



EUROPEAN PARLIAMENT



## **INTERNATIONAL ELECTION OBSERVATION MISSION 2002 ELECTIONS TO THE VERKHOVNA RADA OF UKRAINE**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Kyiv, 1 April 2002** – The International Election Observation Mission (IEOM) for the 31 March 2002 elections to the Verkhovna Rada (Parliament) of Ukraine is a joint effort of the Organization for Security and Co-operation in Europe – including the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe, and the European Parliament.

This statement of preliminary findings and conclusions is issued before the final certification of the results, before a complete analysis of the observation findings, and before electoral complaints and appeals were addressed by the administrative and judicial authorities.

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### **PRELIMINARY CONCLUSIONS**

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The 31 March 2002 Verkhovna Rada (Parliament) elections in Ukraine indicated progress over the 1998 parliamentary polls towards meeting international commitments and standards, though important flaws persist.

The role of the election administration and the judiciary in the immediate period ahead in tabulating and publishing the results, maintaining transparency, and addressing disputes will be instrumental in formulating the IEOM's final conclusions on the extent to which this event meets international commitments and standards for democratic elections.

The outgoing Verkhovna Rada and the President were locked in a conflict for most of the past four years over required legislative reforms. As such, the Parliament elected on 31 March could have a significant impact on the future development of the country and its place within the international community.

Factors contributing to an improved environment for these elections include:

- A new Election Law that took into account OSCE/ODIHR and Council of Europe recommendations from previous elections, providing an improved framework for democratic elections;
- An efficient, orderly and timely administration of the elections by the Central Election Commission (CEC) whose sessions were open to political parties, blocs, the media and observers;
- Multi-party election commissions that improved the transparency of the process;
- More streamlined electoral dispute resolution mechanisms;
- A broad spectrum of political choice available to voters with 33 parties and blocs, and some 7,000 candidates competing in the parliamentary elections; and
- A civil society engaged in the electoral process.

However, the media performance during the campaign was mixed. In general all media and in particular the electronic media remained highly biased. Nonetheless, all major candidates, parties and blocs had greater access to television and other media, through the welcome innovation of organized debates, free air time, and paid advertising. By contrast outside Kyiv, parties, blocs and candidates in opposition often found their access to electronic media restricted by local authorities. Moreover, the State-funded national television channel gave disproportionate coverage to the pro-presidential contestants.

Despite important improvements in the legislative and administrative framework for the elections, a general atmosphere of distrust pervaded the pre-electoral environment, both among contestants and voters. Contributing to this low level of confidence were:

- Serious misgivings about the motives of a number of candidates;
- Shortcomings in the implementation of the legal framework;
- An unfair distribution of leadership positions in district and lower election commissions;
- An abuse of administrative resources, including allegations of pressure on public employees to vote for certain candidates, State facilities selectively made available to certain contestants only, and campaign material of certain contestants in public buildings;
- Illegal interference by public authorities in the electoral process;
- A campaign that failed to inform voters about the challenges confronting the country; and
- A campaign marred by the murder of a prominent candidate on the eve of the elections, other isolated violent incidents, and allegations of intimidation and harassment against opposition contestants, activists and voters.

On election day, the CEC reported a 64.78% turnout. The polling was conducted in a generally calm atmosphere and observers rated positively the performance of a large majority of PSCs. The most serious problems noted during the polling were violations of the secrecy of the vote and voters added to registers in apparent contravention of the law. At the time of this writing, the IEOM was not in a position to provide a statistically significant evaluation of the vote count. Also, the tabulation and aggregation of the results at the district and central levels were still underway.

The CEC can take steps to increase the level of confidence among voters and contestants. The CEC could require from all District Election Commissions (DEC) the publication without delay of all summary tables or worksheets prepared for the tabulation of the results, listing in detail the results of each polling station within the DEC. The same level of transparency could be provided for the tabulation of the results at the CEC level. This will permit an independent audit of the tabulated results by voters, media representatives, contestants, and observers alike.

Thus, the final conclusion on whether these elections will bring Ukraine closer to international standards for democratic elections will depend, in part, on the tabulation of the results and the level of confidence in the outcome. Additionally, the integrity of the electoral disputes resolution process, and the respective roles of the CEC, the DEC's and the courts in this process, will be important factors for the IEOM's final conclusions.

As such, the institutions represented in the IEOM will monitor developments in the electoral process in Ukraine until the certification of the results, and will return to the country shortly

thereafter for more consultations. Only then will the IEOM reach a conclusion as to what extent international commitments and standards for democratic elections have been met. These standards are formulated in the 1990 Copenhagen Document, the case law of the European Court of Human Rights, and UN resolutions and other documents. Democratic election criteria require that the vote be universal, secret, accountable, transparent, free, fair, equal, and dignified.

The institutions represented in the IEOM are prepared to assist the authorities and civil society of Ukraine to overcome the remaining important challenges and to build on the progress already accomplished. The international community's continued engagement in Ukraine is essential for the consolidation of democratic development and the further integration of the country into European structures.

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## **PRELIMINARY FINDINGS**

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### **Background**

The 31 March parliamentary elections marked the third time that Ukraine voted for its national legislature, the Verkhovna Rada, since independence in 1991. These elections are seen as an indicator of the democratic progress Ukraine has accomplished since the 1998 parliamentary and 1999 presidential elections, which fell short of OSCE commitments and international standards.

In addition, the murder of two journalists, Georgiy Gongadze and Ihor Alexandrov, in 2000 and 2001 respectively, and the authorities' failure to identify and punish the perpetrators of these crimes had a chilling effect on fundamental freedoms. Allegations of harassment and intimidation against opposition activists during the months preceding the 2002 elections further dampened the environment.

Disagreement between the President and the Parliament on legislative issues characterized the work of the outgoing Verkhovna Rada, blocking legislative reforms on many issues. At the same time, Parliament never adopted the results of the controversial 2000 referendum. That referendum would have strengthened presidential powers by reducing the number of parliamentarians to 300 from 450 members, creating a bicameral Parliament, repealing parliamentary immunity, and easing the dissolution of Parliament by the President. However, the Verkhovna Rada and the President were able to reach consensus on a number of legislative reforms starting in the latter half of 2001.

Ukraine has been under formal monitoring procedure by the Council of Europe since joining the organization in 1995. In January 2002, the Committee of Ministers of the Council of Europe acknowledged "the substantial progress made by Ukraine towards ... honouring ... its obligations and commitments" and stressed to the authorities the need to implement the new democratic laws across all branches and at all levels of government. In September 2001, the Parliamentary Assembly of the Council of Europe (PACE) also noted "substantial progress" and indicated that, "in the event that Ukraine should ultimately honour its few remaining commitments" by January 2002, "it will consider terminating the formal monitoring procedure". However in March 2002, the Council of Europe's monitoring procedure was still in force.

As such, the international community had high interest in and expectations from the 2002 elections in Ukraine.

### **Legislative Framework**

The 450 members of the Verkhovna Rada are elected according to a mixed election system. Half or 225 Members are elected on party lists in a nation-wide multi-mandate constituency and the second half of the seats are allocated on a majoritarian basis in 225 single mandate constituencies. Political parties must surpass a 4% threshold to participate in the distribution of seats, while a simple majority (“first past the post”) is sufficient to win a seat in a single mandate constituency.

A new Election Law adopted in October 2001 after five presidential vetoes marked significant improvements compared to previous legislation and provided an adequate legislative framework for the conduct of democratic elections. The new law took into account most recommendations made in previous OSCE/ODIHR and Council of Europe reports. In addition, the October 2001 Presidential decree “On Securing Implementation of Citizens’ Rights, Principles of Democratic Society, Openness and Transparency of the 2002 Election Process” strengthened existing transparency provisions and instructed State bodies to treat all election contestants on an equal basis. However, only parts of the Decree were implemented and other parts rescinded.

A major innovation in the new Election Law is the formation of multi-party District (Constituency) and Polling Station Election Commissions, including proportional distribution of leadership positions to participating parties. Accountability of election commissions and the transparency of their work was improved by detailing the rights of international observers and party representatives, especially the right to observe all stages of the election process.

However, transparency was reduced by the absence of provision for non-partisan domestic observers that contravenes Article 8 of the 1990 OSCE Copenhagen Document. Parliamentary political parties opposed to the Presidential Administration prevented provisions to this effect from incorporation in the law. Additionally, international observers can only obtain copies of protocols for the proportional party list contest at the DEC level. While the law also fails to provide clearly for the publication of detailed results, the OSCE/ODIHR has urged the CEC to instruct DEC to publish summary tables or worksheets showing the aggregated results of all polling stations. Such detailed publication of results will enhance confidence in the electoral process, permitting all observers, candidates and their proxies to audit the outcome from polling stations up to DEC.

The implementation of the Law has revealed other shortcomings such as the uneven enforcement of provisions on violations of electoral rights, the lack of deadlines for candidate de-registration, vague definition of election campaigning, tight deadlines on appeals, and insufficient details on election day proceedings. Related legislation, including the Law on Political Parties, the commercial code, as well as the Civil Procedure and Administrative Codes should have been amended to reconcile those with the new Election Law, but the outgoing Verkhovna Rada did not.

The main weakness of the electoral framework derived from the inability of the Verkhovna Rada and the President to agree on the amendments to the Administrative Code. As a result, violations of electoral rights such as abuses of administrative resources, the distribution of free goods, and the interference of State officials in the election campaign could not be prosecuted effectively.

Regrettably, many provisions of the Election Law that were aimed to ensure fairness and transparency of the process could not be enforced.

### **Election Administration**

The election process was managed by a three-tiered election administration. The Central Election Commission supervised the work of the 225 District (or Constituency) Election Commissions (DECs) that, in turn, controlled the activities of 33,130 Polling Station Commissions (PSCs). All together, some 480,000 officials administered the process.

The CEC is a permanent body that consists of 15 members appointed for six years by Parliament, upon presidential recommendation. The current CEC administered the 1998 parliamentary and the 1999 presidential elections, and the 2000 referendum. With this experience, the CEC administered the 2002 election process in an efficient, orderly and timely manner. CEC meetings were open to the OSCE/ODIHR EOM, media representatives, and political parties. Moreover, the rich information on these elections made available to the public by the CEC was unprecedented. However, the printing of ballots was not sufficiently transparent – no official documents were made available on the process of printing, storage, transfer and delivery of the ballots.

Three days before the elections, thousands of unsecured ballots were discovered in Kirovohrad (DEC 99), raising questions about the integrity of the voting there. The CEC responded promptly by ordering the printing of new ballots on a different color paper for the entire district.

For the first time this year, DECs and PSCs were composed of party representatives. Although the overall DEC compositions reflected the diversity of parties and blocs, the pro-presidential bloc “For a United Ukraine” (FUU), with 17% of DEC members and 7% of single mandate candidates, obtained 43% of DEC chairs. With the addition of chairpersons from other pro-presidential parties, with 34% of DEC members, 70% of the chairs were considered to be close to the current administration. By contrast, “Our Ukraine” with 20.5% of all DEC members, held only 9% of the chairs. A similar analysis of PSCs based on data from two regions leads to the same conclusions.

In terms of the gender balance in the 225 DECs, women held 61 Chairs, 78 Deputy Chairs, and 166 Secretary’s positions.

Despite the late passage of the Election Law and the lack of experience of many DEC members, in general they performed well, met important deadlines, and properly implemented legal provisions. However, the political balance of PSCs was upset as a result of resignations. These resignations were due to many reasons, including the lack of remuneration to commission members, weak party allegiances, and alleged pressure from local or regional authorities. With more than 5,000 PSCs composed of only 8-10 members, election day proceedings, especially the vote counting, was time consuming and problematic. The last minute changes to candidate lists required PSC members to painstakingly cross out names from the ballots, taxing further their capacity. The number of elections taking place on the same day also challenged PSC members who were called upon to count some six different ballots, two for the parliamentary and four for local elections.

The EOM received allegations that local administration officials had put undue pressure on DEC members. Some 20% of DECs observed complained about such interference.

## **Voter Registers**

In general, voter lists are not reliable in Ukraine. The problems include outdated information, voters who have moved to other districts or have left the country but are still included in their former places of residence, and deceased persons on the lists. The CEC Chairman has acknowledged these shortcomings as the result of inadequate legislation and procedures regulating the voter lists.

Centralized voter lists do not exist in Ukraine. Voter lists are compiled by the local administration and the PSCs and may be amended up until election day. However, voters cannot be included in the registers of their place of residence on election day without a judicial decision. But they can be included on voter lists of another locality with an absentee certificate.

Voter lists were posted in a timely manner in most polling stations, allowing voters to check their accuracy. The CEC expected 38.3 million eligible voters. Following amendments to the voter rolls submitted by PSCs, the total of voters has been decreased to 36.9 million.

## **Candidate Registration**

The registration of 33 parties and blocs and some 7,000 candidates took place with relatively few complaints, creating a broad spectrum of political choices for voters. The contestants tended to polarize around support or opposition to President Kuchma. The pro-presidential contestants among the major eight parties and blocs were FUU, which was made up of top government officials, including Prime Minister Anatoly Kinakh and Presidential Administration head Mr. Volodymyr Lytvin; Women For The Future; the Green Party; and the Social Democratic Party of Ukraine-United (SDPUu).

The Our Ukraine bloc, led by former Prime Minister Viktor Yushchenko defined itself as neither pro nor anti-presidential. The bloc criticized the status quo without directly criticizing the President. The Communist Party, led by Mr. Petro Symonenko, led the largest faction in the outgoing Parliament – controlling about 25 percent of the 450 seats. The Communist Party is in formal opposition to the President, although it has sided with the President on key issues.

Two contestants were in opposition to the President. They were the Socialist Party led by Mr. Oleksandr Moroz, the former Speaker of Parliament, and the Bloc of Yulia Tymoshenko, led by the former Deputy Prime Minister. Several new and minor parties also entered the race, but their affiliations were not clear.

Out of 3,762 party list candidates, about 24% are women. However, the overwhelming majority of these women are not in positions to be elected: some 360 are placed at the bottom of party lists, 266 in the middle, and 33 in the first five positions. “Women for the Future” fielded 176 female candidates out of a total of 200 (or 88%). In single mandate constituencies, out of 3,232 candidates some 15% are women, about half of them self-nominated. In general, women remain underrepresented in the political life of Ukraine, a fact that was noted by the UN Human Rights Committee in its November 2001 report on Ukraine.

Candidates were obligated to submit property and income statements during the registration process. The CEC and DEC's have the right to de-register a candidate should they discover "vital inconsistencies" in the personal information submissions. However, the Election Law does not define "vital inconsistencies" nor does it set a deadline for decisions on candidate de-registration. The late de-registration of candidates, begun on 14 March and possibly continuing until election day and beyond, is problematic. Upon a CEC request, the State Tax Administration scrutinized personal statements of all party list candidates and identified inconsistencies in 647 cases. The DEC's undertook a similar action and identified inconsistencies in the statements of 870 single member constituency candidates.

The CEC decided that inconsistencies of over 20% regarding income or the failure to declare important property such as an automobile or apartment could result in de-registration. To date, on the basis of income statements the CEC has de-registered 219 candidates (5.8% of multi-party candidates), and the DEC's 30 single mandate candidates. Some of these de-registration decisions were reversed later following appeals. Questions were raised about the impartial and consistent application of this criteria and procedures at the DEC level. The EOM was denied access to candidates' income declarations as these are confidential material. Without this information, a full assessment of the de-registration process is impossible.

### **The Campaign**

While candidates traveled extensively, interacting with large groups of voters throughout the country, the EOM received credible reports of candidates experiencing difficulties to rent offices and campaign premises, vandalism against their offices, and smear campaigns against opposition candidates. The pre-election period was not free of isolated violent incidents – physical assaults against opposition campaign workers and candidates were reported. During the course of the campaign two candidates were murdered. The first incident appears not to have been election related, but the second incident one day before balloting apparently was related to the campaign. The victim of the second incident was a candidate of the SDPUu and the deputy governor of the oblast. The murder one month ago of a PSC chairman did not appear related to the campaign.

On 15 March, Mr. Oleksandr Yelyashkevich, an opposition MP and Chairman of the Parliamentary Commission on Violations of Electoral Rights, released a memo allegedly written by Mr. Ivan Kirilenko, campaign manager for FUU, and addressed to Mr. Volodymyr Lytvyn, Head of the Presidential Administration and leader of FUU, outlining a comprehensive plan for the authorities to subvert election laws, de-register and obstruct opposition candidates and parties, and tamper with election results. Mr. Kirilenko strongly denied the allegations. The authenticity of this document was suspect as Mr. Yelyashkevich declined to file a complaint on the matter.

The abuse of State resources (so called administrative resources) has been a common feature of election campaigns in Ukraine that, once again, created an uneven playing field. Some candidates benefited from office space and transportation directly deriving from their official position in local administrations. The main, although not the exclusive, beneficiary of such violations was the FUU, which took advantage of official positions to obtain meeting venues, abuse official events to promote the bloc, and obtain uncritical coverage from regional and local media outlets, while denying their opponents similar access. FUU campaign material could be seen throughout the country, often in local administration buildings and DEC premises.

Furthermore, governors and other regional officials were seen campaigning in favor of some candidates in direct contravention of the Election Law that strictly prohibited bodies of executive powers, bodies of local self-government, and officials to interfere in the election campaign. Allegations were also received about pressure on public employees to vote for a particular contestant as well as about buying votes.

## **The Media**

The OSCE/ODIHR reports after the 1998 and 1999 elections in Ukraine identified the media as one of the more important shortcomings of the process. On both occasions, all media were found to be biased, harassment and intimidation of reporters and media outlets were systematic, and selective tax inspections were endemic. The situation of the media was further aggravated by the murder of two journalists in the last two years. These developments prompted the Parliamentary Assembly of the Council of Europe and the UN Human Rights Committee to place threats to the freedom of expression and information at the forefront of concerns in Ukraine.

The Election Law contained a number of improvements with regards to the media, including clear provisions about the allocation of free time and space on the State owned media, clear rules for paid political advertisement, regulations that the State media cannot campaign for or against any candidate, and clear provisions requiring equal access for all candidates.

Article 6 of the October 2001 Presidential Decree tasked media-related State bodies and the CEC to provide effective controls in order (1) to ensure full compliance by TV and radio broadcasters with media related laws, (2) to guarantee equal access to publicly owned electronic media for all election subjects, and (3) to guarantee the freedom of expression. The October Presidential Decree supplemented the Election Law that had failed to specify which authorities were responsible for enforcing media provisions. Importantly, the Decree provided for the creation of an independent civic board, composed of prominent and independent public figures, that was to assist with the identification of biased coverage. However in February 2002, the President annulled this provision. The annulment of this provision removed what could have been an effective tool available to the CEC to ensure an impartial and fair coverage of the campaign.

Nonetheless, in comparison with the 1998 and 1999 campaigns, overall the media covered a greater diversity of political views. Also, for the first time during the 2002 elections, TV debates between candidates took place on several TV channels. However despite some progress, Ukraine still lacks a strong and independent media that could provide a balanced coverage of the campaign and allow the electorate to make an informed choice.

Most media failed to provide an impartial and fair coverage of the campaign. *UTI*, the main State broadcaster, adhered to the legal provisions relating to free time to all political contestants, but was biased in its news and analytical programs, clearly supporting the FUU. Despite a decrease in the amount of prime time news coverage devoted to the FUU (21% against 40% in early March), the tone remained overwhelmingly positive or neutral towards the FUU. By contrast, the Bloc of Yulia Tymoshenko obtained only 3.3% of prime time news coverage, mainly negative.

During the six weeks preceding the elections, *UTI* provided more than 93 minutes of overwhelmingly positive news coverage to the leader of the FUU, Mr. Volodymir Lytvin. In about half the coverage, Mr. Lytvin was introduced as the leader of FUU. By comparison during the same period, Mr. Viktor Yushchenko, leading the “Our Ukraine” list, received a total of only 14 minutes coverage despite his leading position in most opinion polls.

Private broadcasters clearly supported a specific party or bloc. For example, the most popular channels *Inter* and *1+1* supported the SDPUu in its prime time news coverage, while heavily criticizing “Our Ukraine”.

The print media provided a plurality of views, but invariably supported specific political parties and blocs. As such, voters could form an objective view of the campaign only if they read several publications. The State-funded newspapers, *Uradovij Kurier* and *Golos Ukrainy*, adhered to legal provisions granting free space to political contestants and provided substantial space to the CEC.

In a positive step, the Tax Administration announced that they would freeze all tax investigations against media outlets until after the election period. However, State licensing bodies suspended the transmission of some regional TV stations because their broadcast licenses had expired in some cases two years earlier. As a significant proportion of regional broadcasters operate with expired licenses, these licensing bodies appear to have adopted a selective approach against broadcasters who offered coverage to the opposition. Moreover, the Law on Radio and Television Broadcasting prohibits the closure of TV stations during the election campaign, reserving that prerogative to the courts.

For example, in Zaporozhie region, two TV channels had been operating with expired licenses for more than a year. One of them, *Khortysia*, a privately owned TV station, was closed by State licensing bodies prior to the beginning of the election campaign. In contrast, TV Alex, a competitor pursuing a different editorial line, continued broadcasting without obstruction.

Regional media controlled by the State were biased in their news programs. Out of six regional media outlets monitored by the EOM, five gave overt support to the FUU. In Kharkiv, for instance, the State-funded TV allocated 70% of its prime time news coverage to the FUU, with an exclusively positive tone. The sixth State broadcaster monitored, in Lviv, provided 33% of mainly positive or neutral coverage to “Our Ukraine”.

### **Election Disputes**

The Election Law greatly improved the mechanism to address election disputes. This was a major flaw during the 1998 parliamentary elections. The Election Law provided clearer complaints and appeals procedures whereby parties, blocs and candidates were given the choice to appeal to superior commissions and/or relevant courts. The law also set clear deadlines for filing complaints and appeals. On 7 March, Parliament adopted a set of amendments to the Civil Procedure Code in order to bring it into compliance with the Election Law. However, the President did not sign these amendments into law. Regardless, this failure did not substantially affect the complaints and appeals procedures.

Although some party representatives expressed little confidence in the CEC's ability to provide an equal treatment to all candidates and redress election law violations, nonetheless they filed formal complaints with the CEC and with the courts. At the same time, some party leaders appealed to the public opinion with grievances, making allegations at news conferences, but rarely providing hard evidence.

The Ministry of Interior received 176 reports of election related violations, of which 28 were committed against media representatives. Criminal cases were instituted in 51 of these cases, including 37 for placing campaign materials in places not permitted by law, and 14 involving media representatives. Penalties resulted against 91 individuals.

On the eve of the election, the EOM had received notice of 380 election related complaints, of which 267 were addressed to the courts and 113 to the CEC. About 70% of the complaints relate to candidate registration and de-registration, the composition of commissions, undue influence against election subjects, obstruction of campaign, and illegal campaigning. Of the 267 cases filed with the courts, 58 were against CEC decisions and were filed with the Supreme Court, and 209 against DEC's and were filed with various District Courts of Appeal. The Supreme Court reversed in full or in part 16 CEC decisions, and the Courts of Appeal reversed 54 DEC decisions and upheld 86. The remaining cases filed at the Courts of Appeal were not yet considered at the time of this writing. Of the 113 cases filed with the CEC, 37 were not considered because the complainants failed to meet the seven-day filing deadline and 38 were rejected for other reasons. The CEC cancelled in full or in part DEC decisions in 35 cases, and issued warnings in six cases.

In general, the outcome of these cases were not consistent. For instance, while the Supreme Court found the failure of a candidate to declare in his income statement the ownership of a 91.7 sq.m. non-residential property not to be sufficient ground for de-registration, a DEC de-registered a candidate for the discrepancy of 612 UAH (about US\$120) in the income statement in another case. Thus, the definition of "vital inconsistency" in income statements remained controversial and troubled both the election administration and the courts. The tight deadlines for the filing of complaints and appeals also was problematic and increased the risk of injustice. Other flaws in the law may give rise to problems during the certification of the election results, including a provision that the outcome of PSCs may be annulled if the margin of error or the illegal votes cast exceed 10% of the number of voters who took part in that PSC.

### **Participation of National Minorities**

While Ukrainians are awaiting the release of 2001 census results, current estimates based on the 1989 census show the country's population has declined to less than 49 million. Ethnic Ukrainians are the dominant group (73%), followed by Russians (22%). Other national minorities account for less than 1% of the population each.

The Constitution of Ukraine, Article 10, guarantees "the free use and protection of the languages of the Russian and other national minorities". However, the UN Human Rights Committee was concerned that national minorities in Ukraine cannot enjoy the use of their own language in accordance with the International Covenant on Civil and Political Rights. In the context of the current elections, ballots and information on voting were not available in the minority languages.

However, language was not a barrier to participation in the elections and national minority issues did not play a significant role in the campaign.

### **Domestic Observers**

Ukraine has a vibrant civil society that played a vital role in the election process. A number of non-governmental organizations implemented numerous election-related projects, including media monitoring, campaign finance monitoring, and observation. Despite the absence of provisions on domestic non-partisan observers in the Election Law for the Parliament, the Committee of Voters of Ukraine (CVU), the main non-partisan domestic observer group, took advantage of such provisions in the law on local elections and managed to observe the parliamentary ballot. Thus, the CVU registered over 20,000 observers. The organization planned to audit the polling station results tabulated by DEC's.

### **Voting, Vote Count, Tabulation of Results**

On election day, the CEC reported a 64.78% turnout. None of the Oblasts, the Autonomous Republic or cities showed a significant deviation from the national turnout figure. The IEOM visited some 1,400 polling stations across the country. Based on observer reports from these polling stations, the polling was conducted in a generally calm atmosphere, although in some cases premises were inadequate and voters had to wait in long queues to cast ballots. Observers reported a “poor” performance of PSCs in only 6% of the polling stations visited.

In an apparent contravention of the law, observers reported that voters were added to registers and allowed to vote without the required court order in 32.65% of polling stations visited. This raises concerns as observers also noted voters being bussed across constituency lines to cast ballots. Also, some 5% of polling stations visited appeared to have an excessive number of ballots or more than 20% above the number of voters registered there. In 40% of observations, an unusually high percentage, the secrecy of voting was violated. In 8% of polling stations observed, unauthorized persons, in most cases police, appeared to be directing the polling process.

Based on a limited number of observations (64 polling stations), the vote count was slow but orderly. PSC members generally followed properly required procedures. However, PSCs had some difficulty completing vote count protocols correctly. At the time of this writing, the IEOM was not in a position to report on the tabulation and aggregation of the results at the district and central levels. These processes were still underway.

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

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**MISSION INFORMATION & ACKNOWLEDGEMENT**

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Mr. Bruce George, Vice-president of the OSCE PA and Special Coordinator for the elections in Ukraine designated by the OSCE Chairperson-in-Office, leads the OSCE short-term observers. Mr. Andreas Gross, Vice President of the Parliamentary Assembly of the Council of Europe, leads the PACE delegation. Mr. Jan M. Wiersma, President of the European Parliament Delegation to the EU-Ukraine Co-operation Committee, leads the EP delegation. Ambassador Michael G. Wygant heads the OSCE/ODIHR Election Observation Mission.

The OSCE/ODIHR Election Observation Mission (EOM) was established in Kyiv on 26 February and shortly thereafter started monitoring the electoral process with 38 experts and long-term observers deployed in the capital and thirteen regional centers. A small advance team started monitoring the media on 9 February. On election day, the IEOM deployed around 400 short-term observers from 45 OSCE participating States, including 45 parliamentarians from the OSCE PA, 19 from the Council of Europe's Parliamentary Assembly, and 3 from the European Parliament, representing the political spectrum. Also, the Congress for Local and Regional Authorities in Europe (CLRAE) contributed observers who focused on the local elections. The IEOM monitored the polling and vote count in over 1,400 voting centers throughout Ukraine out of a total of 33,130.

While local and regional elections also took place on 31 March, the IEOM limits its preliminary findings and conclusions to the Verkhovna Rada elections.

The OSCE/ODIHR will issue a comprehensive report on these elections approximately one month after the completion of the process.

The IEOM wishes to thank the OSCE Project Coordinator Office as well as the international organizations and embassies accredited in Kyiv for their support throughout the duration of the mission.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation.

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