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Ukraine: The political situation, including elections and post-electoral conditions (2007 - July 2008)

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Pre-electoral conditions

In its annual report for 2008, *Nations in Transit 2008*, Freedom House notes that the "trend toward a pluralistic democracy" in Ukraine began with the "Orange Revolution" (24 June 2008, 630), the popular uprising which led to the reversal of the fraudulent elections of 2004 (Freedom House 2006). However, reform has been hampered by several obstacles, including a "dual executive" model of government which provides for shared presidential and parliamentary authority that has led to persistent infighting (Freedom House 24 June 2008, 630). In Resolution 1549 of 19 April 2007, the Council of Europe (COE) expressed concern that "[p]ersonal rivalries and short-sighted manoeuvring for personal gain" had emerged among Ukraine's political leaders (COE 19 Apr. 2007, Sec. 4) and that successive Ukrainian governments had failed to establish coherent policies that would guarantee democratic rights and freedoms (ibid., Sec. 1).

The 30 September 2007 Parliamentary Elections

Pre-term parliamentary elections were held on 30 September 2007 (Freedom House 24 June 2008, 635; OSCE/ODIHR 20 Dec. 2007, 4). The International Election Observation Mission (IEOM), led by the Organization for Security and Cooperation in Europe (OSCE), observed the elections with the help of 800 international observers (OSCE 6 Dec. 2007). The observers were representatives of fifteen domestic non-governmental organizations (NGOs), fifteen international organizations and twelve embassies (OSCE/ODIHR 20 Dec. 2007, 19).

The IEOM produced a report which was released in December 2007 that included the following observation:

the elections were conducted mostly in line with OSCE and Council of Europe commitments and other international standards for democratic elections, and confirmed an open and competitive environment for the conduct of elections. (OSCE/ODIHR 20 Dec. 2007, 1)

Candidate registration was described as "inclusive" and "transparent"

(OSCE/ODIHR 20 Dec. 2007, 12), the campaign as "peaceful" and "calm" (ibid.), media coverage as "broad" overall (ibid., 15), voting as "orderly and transparent" (ibid., 22), and vote counting as "good or very good in 90 percent of reports" (ibid., 23; see also CSCE 6 Dec. 2007).

However, amendments to the Parliamentary Election Law (PEL), which were adopted on 1 June 2007, led to concerns by IEOM observers about the inadequacy of voter lists and the possible disenfranchisement of voters who had travelled across international boundaries after 1 August 2007 and who had not been recorded as having re-entered Ukraine prior to 26 September 2007 (OSCE/ODIHR 20 Dec. 2007, 1 and 5; COE 1 Oct. 2007). These amendments contained new provisions for voting at home, the removal from voter's lists of voters who had travelled abroad, and new procedures for compiling voter's lists (OSCE/ODIHR 20 Dec. 2007, 5). In addition, amendments prohibited the use of absentee voter certificates and specified a minimum 50 percent voter turnout to assure the validity of elections (ibid.). According to Freedom House, the Ukrainian ombudsperson reported that nearly one million people living outside their place of registration were prevented from voting due to the amendments (24 June 2008, 631).

Election Results

Five political parties succeeded in attaining the requisite three percent vote threshold to obtain a seat in the *Verkhovna Rada* (parliament): Party of Regions (34.37 percent), Bloc of Yulia Tymoshenko (BYT) (30.71 percent), Bloc "Our Ukraine - People's Self-Defense" (14.15 percent), Communist Party of Ukraine (CPU) (5.39 percent) and Lytvyn's Bloc (3.96 percent) (Freedom House 24 June 2008, 636; US 15 July 2008; Reuters 27 Oct. 2007).

The Party of Regions won the most seats in the 450 seat Verkhovna Rada with 175, but the democratic "Orange" forces of the BYT and Bloc "Our Ukraine - People's Self-Defense" won a slim 228-seat majority (Freedom House 24 June 2008, 630), having gained 156 and 72 seats respectively (ibid., 636; US 15 July 2008), and "put aside past enmity" to form a coalition (*International Herald Tribune* 18 Dec. 2007). Yulia Tymoshenko was elected Prime Minister on 18 December 2007, having received the minimum number of required votes from 226 Orange coalition Members of Parliament (MPs) (ibid.; BBC 18 Dec. 2007; *Pravda* 18 Dec. 2007). Opposition MPs boycotted the vote (BBC 18 Dec. 2007; *International Herald Tribune* 18 Dec. 2007).

Post-electoral conditions

In its 2008 report, *Freedom in the World 2008*, Freedom House states that "[c]orruption remains one of the country's most serious problems" (2 July 2008). In 2007, Ukraine adopted the Action Plan on the Implementation of the Presidential Decree entitled "A Way to Integrity," which sets "concrete" targets to be reached by 2010 (Freedom House 24 June 2008, 632). However, little progress was made on combating corruption in 2007 due to preparations for the 30 September elections and the subsequent attention given to the creation of a coalition (ibid., 644). Freedom House gives Ukraine a 5.75 ranking for corruption in 2007 and 2008 on a scale of one to seven, with seven representing the lowest ranking (Freedom House 24 June 2008, 629). Transparency International (TI) rates Ukraine 118th out of 180 countries on its *Corruption Perceptions Index 2007* with a score of 2.7 out of a possible 10 (TI 26 Sept. 2007).

Sources indicate that power struggles between the President and the Prime Minister continued to plague the government of Ukraine in 2008 rendering it ineffective (*The Economist* 29 May 2008; *The Ukrainian Observer* n.d.). Deficiencies in the constitution are blamed for the "incessant conflicts" between the two branches of government (Jamestown Foundation 25 June 2008; see also *The Economist* 29 May 2008; *The Ukrainian Observer* n.d.); in particular, the "dual executive" power-sharing arrangement between the office of the president and that of parliament (Freedom House 24 June 2008, 630). Reports have been noted by media of manoeuvres by both Prime Minister Tymoshenko and President Yushchenko to form a "coalition" with former Prime Minister, Viktor Yanukovich of the Party of Regions (ForUm 11 Mar. 2008; Jamestown Foundation 5 Feb. 2008).

On 20 February 2008, President Yushchenko convened the first meeting of the National Constitution Council (NKS) with the aim of drafting a new constitution which would give greater powers to the office of the president, eliminate MP immunity from prosecution and enhance the role of the regional governments (Jamestown Foundation 26 Feb. 2008). However, on 16 April 2008, Prime Minister Tymoshenko announced her support for a proposal to transform Ukraine into a parliamentary republic "in which the president would perform mainly representational functions" (ibid. 23 Apr. 2008). She joined forces with the opposition Party of Regions in setting up a separate commission to draft constitutional amendments (ibid.), which drew a "wave of criticism" when they were presented on 1 July 2008 (ForUm 2 July 2008). Yushchenko's request to amend or replace the constitution (Jamestown Foundation 26 Feb. 2008) was quashed by the Constitutional Court on 18 April 2008 (ibid. 23 Apr. 2008).

On 6 June 2008, two MPs left the Orange coalition alleging inadequate progress in dealing with corruption (Jamestown Foundation 25 June 2008), leaving it one seat short of a majority in Parliament (ibid.; *The Ukrainian Observer* n.d.). On 8 July 2008, ForUm, a 24 hour online news service that provides information on Ukraine (ForUm n.d.), reported that Parliament had obtained the required 150 signatures for a non-confidence resolution to be introduced against Prime Minister Tymoshenko (ibid. 8 July 2008), thus jeopardizing her position as Prime Minister (Jamestown Foundation 25 June 2008).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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(UNIAN), Ukrainian Pravda, *The Ukrainian Weekly*, Ukrainians.ca.

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