



Office for Democratic Institutions and Human Rights

UKRAINE

**PARLIAMENTARY ELECTIONS
26 March 2006**

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

18 - 21 December 2005



**Warsaw
4 January 2005**

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I. INTRODUCTION

Following an invitation from the Ukrainian authorities to observe the parliamentary elections scheduled for the 26 March 2006, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to Ukraine between 18 and 21 December 2005. The NAM included Mr. Nikolai Vulchanov, Deputy Head of the OSCE/ODIHR Election Department, Mr. Gilles Saphy, Election Adviser in the OSCE/ODIHR Election Department and Mr. Gustavo Pallares, Counsellor in the International Secretariat of the OSCE Parliamentary Assembly.

The purpose of the NAM was to assess the conditions and level of preparation for the Parliamentary elections scheduled for 26 March 2006, in line with OSCE commitments, and to advise on modalities for the establishment of an EOM.

The NAM held meetings in Kyiv with representatives of the authorities, election administration, political parties, civil society and international community (See Annex 1).

The OSCE/ODIHR is grateful to the Ministry of Foreign Affairs of Ukraine and the OSCE Project Co-ordinator in Ukraine for the support provided during the NAM.

II. EXECUTIVE SUMMARY

Parliamentary elections are scheduled in Ukraine for 26 March 2006. Voters in Ukraine will elect 450 members of the Verkhovna Rada (the Parliament) through proportional representation of national party lists with a three percent threshold for eligibility in the seat allocation.

Since the 2004 presidential election, the political landscape has evolved and the parliament elected in 2002 has undergone internal reshuffling. The majority established at the beginning of 2005 has ceased to exist since the fall of Yuliya Tymoshenko's Government in September 2005. Several political blocs have emerged in the run up to the 2006 elections. The blocs structured around Our Ukraine, the Party of Regions and Yuliya Tymoshenko's Fatherland Party respectively, are granted the highest ratings in current opinion polls.

The parliamentary elections will take place in the context of a wide-ranging constitutional reform originating from a political compromise reached in 2003-2004 between former President Kuchma's majority and other political forces. The reform envisages strengthening the authority of the parliament. The elections will be held within a renewed legal framework, which also takes into consideration several

previous OSCE/ODIHR recommendations, including provisions allowing domestic non partisan observers. If implemented in good faith, it can provide an adequate framework for an election process in line with OSCE Commitments.

The composition of election commissions at lower levels has been modified in an attempt to prevent their overcrowding, which was evident during the presidential election. Voter lists are currently being compiled by the local authorities utilizing information on the voters from a number of institutions. Measures to remove possible multiple entries and names of deceased voters have been implemented at central level as well. Most interlocutors expected voter lists to be more accurate than in 2004.

Local elections are likely to take place on the same day as the parliamentary elections. While the OSCE/ODIHR will not observe the local elections, it may comment on issues related to local elections to the extent they impact on the parliamentary election process.

There is a wide range of electronic and print media in Ukraine and media pluralism is in evidence. While the NAM did not hear reports of centrally organized pressure or intimidation on media outlets, several interlocutors indicated their concerns in regard to what they perceive as a lack of transparency in the ownership of media outlets.

As a result of the NAM, it is recommended that an Election Observation Mission (EOM) be established to observe the forthcoming parliamentary elections in Ukraine. The OSCE/ODIHR thereby requests OSCE participating States to second to the mission 60 long-term observers to follow the election process country-wide from 27 January until the election is completed, and 600 short term observers to observe election day procedures, including voting, counting of votes and tabulation of results at all levels of the election administration.

III. FINDINGS

A. POLITICAL CONTEXT

The OSCE/ODIHR observed the 2004 presidential election and concluded that the first two rounds of the election failed to meet a considerable number of OSCE Commitments and international standards for democratic elections. Indeed the environment in which the first and second rounds took place was marred by intimidation and pressure on voters, highly inequitable campaign conditions, and challenges to fundamental civil and political rights. Technical issues also contributed to make these rounds of elections flawed, in particular abuses of mobile voting, absentee voting certificates, and most importantly the tabulation of the results. Within a month, following a ruling from the Supreme Court of Ukraine, a repeat second round took place, which brought Ukraine substantially closer to meeting OSCE Commitments and international standards. The improvement was most clearly demonstrated in media coverage, the overall conduct of the campaign and the transparency in the CEC performance, including the immediate publication of polling station results.

Since the 2004 presidential election, the political landscape has evolved and the parliament elected in 2002 has undergone internal reshuffling. The Tymoshenko Government was supported by several parliamentary fractions, including the Public Union Our Ukraine (PUOU, the restructured Our Ukraine led by Viktor Yushchenko), the Bloc Yuliya Tymoshenko (BYuT), the Socialist Party of Ukraine (SPU, led by Oleksandr Moroz) and the Party of Industrialists and Entrepreneurs of Ukraine (PIEU, led by Anatolyi Kinakh).

In the beginning of September 2005, a controversy developed following the resignation of the Vice Prime Minister Mykola Tomenko and of the Head of the Presidential Administration Oleksandr Zinchenko. These resignations were accompanied by claims that corruption existed within the Government and added to a series of disagreements within the Government. This led to the dismissal of the Tymoshenko Government by President Yushchenko on 8 September, who on the same day appointed Yuriy Yehanurov as acting Prime Minister.

In accordance with the Constitution, Mr. Yehanurov's appointment needed to be ratified by the Parliament. This was achieved on 23 September, when Yuri Yekhanurov was approved as the new PM with the support of several factions, including MPs from Viktor Yanukovich's Party of Regions. The Social Democratic Party (united) (SDP(u), led by former President Kravchuk), the Tymoshenko Bloc and the communists voted against the choice of the new Prime Minister.

The vote of approval of PM Yehanurov followed a 'Memorandum' agreed on 22 October between President Yushchenko and Viktor Yanukovich, which contained several compromises. These included new legislation potentially amounting to granting amnesty for election related crimes¹ and a commitment that President Yushchenko would sign a law adopted by Parliament on 8 September limiting the criminal liability of members of local councils. Such immunity was considered by some interlocutors as an incentive for persons fearing possible criminal prosecution to be elected as members of local councils.

In the first days of October, as this law on immunity was not signed by the President yet, Viktor Yanukovich threatened to withdraw his support for the new Government. President Yushchenko eventually signed the law on 5 October. This prompted the Minister of Interior Anatolyi Lutsenko (Socialist Party) to threaten to resign. The domestic observer NGO Committee of Voters of Ukraine (CVU) issued a highly critical statement on the 'Memorandum'. The CVU statement also pointed out that since the presidential election, and despite the numerous instances of fraud reported, "there [had been] no actions against first-hand organizers of mass falsifications of election results"².

¹ The foreseen legislation would in effect limit the enforcement of art.157 and 158 of the Criminal Code, which touch upon election related crimes.

² Committee of Voters of Ukraine, "Statement on the occasion of memorandum signed by President of Ukraine Viktor Yushchenko and the Party of Regions", 22 September 2005.

B. ELECTORAL CONTESTANTS

More than 120 political parties are registered in Ukraine. As of the time of the NAM visit, only two lists (Party of Regions and Communist Party of Ukraine) had been officially registered by the CEC. However, interlocutors of the NAM anticipated that some 30 contestants, parties or blocs of parties, might run in the elections.

A bloc "Our Ukraine" has been established based on a coalition agreement between the leaders of PUOU, People's Movement of Ukraine (Narodny Rukh, led by Borys Tarasyuk), PIEU, the Congress of Ukrainian Nationalists, the Christian Democratic Union and the Ukrainian Republican Party "Sobor".

The Party of Regions' list is headed by former Prime Minister and presidential candidate Viktor Yanukovich. The list comprises public figures such as Nina Karpacheva, the Parliamentary Ombudsperson for Human Rights of Ukraine, and prominent businessman Rinat Akhmetov.

On 7 December, Yuliya Tymoshenko presented the BYuT list, which she will lead, along with the Head of the BYuT HQ and former Vice Prime Minister Mykola Tomenko.

The Socialist Party of Ukraine's list will be headed by party leader Oleksandr Moroz. The Communist Party of Ukraine's list has been registered. It is headed by Petro Symonenko, the leader of the party. Parliament Speaker Volodymyr Lytvyn is likely to lead the list of the "National Bloc" and Nataliya Vitrenko - the list of the Progressive Socialist Party of Ukraine. After having registered as a political party, former civic movement "Pora" plans to run for the election in coalition with the Reform and Order Party (ROP), with a list headed by Boxing Champion Vitaly Klychko, and comprising Minister of Finance and head of ROP Viktor Pynzenyk, and Head of Pora's political council Vladyslav Kaskiv. Former President Leonid Kravchuk, Viktor Medvedchuk and Nestor Shufrich are foreseen to lead a coalition list comprising the SDP(u), Women for the Future, the Republican Party, and the Center Party. The bloc is called "Ne Tak!"

C. LEGAL FRAMEWORK

1. The Constitutional Reform and its Implementation

The legal framework for the 2006 elections originates from a wide-ranging constitutional reform initiated in August 2002 by former President Kuchma, in a move aimed at shifting power from the Presidency to the Parliament and Cabinet. During the run-up to the 2004 presidential elections, the reform was perceived by many as a tool of President Kuchma's supporters to preserve power in case of a defeat in the presidential election of Viktor Yanukovich, who led the then parliamentary majority. Over the second half of 2003, discussions between President Kuchma's camp and other political forces resulted in two almost identical draft laws amending the Constitution (n.4105 and n.4180) which were establishing, inter alia, a shift of power from the Presidency to the Parliament and Cabinet.

In an analysis of these draft amendments to the Constitution, the Council of Europe's Venice Commission³ had pointed out that some changes 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.

Support for the draft constitutional amendments was ensured through a political compromise, which included a change of the election system from a mixed system to full proportional representation, in a single nation-wide constituency. To that effect, on 25 March 2004, the Parliament voted in support of a new Parliamentary Election Law. However, further disagreements led to a failure of the final adoption of the constitutional amendments on 8 April 2004.

The draft law amending the Constitution n.4180 was re-introduced at the beginning of December 2004 as an element 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'. After debates concerning the content of legal changes, the procedure and order of voting, the compromise version was elaborated and supported by an overwhelming majority of 402 out of 450 parliamentarians. It comprised, *inter alia*⁵:

- The adoption of temporary amendments to the Presidential Election Law, to be applied to the second round re-run only.
- The final adoption of the constitutional amendments shifting powers from President to Parliament and Cabinet⁶.

The shift of power included a major innovation, vesting the Parliament with the authority to form the Cabinet of Ministers. Technically, a coalition of parliamentary fractions should agree on nominating a candidate for the post of Prime Minister who would then be presented by the President to the Parliament for approval. The authority to nominate a number of state authorities was also shifted from the Presidency to the Parliament.

The timing of enactment of several provisions seems to have generated uncertainties as regards the period between 1 January 2006, official entry into force of the

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 law 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;"

⁵ There have been discussions on the legality of the 8 December 2004 vote in parliament stemming from the fact that the version of draft n.4180, as adopted on 8 December under n.2222-IV, varied significantly from the version approved by the Constitutional Court on 12 October 2004.

⁶ The timing of enactment of Law 2222-IV was made conditional to the final adoption of a draft n.3207-1 on territorial structure. The constitutional reform would take force on 1 September 2005, under the condition that draft n.3207-1 would be passed by that date. If not, it would take force unconditionally on 1 January 2006.

constitutional reform, and the next parliamentary elections, in particular as to what modalities would apply, in the event that a change in government was necessitated during that period.

The OSCE/ODIHR has not conducted a detailed study of the 8 December 2004 constitutional amendments, but has heard arguments which are reminiscent of the criticism expressed earlier by the Venice Commission and concern, *inter alia*, the concept of an imperative mandate, and the status and functions of the Prosecutor General.

2. The Law on the Election of People's Deputies

The principal legislative act governing the 26 March 2006 parliamentary elections is the Law on Elections of People's Deputies of Ukraine, adopted on 25 March 2004 and amended on 7 July 2005 to enter into force on 1 October 2005 (the election law). The law confirms choices already made in March 2004 and brings about new provisions, some of which address specific OSCE/ODIHR recommendations issued after the 2004 Presidential election.

Among the most significant changes was the introduction of an election system of pure proportional representation in a single nationwide constituency with a three percent threshold for eligibility in the seat allocation. The new election system replaced the previous mixed system, whereby half of the 450 MPs were returned from single mandate constituencies and the other half were elected through proportional representation.

The text of the election law improves regulations on the composition of the election commissions, in an attempt to avoid that election commissions at constituency and at polling station level would be overcrowded. Other improvements include rules for organizing the election campaign, the use of the mobile ballot boxes and of absentee voting certificates (AVCs), as well as accreditation of domestic non partisan observers. The latter was a longstanding OSCE/ODIHR recommendation and is to be welcomed.

A specific question concerns the complaints and appeals system and a possible uncertainty, stemming from current procedures as established in the Administrative Code. The election law was elaborated and adopted at a time when an Administrative Code had been adopted by the Parliament, but not yet signed by the President. The Administrative Code had foreseen the creation of a new system of administrative courts and some provisions were impacting on the proceedings and definition of the body in charge of handling election related disputes. As in July 2005, according to interlocutors, it was perceived that the President would not sign the Administrative Code, the Parliament adopted the election law without modifying its Chapter XII, which foresaw that complaints and appeals were reviewed by election commissions and ordinary courts under specific proceedings, different from those provided in the Administrative Code. The NAM heard different opinions on this issue and cannot prejudge its consequences. The Election Observation Mission will dedicate a particular effort to following the resolution of election related disputes.

Regrettably, the law maintains the possibility for voters to vote "against all". This option creates uncertainty, since if votes "against all" are counted as invalid they could

only affect the turnout, while if counted as valid they would have an unclear status as they do not express choices. Therefore, it is recommended to eliminate this option.

The Law underwent a recent change relating to the liability of election officers. From a collegial responsibility of election commissions as bodies, the law has now introduced a notion of individual responsibility of election commission members.

Effective legislation is not a substitute for efficient implementation in good faith. The Ukrainian authorities will need to devote considerable resources for voter education and training for the judiciary, for election administrators at all levels and public employees involved in election processes.

Elections in Ukraine are regulated by a combination of various and numerous laws. For the sake of clarity, and in order to avoid repetitions or discrepancies, consideration could be given to undertaking a codification of the entire election legislation.

D. ELECTION ADMINISTRATION

Election commissions operate at three levels: the Central Election Commission (CEC), a total of 225 District Election Commissions (DECs) and some 36,000 polling station election commissions (PSCs).

The provisions on the formation of the CEC and most of its responsibilities are set out in a separate law. The CEC comprises 15 members appointed by the Parliament for a seven year term. A member who would decide to run as a candidate would have to resign, in accordance with art.7.4 of the Law on the Central Election Commission.

The election law provides for a new composition of election commissions at lower levels. The composition of lower level election commissions had been negatively affected during the 2004 presidential election by the registration of a large number of presidential candidates, each of them being entitled to one representative on each election commission. The current law establishes a ceiling to the number of possible members. Hence, DECs membership is limited to a Chair, Deputy Chair, Secretary and 12 to 18 individuals. Each faction in the existing Parliament is entitled to nominate a representative to each DEC, the remaining seats being distributed by drawing lots among other parties and blocs running in the election. The Head, his or her Deputy and a Secretary of a DEC must represent different contestants, and a specific legal provision foresees the implementation of the principle of proportionality among contestants in the assignment of managerial positions on DECs.

The provisions concerning the composition of Polling Station Commissions follow the same principles. The election law sets the number of voters per one polling station from 20 to 2500. Compared to the previous 3000 voters per station this is an improvement. Yet, should several electoral processes be held simultaneously, as is foreseen on 26 March 2006, maintaining 2500 voters in one polling station might affect the efficiency of voting and counting.

The likely concomitance of the local elections was presented by most interlocutors as a matter of concerns. On 26 March 2006, it is foreseen that Ukrainians will elect councils and executives of regions, districts, municipalities and villages. Only Polling

Station Commissions will be common to all elections⁷. Ballot papers will be returned to different higher level election commissions, each of them corresponding to the administrative level of the body to be elected. Different voter lists will be used in polling stations, for the national contest and for the local contests. The OSCE/ODIHR will not observe the local elections; however to the extent that this concomitance impacts on the conduct of the parliamentary electoral process, the OSCE/ODIHR may consider the possibility to comment on issues related to the local elections.

As was decided for the results of the 26 December 2004 second round re-run of the presidential election, the CEC Chairman ensured the NAM that detailed elections results would be posted on the CEC website immediately after verification of their accuracy. Such a mechanism significantly increases the transparency of the process.

1. Voter Registration

Traditionally, and it is still the case in the current law, voter lists are drawn up for each election according to a particular timeframe and methodology. There is an attempt to adopt an entirely new system of registration of voters in permanent, computerized and continuously updated registers. In this respect, the adoption of a draft Law of Ukraine “On the State Register of Voters of Ukraine” is currently contemplated. It is seen as a first step towards the compilation of a population register.

Yet, many of the provisions in Section V (Voter Lists) of the election law are new. The law now provides that Local Government Bodies are to establish special ‘working groups for voter registration’ in charge of compiling voter lists with the assistance of various state bodies from a variety of sources, mainly data from state administrative bodies at local level.

In total, 716 working groups were set up in Rayons (Districts) or ‘Cities of Oblast Importance’, 27 were set up at Oblast (regions) level, and one working group was established at central level. As the new lists are due to be computerized, special software was designed and working groups were provided with computers. The OSCE PCU supported the process by providing more than 1,700 computers⁸.

In accordance with the election law, working groups must present draft voter lists for public scrutiny in accessible premises no later than 1 November of the year preceding the election. The lists should be available for public scrutiny in the course of two calendar months, November and December. Elimination of multiple entries is due between 1 January and until the lists are handed over to Polling Station Commissions, no later than 32 days before election day. The 36,000 PSCs are themselves due to be appointed on 18 February. The resolution of possible multiple entries could be a complicated and lengthy task, especially when such records appear in different precincts, Rayons or Oblasts, since this would require getting in contact with the voters affected. It remains to be seen how much of this operation will be completed within the legal deadlines.

⁷ In such a case, it is foreseen that the composition of PSC would be regulated in accordance with the Art.26.5 of the parliamentary election law.

⁸ This project is funded by the EC Delegation in Ukraine, Sida, CIDA, USAID, US State Department, and Finland.

As of the time of the visit, the lists contained approximately 36.5 million records of voters, more than a million less than the lists used for the 2004 presidential election. Some interlocutors viewed this difference as a confirmation that the 2004 lists had been artificially inflated. According to the CEC, some 800,000 citizens had required assistance to vote (transport or use of a mobile ballot box), amounting to little more than two percent.⁹

According to the Ministry of Interior, an estimated 100,000 Ukrainian citizens still have old Soviet passports as their only identification document, although the process of replacing ID papers was officially completed in 2002. The NAM was told that a campaign was going on in order to reach these persons and replace their identification documents.

Working groups were meant to start compiling data and putting together voter lists on 1st September. As the Law was only signed by the President on 17 August, the commencement of the activities of working groups was slightly delayed. Yet this was not reported to the NAM as having notably affected the output. More significant was the fact that not all authorities that are supposed to provide the working groups with data, did so in a timely manner. In particular, the NAM was informed that local level departments of the Ministry of Internal Affairs in charge of issuing passports were reluctant to provide working groups with the necessary information.

Voters who will be away from their area of residence may vote using absentee voting certificates (AVCs), Article 42. The rules on the use of AVCs have been expanded, in large part to provide mechanisms to prevent abuse. This is particularly welcome since a failure to control effectively and transparently the printing, distribution and use of AVCs facilitated the manipulation of the 2004 presidential elections.

The Law provides for possibilities for out of country voting. Polling station commissions would be formed in diplomatic missions abroad.

There appears to be a general expectation that the voter lists will be more accurate than those used for the 2004 presidential election. Yet, some interlocutors told the NAM they had already reported gaps in the lists to the CEC. A reason for these could be potential cases whereby polling station areas' boundaries are overlapping.

Overall, although technical challenges exist, the voter registration process has been described to the NAM as non-contentious. While political parties were offered the possibility to be involved in 'control groups' to overlook the functioning of the working groups, it would appear that most parties did not avail themselves of such an opportunity.

2. Role of the Police on Election Day

The role of the police in the election process is threefold: escorting and securing election materials while stored at TEC level and then at PSC level, and maintaining

⁹ For the 21 November 2004 round of voting, in some areas of Ukraine, up to 40% of the electorate voted using a mobile ballot box.

order on election day. It is estimated that 150,000 police officers will be involved. The MoI indicated that a manual for police officers involved in the electoral process had been prepared with the support of the Kharkiv Police Academy. The manual is a public document and is due to be available at each polling station. Representatives of the MoI indicated that police officers would not be allowed inside polling stations, unless called upon by the respective PSC in due order.

E. MEDIA

Changes in the media sector since the 2004 presidential election have been significant. No centralized pressure was reported to the NAM, and the so-called ‘Temnyky’ (editorial media guidelines) which were commented upon in the OSCE/ODIHR final report on the 2004 presidential election, seem to have disappeared. Indicative of the emergence of the media as a real force is the fact that strong lobbying from media outlets, journalists and NGOs, such as the Media Law Institute, managed to obtain amendments to several provisions of the election law pertaining to the role of the media in the electoral campaign.

In its original version, article 71.6 of the election law established a prohibition for “mass media, their officers and officials and creative workers”, in general, from “campaigning in favor or against parties (blocs), their candidates for deputies, favoring them in any form during the election process in their materials and programs...” This provision could have created problems with respect to some fundamental rights, in particular all those that protect freedoms of thought, speech and press, personal freedom and private property rights. Amendments to this provision of the election law have been made and were considered by the interlocutors of the NAM, as providing sufficient and adequate clarification of the restriction. Another modification concerned a transfer of the responsibility for the enforcement of the law and possible consequent imposition of sanctions on media outlets (art.71.10) from the CEC and election commissions to the courts. This amendment was also the result of strong lobbying from journalists and media outlets. Finally, one amendment shifts the responsibility for the content of a political advertisement from the broadcasting media outlet to the political contestant who originated the advertisement.

The election law establishes that the campaign in the media shall be conducted in compliance with the principle of “equal opportunities”. It contains fairly detailed rules to promote equal access to printed and electronic mass media during the election campaign.

Several provisions of the law could have a significant impact on the CEC budget. Indeed, the law foresees the provision of subsidized airtime on state TV for election contestants to be covered by the CEC budget. The CEC has already complained that the price indicated by UT1, the state TV channel, might be too high¹⁰.

Contestants are also allowed to seek paid advertisements. Media outlets are required to offer possibilities to all contestants to broadcast paid advertisements “on equal terms”.

¹⁰ The law also foresees that the CEC will ensure the publication of informational posters of all electoral contestants. The law requires the publication of five copies per polling station (art.67.3).

Overall, the broadcasting time allotted to a political advertisement on the electronic media cannot exceed 20% of the total broadcasting during a 24 hour period, be it state owned or private.

As regards news bulletins, art.68.12 requires that “the election campaign may be covered in all media outlets of all forms of ownership as news coverage based on unbiased, objective report of specific information of events, with no comments and assessments”.

However, parliament has not yet taken up the repeated recommendation of OSCE/ODIHR and the Venice Commission of establishing an independent media commission, whose membership should be diverse including medial professionals, civil society, judicial bodies, government and political parties. It must be noted that the CEC has agreed to create such a council with a consultative role, and asked the OSCE PCU to support this process.

Despite positive developments, several interlocutors of the NAM raised the question of the lack of transparency of media ownership as an issue.

F. DOMESTIC OBSERVERS

For the first time, domestic non-partisan observers will be allowed to observe the March 2006 electoral process. The domestic observation NGO “Committee of Voters of Ukraine” (CVU) has already started a long term observation effort.

Several domestic NGOs have created a coalition called “Clean Elections” and are conducting public information campaigns focusing on voter registration, voting procedures and first time voters. The coalition comprises CVU, Internews Ukraine, Europe XXI Foundation, Democratic Initiatives Foundation, Equal Opportunities Committee, Common Space Association. The OSCE PCU is supporting these public information campaigns.

G. INTERNATIONAL OBSERVERS

All of the NAM interlocutors welcomed the presence of an OSCE/ODIHR election observation mission for the parliamentary elections on 26 March 2006. It is also anticipated that the OSCE Chairman-in-Office will designate a Special Coordinator to lead the short-term OSCE observer mission. The OSCE/ODIHR will also closely coordinate its efforts with any observation activities undertaken by Parliamentary Assembly of the Council of Europe and by the European Parliament, as has been the practice in the past.

IV. CONCLUSIONS AND RECOMMENDATIONS

It is recommended that an OSCE/ODIHR Election Observation Mission (EOM) be established, some eight weeks before election day, to observe the 26 March 2006 parliamentary elections in Ukraine. In addition to a core team of experts, the mission should also include 60 long-term observers (30 teams of two observers each to be deployed throughout the regions of Ukraine in the end of January). The secondment of

600 short-term observers is considered appropriate to follow voting, counting and tabulation of election results. The OSCE/ODIHR intends to maintain a presence in the country until the official results are certified in accordance with all legal requirements, including final court decisions regarding possible appeals.

ANNEX 1

ODIHR/OSCE Needs Assessment Mission Ukraine 18-21 December 2005 AGENDA

18 DECEMBER

- **15.30** - Meeting with the OSCE PCU with the “Assistance in Further Strengthening of Democratic Governance Practices in Ukraine” Project Staff

19 DECEMBER

- **10.00** – Meeting in the Ministry of Interior of Ukraine with Viktor Kozachenko, Deputy Director, Public Security Directorate, Tatiana Nikitina, Deputy Head of the Passport Department, Registration of Physical Persons Directorate, Volodymyr Belimov, Chief of Section, International Relations Department
- **11.30** – Meeting with CEC Chairman Yaroslav Davydovych
- **15.00** – Meeting with 1st Secretary of the Socialist Party of Ukraine Political Council MP Yosyp Vinsky
- **16.30** – Meeting with Deputy Head of the Communist Party of Ukraine Faction in the Verkhovna Rada of Ukraine MP Georgiy Ponomarenko, and MP Igor Alekseev.
- **18.00** – Meeting with Member of Regions Faction in the Verkhovna Rada of Ukraine MP Taras Chornovil

20 DECEMBER

- **9.30-10.30** – Meeting with Head of the SDPU(o) Faction in the Verkhovna Rada of Ukraine MP Leonid Kravchuk
- **11.30-12.30** – Meeting with Deputy Minister for Foreign Affairs of Ukraine Mr. Oleg Shamshur
- **15.00** – Meeting with Member of the Party Council of the People’s Union Nasha Ukraina Mr. Roman Zvarych
- **16.30** – Meeting with Member of the Council of Party PORA

21 DECEMBER

- **10.00-11:00** – Meeting with elections-related NGOs (CVU, Internews-Ukraina, Institute of Media Law, Institute of Euro-Atlantic Cooperation, Freedom of Choice).
- **11.30-12.30** – Meeting with international community (Embassy of Slovenia).