially satisfied, with the CEC repeatedly asking the Minister not to engage in campaign activities.

X. WOMENS PARTICIPATION

Across all party and bloc lists, 19 percent 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 percent 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 (four each). On the basis of the resulting seat distribution, 38 of all deputies are women. This represents an increase of nearly 3 percent over the previous Parliament.

Within the structure of election commissions, 20 percent of commissioners were women within the CEC and women were particularly well represented at DEC level, holding 52 percent membership and 44 percent of DEC chair positions.

XI. NATIONAL MINORITIES

The population of Ukraine is comprised of 78 percent Ukrainians, while persons of Russian origin form a sizeable minority group (17 percent). Most members of the Russian minority community live in the eastern part of Ukraine, and particularly in six regions; Dnipropetrovsk, Donetsk, Kharkiv, Luhansk, Sumy and Zhytomyr. The remaining five percent of the population is broken down amongst minority groups representing Belarusians, Moldovans, Crimean Tatars, Bulgarians, Hungarians, Romanians, and Poles, each of whom represent approximately 0.5 percent of the population.⁴⁸ National minority issues did not play a discernable role in the parliamentary election campaign, except for issues on the use of the Russian language.⁴⁹

Ballots and voter information materials were not available in any languages other than Ukrainian. Observers noted that in some regions, the transliteration of voters' data from the Russian Cyrillic script into the Ukrainian Cyrillic script, for the purpose of compiling the voter lists, caused administrative difficulties and led to errors in the spelling of citizens' names (See above Section V Part D).

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

XII. ELECTION OBSERVERS

According to the amended election legislation, non-partisan domestic observers were permitted to observe the 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 (CVU), which had been active in the field of election observation since 1994, deployed some 5,000 observers throughout the country on election day. In addition, other international observation organizations, such as the European Network of Election Monitoring Organisations (ENEMO), the International Republican Institute (IRI) and the Commonwealth of Independent States – Election Monitoring Organisation (CIS-EMO), observed on election day.

XIII. ELECTION DAY OBSERVATION

A. VOTING

During election day, ordinary PECs were serving simultaneously for the concurrent parliamentary and local elections. The special and out-of-country PECs served only for parliamentary elections. Ordinary PECs had two voter lists – one for the parliamentary and

⁴⁸ 2001 census, Information of the State Committee of Statistics of Ukraine, <http://www.ukraineinfo.us/about/minorities.html>

⁴⁹ This issue was particular mobilized by the Nataliya Vitrenko Bloc.

the other for the local elections. Voters had to sign in the two respective lists upon receiving ballots. Voters cast all their ballot papers in one and the same ballot box.

Out of the 34,039 polling stations established to serve the voters across Ukraine, the IEOM observers visited more than 4,000 polling stations in all oblasts. The forms processed for short term observation were 252 for opening, 4,092 for voting, 301 for counting at PEC level and 55 for the tabulation at DEC level.

Observers generally assessed the opening procedure as being ‘very good’ or ‘good’ in 92 percent of the polling stations visited. Over one in four polling stations did not open at 7 a.m., but the delay was mostly limited to 30 minutes, and only in three observed cases was the delay more than an hour. The main reason for the delay was the additional workload due to the concurrent local elections. Observers noticed that ballot boxes were not properly sealed in three percent of the PECs visited, while in six percent the PEC did not carry out all opening procedures. In 17 percent of cases, PECs did not report data on the number of voters on voter lists to DECs before start of the vote.

Election day was overall peaceful and orderly. However the large number of voters, combined with their slow processing due to the concurrent local elections, often resulted in overcrowded polling stations. At times the secrecy of the vote was not ensured, and in other instances, long lines could have compromised the voting rights of discouraged voters. The CEC reported that voter turnout was over 67 percent.

In 92 percent of polling stations visited, observers assessed the voting process as ‘good’ or ‘very good.’ Observers in the south of the country were slightly more negative (12 percent ‘bad’ of ‘very bad’) than observers from the other areas (from five percent to nine percent negative). The overall estimate was slightly more negative in rural (nine percent) than in urban areas (seven percent).

Observers assessed that there was overcrowding in 28 percent of observed polling stations. If a polling station was not overcrowded, the overall evaluation was ‘bad’ to ‘very bad’ only in three percent of relative cases, whereas 23 percent negative estimates were given to polling stations where overcrowding was observed. Reasons for overcrowding pointed out by observers were inadequate premises, excessive numbers of voters, or bad crowd management by the PEC. Essentially due to overcrowding, the secrecy of the vote was considered to be compromised in 15 percent of the observed polling stations. In such instances the voters, after waiting in long queues for receiving the ballots, did not want to wait to enter voting booths and thus marked their ballots in the public area.

The accuracy of voter lists was assessed as ‘bad’ or ‘very bad’ in 10 percent of polling stations visited, with regional differences; for example : five percent ‘bad’ to ‘very bad’ in the north, 13 percent in the east. The organisation of the PEC was evaluated negatively in seven percent of the observations. Unauthorized persons, mainly police, were seen in 11 percent of the stations. No case of serious police interference was reported. Domestic partisan or non-partisan observers were present in 78 percent of polling stations observed.

The overall impression of the voting remains positive, although this was in large part due to the patience of Ukrainian voters, some of whom had to wait for several hours in order to realise their right to vote.

B. COUNTING

Due to inadequate organisation and insufficient command of the procedures, the process deteriorated during the vote count and tabulation, further compounded by cases of overcrowding. The counting process was assessed as ‘bad’ or ‘very bad’ in 22 percent of polling stations observed. PEC members’ understanding of the counting procedures was regarded as either ‘bad’ or ‘very bad’ in 23 percent of observations, while PEC’s organisation of the count was assessed negatively in 33 percent of cases.

Filling in the protocols was often a lengthy and confusing process for PEC members. The PECs had difficulties in completing the official protocol in 33 percent of cases observed. The protocol was not completed in ink in 14 percent of the cases observed, and they were not filled in before signing in a further seven percent of the polling stations. The observed procedural errors or omissions were qualified as significant in 18 percent of the polling stations. Observers noted serious irregularities in the counting procedures in eight percent of polling stations observed. There were cases when DEC members had to assist some PECs with filling in the protocols, beyond their legal competence, during election night.

Unauthorised persons were present in 14 percent of cases during the count. Non-PEC members directed the count in nine percent of the polling stations observed. Intimidation of PEC members or observers was noted in five percent of the cases. There was some tension in 10 percent of the polling stations observed during the count.

C. TABULATION OF RESULTS AT DEC

Observers assessed the tabulation process as ‘bad’ or ‘very bad’ in 22 percent of DECs observed. The DEC members’ understanding of the procedure of receiving and considering PEC protocols at DEC level was assessed negatively in 11 percent of observations. DEC’s organization of the tabulation was regarded as either ‘bad’ or ‘very bad’ in 15 percent.

In six percent of DECs observed, non-DEC members directed the work of the DEC, while unauthorised persons were present in 11 percent. Non-partisan domestic observers were present in 40 percent of DECs visited. Official complaints on DEC level activities have been noted in eight percent of observed DECs.

In 34 percent of the DECs observed some PEC materials arrived not always properly sealed. While there were no reports that votes attributed to a particular party were being adjusted, other figures in some PEC protocols displayed signs of having been changed, as observed upon receipt at DEC level in the cases observed. The protocols submitted to DECs contained figures that were not always fully consistent. Instead of going back to the polling station, PEC members modified some protocol figures upon submission at DEC level in 40 percent of the cases. The situation was reported as having been particularly problematic in DEC 98 (Golovanivsk, Kirovograd region), with changes being made on PEC protocols, and restrictions to observers’ access.

In 17 percent of the DEC's observed, observers were not allowed access to the computer room⁵⁰. Access was later granted to some of them after CEC intervention. Despite several earlier OSCE/ODIHR requests, the CEC declined to issue any written decision on these aspects of the observers' rights. This issue has to be addressed for the sake of transparency.

The general conclusion of the work of party representatives nominated to DEC's and PEC's is that most of them put a lot of efforts into fulfilling their duties. The overload caused by concurrent local elections contributed to the negative assessments of the counting and tabulation processes.

D. THE CEC WEBSITE

The CEC put considerable efforts into providing proper information about the electoral process on its website, where all its decisions were posted in a timely manner. The website provided information related to the parties/blocs registered for the elections and their candidates, descriptions of electoral districts, the DEC and polling station locations and the precincts' area, composition of the DEC's, local and international observers. The CEC published, as preliminary information on the internet, the valid votes for the contesting parties from the PEC protocols as entered at DEC level. This was an essential contribution to the transparency of the elections and provided an important tool for the contesting parties to compare their copies of the protocols with the data entered at the DEC's. Similarly, the official election results by PEC, DEC and nation-wide were posted.

At the same time, some delays or limitations on the information posted were noted. The descriptions of the polling station locations and the precincts' area in some DEC's appeared only close to the elections. In the pre-election period, data concerning the number of voters, although only per oblast, was published on 1 March. The information required by Art. 82.11 of PEL⁵¹ about the number of voters on the election day was published very late, after 4 p.m.

E. POST ELECTION DAY DEVELOPMENTS

Directly following the election, all three major parties/bloc traded mutual accusations of having engaged in election falsification in the areas where they had most support. The smaller groupings⁵² came together to demand a nationwide recount of the vote. In a vote on 4 April, Parliament considered a draft law for conducting a nationwide recount, however it did not obtain the necessary majority. The Central Election Commission published the final election results on 10 April (see Annex).

Of the forty-five parties/blocs registered to contest this election, only five groupings were successful in overcoming the three percent threshold to gain representation in the parliament: the Party of Regions (PoR) – 186 seats, the Bloc of Yulia Tymoshenko (BYT) – 129 seats, the Our Ukraine Bloc (OU) – 81 seats, the Socialist Party of Ukraine (SPU) – 33 seats, and the Communist Party of Ukraine (CPU) – 21 seats. As in the past, PoR drew its support primarily from the eastern and southern parts of the country, while OU was dominant in the west. BYT

⁵⁰ Among them in DEC 47 (Makiyivka, Donetsk region), DEC 93 (Nadvirna, Ivano-Frankivsk region), DEC 106 (Sverdlovsk, Luhansk region), DEC 111 (Bilovodsk, Luhansk region), DEC 143 (Dikan'ka, Poltava region), DEC 162 (Romny, Sumy region)

⁵¹ Art.82.11 requires that before the voting commences, PECs inform DEC's on the number of voters on the lists, the number of voters for mobile voting, the number of voters using AVCs.

⁵² These included the Lytvyn Bloc, the National Democratic Party Bloc (NDP), PORA-ROP, and Viche.

made a strong showing, particularly in the centre and centre-west territories, but also making gains in certain eastern and western districts.

In addition, a number of contestants 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, although only the last grouping came close to the three percent threshold.

Several parties/blocs (Nataliya Vitrenko's Bloc, Bloc of Karmazin, Viche and Bloc of Lytvyn) which did not clear the three percent threshold contested the results in an appeal to the High Administrative Court (HAC). After ten days of hearings, the HAC rejected the appeal on Tuesday 25 April. All parties were able to present their arguments freely, to bring witnesses, and to put forward motions. The CEC results of the parliamentary elections were published on 27 April in the official cabinet newspaper *Uryadovyy Kuryer*.

XIV. RECOMMENDATIONS

The OSCE/ODIHR offers the following recommendations for consideration by the Ukrainian authorities. These recommendations do not repeat all recommendations made in previous OSCE/ODIHR Final Reports, and in Joint Assessments and Opinions provided by the OSCE/ODIHR and the Venice Commission of the Council of Europe. A number of these previous recommendations have not yet been implemented and remain valid.

A. ELECTION LEGISLATION AND ADMINISTRATION

1. There is a need to harmonise the provisions of the various election related laws. This could be done through the adoption of a unified electoral code.
2. The conduct of simultaneous parliamentary and local elections should be avoided.
3. The OSCE/ODIHR underscores recommendations presented in the Legal Opinions no.238 and 239 of the Venice Commission and OSCE/ODIHR, which remain valid.
4. The possibility for independent candidates or lists of independent candidates to run in the elections should be provided, and can be easily incorporated into the electoral system without fundamentally altering it.
5. Only 'valid votes' should be taken into consideration in determining the outcome of any election, since invalid and votes "against all" fail to express any distinct political choice.
6. All data from PEC protocols should be immediately published on the CEC website, not only a partial set of data, which does not allow for a full reconciliation of data.
7. The right for observers to observe data entry in the IT terminal at DEC level should be clearly stated in CEC instructions, and not be left to the discretion of DEC Chairpersons.
8. The timeframe of the DEC activities has to be revised in order for these commissions to be provided proper support, both logistically and financially, before starting their work.

9. The procedure for receiving PEC protocols at DEC level can be improved. PEC members should be able to observe protocol data entry into the computer net at DEC level, obtain a receipt containing all points from the protocol, and then to post the receipt at the polling station next to the copy of the protocol.
10. The party nomination procedure in the formation of DEC and PECs should be improved, taking into account the objectives of transparency, inclusiveness and efficiency.
11. In order to address the frequent problems of overcrowding of polling stations, and allow voters to exercise their franchise in appropriate conditions, the maximum number of voters in a precinct should be further lowered.
12. The widespread problems encountered by PECs with filling in the results protocol tend to show that further efforts of clarification of the items on protocols, together with a better training program for election commissions, should be considered.
13. As a long standing OSCE/ODIHR recommendation, the authorities are encouraged to adopt a unified and centralised Voter Register system. This would optimally be organized parallel to the establishment of a wider system of civil registration. In this case, questions of data integrity, privacy and the terms of introduction of the new system should be carefully agreed on by all stakeholders. It must be noted that although a member of the Council of Europe, Ukraine has not yet signed the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No 108).
14. At local level, the compilation of the voter lists should eventually be made on the basis of a unified civil register maintained by an office separate from the election administration. This office should be responsible for the quality of the voter lists. The updating of voter lists should ideally be made in the local authorities' offices and handed over to election commissions in a timely manner in advance of an upcoming election.
15. The law could set a deadline before which ballots should be printed and after which candidates may not formally withdraw.
16. The election law has to be stable in the pre-election period; the CEC should adopt all necessary regulations in advance before the preparation of PEC and DEC manuals.
17. The training of all commission members should be further improved and increased.
18. The CEC, possibly in conjunction with other State bodies, the media and expert civil society groups, should improve the voter information program on polling procedures and use of AVCs.
19. One poster per PEC informing the voters about the parties present on the ballot should be enough. The PEC information posters printed by the state separately for every party are not necessary. Ultimately, the task of informing voters about candidates should fall on the parties and not on the administration.

20. National non-partisan organisations registered for observing the elections should be formally granted by the law the right to be present at CEC sessions.
21. The current focus on discouraging the use of administrative resources in elections should be strengthened and continued, including through civil servant training.
22. The current legal requirements regarding campaign financing are not adequately defined and require improved reporting mechanisms to increase accountability and transparency.

B. MEDIA

23. The influence of the State on both State and private media should be further diminished. The transformation of State funded broadcasters into a fully fledged independent public service broadcaster should further continue, desirably with the adoption of a new law that will consolidate the existing legislation. In particular, such a new law on the public service broadcaster should:
 - Clearly define the scope of its work and establish concrete public service requirements;
 - Oblige the broadcaster to provide citizens with impartial and balanced information in the news and other information programs;
 - Establish a system of appointments to the management that will be more independent of the State authorities;
 - Establish a clear and transparent system of financing, based on multi-source incomes, thus lessening dependence on the State budget.
24. Consideration should be given to the transformation of the National Council of Ukraine for TV and Radio Broadcasting into an independent and impartial body. It should have a clear mandate to oversee the public media's adherence to the newly defined requirements and legal obligations and to control free, equal and fair access to the public broadcaster. This body should have responsibility to consider complaints regarding public media. Its membership should be diverse, including media professionals, civil society, judicial bodies, the government and political parties.
25. Transparency of the media ownership should be further strengthened in *the Law on TV and Radio Broadcasting* in order to avoid possible problems with the media concentration. Consideration could be given to an obligation of the legal person applying for a license to disclose all owners and structures that have legal connections to it.
26. A number of amendments should be made to the Election Law regarding media with the aim of improving its clarity, allowing greater information flow and improving the system of sanctions. These include, but are not limited to:
 - Clarification of the 'election campaigning' and its forms in Article 66 in relation to media coverage of the election campaign;
 - The prohibition in article 69.5 "to comment on the content of the election program, give any information regarding a political force" 20 minutes before and after broadcasting its free advertisement appears to be an unnecessary limitation on freedom of reporting. Specifically, given the fact that the free advertisements are to be aired in the evening prime time, when main news items are usually broadcast;

- Seeking remedy through the courts such as stipulated in Article 71.10 should be modified in order to provide also for different types of sanctions, as for example fines. In addition, a clarification of 'gross violation' would be needed to unify possible court decisions. Also, the articulation of a precise procedure for implementation of a court ruling should be considered.
 - Media should not be held responsible for "unlawful" statements made by candidates. The provision 71.27 of the Election Law should be changed in order to state clearly, and with no exceptions, that the responsibility for the content of free and paid advertisements lies solely with the contestants.
27. Consideration should be given to reassess the relevance of the principles established in the *Law on the Procedure of Coverage of Activities of the State and Local Authorities by the Mass Media* that obliges State funded media to cover activities of State officials. It should be fully up to the specific media outlet to adopt its own editorial policy, while adhering to principles of objectivity, impartiality and unbiased information.

ANNEX 1

OFFICIAL RESULTS⁵³

The number of voters on the voter lists	37,528,884
The number of voters, who took part in the voting	25,352,380
The number of election ballots declared invalid	490,595
The number of voters who did not support candidates from any party/bloc (votes “against all”)	449,650

№	The name of political party (election bloc of political parties)	Valid votes	
		Total	%
1.	All Ukrainian Party “People’s Faith”	29,899	0.11
2.	Ukrainian National Bloc of Kostenko and Plyusch	476,155	1.87
3.	National Ukrainian Assembly	16,379	0.06
4.	Political Party “Party of Environmental Protection “EKO+25%”	120,238	0.47
5.	Ukrainian Party “GREEN PLANET”	96,734	0.38
6.	Bloc NDP (Bloc of NATIONAL-DEMOCRATIC Parties)	126,586	0.49
7.	“The Party of PUTIN’s Politics”	30,917	0.12
8.	Communist Party of Ukraine	929,591	3.66
9.	Party “Viche”	441,912	1.74
10.	Bloc “Our Ukraine”	3,539,140	13.95
11.	Conservative party of Ukraine	25,123	0.09
12.	National Movement of Ukraine for Unity	34,723	0.13
13.	Ukrainian Party of Honor, Combating Corruption and Organised Crime	28,818	0.11
14.	Bloc of Yuriy Karmazin - “Party of Motherland Defenders”	165,881	0.65
15.	All Ukrainian Party “New Power”	12,522	0.04
16.	Party “Renaissance”	245,188	0.96
17.	Bloc “For Union”	51,569	0.20
18.	Party of Regions	8,148,745	32.14
19.	Peasant Party of Ukraine	79,160	0.31
20.	“Civil Political Bloc <i>Pora</i> -PRP”	373,478	1.47
21.	Patriotic Forces of Ukraine Party	26,553	0.10
22.	Bloc of Evgen Marchuk – “Unity”	17,004	0.06
23.	National- Economic Development of Ukraine Party	60,195	0.23
24.	Election Bloc “State – Labor Union”	36,396	0.14
25.	Non-partisan Bloc “Sun”	12,620	0.04
26.	All Ukrainian Union “Freedom”	91,321	0.36
27.	Socialist Party of Ukraine	1,444,224	5.69
28.	Social- Christian Party	22,953	0.09
29.	Liberal Party of Ukraine	12,098	0.04
30.	European Capital party	12,027	0.04
31.	Social Protection Party	14,649	0.05
32.	People's Opposition Bloc of Natalia Vitrenko	743,704	2.93

⁵³ Source: Central Election Commission official website. www.cvk.gov.ua

33.	Political Party "Third Power"	34,963	0.13
34.	Green Party of Ukraine	137,858	0.54
35.	Bloc of Lazarenko	76,950	0.30
36.	Bloc of Yulia Tymoshenko	5,652,876	22.29
37.	Bloc "People's Power"	24,243	0.09
38.	Bloc "Patriots of Ukraine"	11,503	0.04
39.	Bloc of Lytvyn	619,905	2.44
40.	Bloc of Borys Oliynyk and Mykhailo Syroty	21,649	0.08
41.	Political Party "Ahead, Ukraine!"	6,934	0.02
42.	Social-Environmental Party "Union. Chernobyl. Ukraine"	23,987	0.09
43.	Pensioners of Ukraine Party	51,097	0.20
44.	Opposition Bloc " <i>Ne Tak!</i> "	257,106	1.01
45.	Political party "Labor of Ukraine"	24,942	0.09
	Total	24,410,515	96.28

The parties/blocs that received votes more than 3 percent of the voters, who took part in the voting, and entered the Parliament are:

Party/bloc	Valid votes	Seats
Party of Regions	8,148,745	186
Bloc of Yulia Tymoshenko	5,652,876	129
Bloc "Our Ukraine"	3,539,140	81
Socialist Party of Ukraine	1,444,224	33
Communist Party of Ukraine	929,591	21
Total	19714576	450

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, and gender equality. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

Within the field of **tolerance and non-discrimination**, the ODIHR provides support to the participating States in implementing their OSCE commitments and in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations. More information is available on the ODIHR website (www.osce.org/odihhr).