



European Network of Election Monitoring Organizations International Observation Mission Ukraine Parliamentary Elections 2006	Європейська мережа організацій, що спостерігають за виборами Міжнародна місія спостереження Парламентські вибори в Україні - 2006
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**ENEMO REPORT
ON PRE-ELECTION PERIOD
*February 24 – March 22, 2006***

Kyiv, March 24, 2006

For the Ukrainian 2006 parliamentary elections, the European Network of Election Monitoring Organizations (ENEMO) has deployed 42 long-term observers covering all oblasts of Ukraine in preparation for 340 short-term observers coming from election monitoring organizations from 15 countries. ENEMO long-term observers focused on the conduct of election campaign, voter registration and activities of election administration ahead of the March 26, 2006 parliamentary election.

While Ukraine will see multi-level elections on March 26th, ENEMO observers will focus on monitoring elections at the parliamentary level. ENEMO's observation of the pre-election period shows significant improvement from the 2004 presidential elections for campaigning by political parties and blocs. The atmosphere is generally free of pressure, intimidation or harassment against any political parties. In stark contrast to 2004, there have been no reports of centralized misuse of administrative resources and ENEMO observers report only isolated cases of pressure of employees by their local directors or employers. While these cases should be vigorously prosecuted, this marks a significant improvement.

Parties and blocs campaigned primarily through paid media advertisements, televised debates and direct distribution of campaign materials. There were only a few cases when political parties voiced complaints about attacks on campaign workers or campaign tents and on illegal or unethical campaigning against campaign workers and parties. These violations have generally been responded to swiftly by the election administration and the courts.

ENEMO observers note that the Central Election Commission (CEC) functions in a professional, fair, and transparent manner. Since December 2005, the CEC has held 81 meetings, all of them open to observers and the press, during which 1249 rulings were adopted.

However, the conduct of local and regional elections concurrently with parliamentary elections highlights particular organizational challenges. Because of the added administrative burden of

multiple elections, ENEMO notes serious concern related to the functioning of lower-standing election commission (see later section), which ultimately are the responsibility of the CEC.

In particular, ENEMO observers have reported serious problems with formation and preparation of Precinct Election Commissions (PECs) and the quality of the voter lists. While these administrative problems varied to different extents in the regions, the lack of members in precinct commissions due to low qualification, poor payment and fear of criminal liability were noted in ENEMO's previous report and continue to remain the main issues. As a result, the electoral calendar deadlines are not met and heavy delays in the opening of PECs are reported. This holds a challenge for citizens in the affected areas to verify their names in the voter lists, and subsequently for changes to be made by the PECs in time for the election. These issues are of critical importance given that no citizens can be added to the voters lists on election day.

The Central Election Commission and Ukrainian Parliament have made legislative efforts to solve most serious technical problems by amending election legislation. The law amendments passed by Verkhovna Rada on March 14th and signed by the President on March 18th provide for extra financial means for election commission members, broaden the categories from which PECs can be recruited, and allow PEC members to cast their ballots in the polling station they work on election day. While ENEMO realizes that these changes were critical for the administration of the elections, it is concerned about the apparent trend of amending election legislation shortly before Election Day. Activities of this sort make the election process vulnerable to additional criticism and are a sign of insufficient preparation for the election process.

Election Administration

Ukraine's election administration for the parliamentary elections is a large system of interacting structures, comprised of the CEC, 225 District Election Commissions (DEC) and 34046 Precinct Election Commissions (PEC). The election law stipulates in detail how commissions are to be formed and establishes deadlines for the completion of the different steps of the election administration process.

Staffing

In previous reports ENEMO observers noted significant challenges related to the staffing of a large number of PEC and some DEC. While these problems have largely been remedied by the end of the reporting period, the late formation of PECs caused a significant number of polling stations to be non-functioning during parts of the crucial voter list correction process.

PEC members resignation was wide-spread, leaving commissions unable to operate due to the absence of a quorum. Changes in the legislation allowed representatives of the local authorities to be added as PEC members, however the process of nomination and resignation in some places continued until shortly before the elections, making effective administering a challenge.

High amounts of staff changes occurred in Odesa Oblast, (DEC 137, Rozdilna), where the Secretary had changed four times as of March 15. In Chernihiv (DEC 211), PEC 45 has had three heads and two secretaries, and PEC 2 has had three heads, PEC 44 has had 4 secretaries changed during the campaign period. In Cherkasy Oblast, (DEC 203), 12 out of 17 commissioners in PEC 84 have resigned since the original nomination. In Chernivtsi (DEC 210), the Chairperson had been replaced three times by March 6th.

Numerous polling stations were not functioning at the required capacity by the February 18th deadline for PEC formation. ENEMO observers noted such cases in Zakarpattya Oblast (DEC 70, on March 10th), Odesa Oblast (DEC 137, March 15th), Zaporizhzhya (DEC 71, March 15th), Khmelnytsky (DEC 197, March 12th and DEC 192, Volochysk, March 15), Luhansk (DEC 102, March 6), Crimea (DEC 1, Simferopol, March 13), Chernihiv (DEC 211, March 20).

The reasons given for resignation to ENEMO observers include low pay, high degree of responsibility (some indicated the potential for criminal prosecution of commission members), and long working hours.

Organizational Set-up

Observers noted that some commissions experienced organizational problems that made their functioning difficult. These included: missing safes, telephone lines, transportation, heating, or stationary. These seem to be able to be remedied by Election Day but have made the preparation process more difficult. In Sumy, (DEC 158), PECs 8, 9, 12, and 53 as well as in DEC 162, 155, 131, and 12 there were no telephone connections as of March 22. In Kyiv Oblast, (DEC 86, Bila Tserkva), ENEMO observers were informed that the Commission is concerned about its ability to transport ballots on Election Day.

The Election law under which the Parliamentary elections are conducted decreased ceiling for the number of voters per PEC to 2500. As a result, some PECs had to be re-drawn. This process has not been completed in all PECs and ENEMO expects this will lead to additional problems on Election Day. Maximum number of voters allowed on the lists were exceeded, among others, in Sumy, (DEC 158, 32 PECs), and Dnipropetrovsk, (DEC 29 and DEC 30 and 31 (Dniprodzerzhynsk), Crimea (DEC 1, 3 PECs), and Kharkiv (75, 3 PECs).

The CEC reported that 1325 PECs are operating with voter lists exceeding the legal maximum amount. Of these, 114 have more than four thousand voters. While this digression is unlikely to influence the results of the elections, it might lead to additional organizational problems on Election Day.

Voter Registration

While there have been efforts to improve the system of voter registration, ENEMO remains concerned with the number of inaccuracies in the lists and in the ability of the PECs to address these deficiencies in time for March 26th. The total number of voters for the 2006 Parliamentary elections is 36,808,000 people (compared with 37 657 000 in 2004 Presidential elections), according to the CEC. The most common problems with the lists include inaccurate transliteration of voters names, inclusion of deceased voters, and absence of voters, including absence of entire buildings and streets. The PECs have responded to complaints of the voters lists in due time when the PECs were fully staffed and the problems identified early. However there still remains concern about the ability of the PECs to correct the remaining deficiencies of the voters' lists in time for Election Day.

The problems outlined with the voters' list give no evidence that the inaccuracies in the lists are due to overt actions by a single authority to manipulate the lists or the electorate on Election Day nor do the problems seem to provide an advantage to one party or bloc over another. Rather, it is

evident that the flaws in the lists are a result of technical difficulties and poor performances of the bodies responsible for compiling the voters lists.

The poor quality of voter lists is evident by the fact that with less than one week before the election there were still reports of entire buildings and streets absent from the voters lists. In Sumy Oblast (DEC 158) as of March 22nd, twenty apartment buildings were absent from the voters lists in one PEC (PEC 103) and in another (PEC 119), thirty-six apartments were absent. In Kirovograd Oblast (DEC 100) ENEMO observers witnessed that in one PEC 600 names were absent and in another PEC all buildings with a number higher than 27 were absent (as of March 22nd).

In Kyiv, as of March 23rd, all of the 162 PECs from DEC 93 have inaccurate voters lists, according to the head of the DEC. In Crimea, estimates from a DEC member in Simferopol include approximately 5000 voters absent from the voters lists as of March 15th. Kharkiv Oblast also records significant problems in the voters list in DEC 173 through 183.

The voters lists also appear to reflect out-dated information, such as individuals who are deceased and have been for several years. In some cases the deceased were properly left off the voters lists in 2004, only to reappear for these elections, such as in Dnipropetrovsk (DEC 109). Vinnytsya Oblast also records deceased individuals on the voters lists (DEC 17). Cherkasy Oblast DEC (205) also reported that as of March 15th over 1000 deceased voters were still listed on the voters lists.

It is clear that where PECs are working properly and when inaccuracies are brought to the attention of the PECs, appropriate and timely changes are made to the voters lists. However in some cases DEC 173 have acknowledged that changes will not be able to be completed in time for the elections due to understaffing at the PECs and a lack of voters' interest in checking their names on the lists. As of March 16th, the DEC 173 in Chernivtsi, had already complained that they would be unable to compile accurate voters lists by election day.

Reports on Campaign Violations

ENEMO observers everywhere in Ukraine continue to note a dramatic improvement from the 2004 presidential elections in the campaign environment. The atmosphere is generally free of pressure, intimidation or harassment. In stark contrast to 2004, there have been no reports of centralized misuse of administrative resources and ENEMO observers report only isolated cases of pressure or intimidation of employees by their local directors or employers. ENEMO also notes cases of violations against party workers in the form of harassment and intimidation. While these cases are uncommon, ENEMO is concerned with any violation against legal campaign activists or property.

On March 18th, Prime Minister Yuri Yekhanurov gave a speech at the Khmelnytsky National University. In response to students' questions, he promised to build homes for young people, create one million jobs, increase salaries and living standards if elected to Parliament. At the end of the meeting Yekhanurov announced a supplement to the University budget of 2, 5 mil UAH. Both the Prime Minister and the Rector are candidates of Our Ukraine for parliamentary and local elections, respectively. ENEMO believes that events of this nature are likely to be perceived as campaigning and should not be conducted during working time.

On March 13th at a rally of the Party of Regions (PoR) held in Poltava local administrative pressure on voters was reported. Employees of Poltavagaz factory were bussed to the rally and were threatened with job loss if they refuse to participate. At the 1000-person attended rally, Victor Yanukovich, the party leader, was the speaker. Also reported in Poltava, director of School 29 forced teachers to campaign for the PoR. The teachers claim that they were forced to work in shifts at the campaign tents of the party.

While isolated, this campaign period has not been without incident against campaign workers. On the March 21st, explosion took place in Kharkiv at the entrance of the Party of Regions local campaign headquarters. PoR representatives argue that this was a planned attack on head of campaign, Yevhen Kushnaryov. Kushnaryov was not injured, and the case is being investigated by local law-enforcement authorities.

Two campaign workers from NeTAK Block were beaten by four unidentified individuals while they were posting election materials in the street. The incident took place in Rakova district (Khmelnyskyi Oblast) on March 20th. A formal complaint was filed.

PORA-PRP reported intimidations against local campaign workers in Hertsa in the Chernivtsi oblast on March 8th. Campaign workers were followed by several cars with unidentified individuals and the activists were physically threatened to stop campaigning. An official complaint was registered.

- This report was written in English, which remains the only official version -

ENEMO GENERAL INFORMATION

ENEMO – European Network of Election Monitoring Organizations – is a group of 18 leading civic organizations from 16 countries of Eastern and Central Europe and Central Asia. ENEMO member organizations have monitored more than 140 national elections and trained more than 180,000 observers.

ENEMO seeks to support the international community's interest in and support for democracy in the OSCE region, to assess electoral conditions and the political environment, and to offer accurate and impartial observation reports. ENEMO international observation missions evaluate the electoral process using international standards for democratic and fair elections (1990 Copenhagen Document) and benchmarks in the assessed country's legislation and constitution.

On October 27, 2005, ENEMO, together with 20 other leading intergovernmental and international organizations, endorsed a set of Principles for International Election Observation at the United Nations. Other signatories included the OSCE, European Commission, Parliamentary Assembly of the Council of Europe, the UN Election Assistance Mission and other international organizations.

During the 2004 Presidential Elections in Ukraine, ENEMO was one of the largest among the international election monitoring missions. It deployed 50 long-term observers and twice 1000 short-term observers and monitored the election process during all three rounds of the elections in all regions of Ukraine.