



INTERNATIONAL ELECTION OBSERVATION MISSION

Ukraine — Pre-term Parliamentary Elections, 30 September 2007

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Kyiv, 1 October 2007 – The International Election Observation Mission (IEOM) for the 30 September pre-term parliamentary elections in Ukraine is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA).

This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including the tabulation and announcement of final results, the handling of possible post-election day complaints or appeals, and the installment in office of the newly elected members of the Parliament.

The election is assessed in line with OSCE and Council of Europe commitments, other international standards for democratic elections and national legislation. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the election process. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, approximately two months after the completion of the election process. The PACE will present its report at its Standing Committee meeting on 23 November in Bratislava.

PRELIMINARY CONCLUSIONS

The 30 September 2007 pre-term parliamentary elections in Ukraine were conducted mostly in line with OSCE and Council of Europe commitments and other international standards for democratic elections, and confirm an open and competitive environment for the conduct of election processes. The field of contestants offered voters a diverse choice of 20 political parties and electoral blocs, which were registered in a generally inclusive and transparent process. Freedom of assembly and expression were respected. Election Day was calm and overall, voting and counting were conducted in an orderly and transparent manner. There were no apparent regional disparities.

While, overall, the legal framework provides a basis for the conduct of democratic elections, recent amendments to the law adopted as part of a compromise to end the political crisis impacted negatively on the electoral process. Sources of particular concern were the poor quality of voter lists, possible disenfranchisement of voters who crossed the borders after 1 August, and the lack of possibilities for absentee voting for extraordinary elections. An additional concern was the removal of legal provisions safeguarding the integrity of homebound voting.

Positive aspects of the election process included:

- The campaign was conducted in a calm atmosphere, with only isolated incidents. Overall, parties and blocs were able to convey their messages to the electorate without impediment.
- A diverse media environment provided for broad coverage of the campaign, enabling voters to make informed choices. Contestants were able to present their platforms in State media.

- The Central Election Commission (CEC) handled most technical aspects of these elections in an efficient manner.
- The presence of a large number of domestic and international observers.
- District Election Commissions (DECs) administered electoral preparations in an overall open and transparent manner.
- The administrative and ordinary courts made a genuine effort to adjudicate cases in a transparent and timely manner.
- Women were well-represented in the election administration at all levels.

The following shortcomings were also noted:

- The compilation of voter lists was impeded due to the lack of clearly defined responsibilities between relevant State institutions, and to technical problems, which impacted negatively upon the quality of the voter lists, thus not fully safeguarding the right to universal suffrage.
- Provisions to exclude from the voter lists citizens recorded as having crossed the borders of Ukraine after 1 August and not recorded as having returned by 26 September, raised concerns for disenfranchisement, discrimination, invasion of privacy and lack of transparency.
- The pattern of CEC members voting along party lines on important issues at times hampered its work and delayed certain decisions, such as guidelines on voting at home
- The inability or unwillingness of the Constitutional Court to fulfil its duties and to rule on election-related complaints in a timely manner.
- The removal of possibilities for absentee voting for extraordinary elections.
- Concerns remain regarding lack of transparency in media ownership, the absence of a public broadcaster and independent media regulatory body, as well as hidden political advertising.
- Parties distributed material incentives to voters under the guise of charitable activities.
- Provisions of the law under which a political party or bloc can reorganise candidates or eliminate a candidate on the list after they have been registered.
- Campaigning by State and local officials who were not candidates, in violation of the law.
- Women remain under-represented on candidate lists, especially in leading positions.

Election Day was calm and overall, voting was conducted in an orderly and transparent manner. IEOM Observers assessed the voting process as good or very good in 98 per cent of polling stations visited. No significant regional variations were noted with regards to the conduct of polling. The main problems noted during voting were connected with voter lists. Observers witnessed instances of voters being turned away. There was no consistency with regards to the handling of lists sent to DECs by the Border Guard Service. Many observers reported from all parts of Ukraine that, where the names of these voters had been marked or crossed out, they were nonetheless allowed to vote. Few reports of the secrecy of the ballot not being insured and of group and proxy voting were received. Unauthorized persons were present in 4 per cent of polling stations visited, but only four cases of undue interference were reported.

The vote count was assessed as good or very good in 94 per cent of reports, without regional variations in this assessment. While some PECs did not strictly adhere to all procedures, and one in ten PECs had problems filling in the results protocol, few serious problems were reported. Reconciliation and tabulation procedures at DECs were also mostly rated positively (86 per cent of reports). However, 9 per cent of reports indicated that non-DEC members were directing or interfering in the work of the DEC, and almost one half of observers were not given access to the room where the results were entered into a computer for transmission to the CEC.

While this election had to be delivered under challenging circumstances, the need to further strengthen the electoral framework has been evident. After the completion of the electoral process, all political forces represented in the newly elected Parliament should proceed with the necessary reforms, with a special focus on the constitutional framework, in order to further consolidate the democratic process in Ukraine.

The organizations represented in the IEOM stand ready to continue their support to the authorities, political parties and civil society in their efforts to improve the electoral process, in line with OSCE and Council of Europe commitments and other international standards for democratic elections.

PRELIMINARY FINDINGS

Background

The 30 September pre-term parliamentary elections were the fifth held since the independence of Ukraine in 1991. Following the last parliamentary elections of 26 March 2006, talks between Our Ukraine (OU), the Bloc of Yulia Tymoshenko (BYuT), and the Socialist Party of Ukraine (SPU) to form a coalition failed after months of negotiations, and the SPU entered a majority governing coalition with the Party of Regions (PoR) and the Communist Party of Ukraine (CPU). The coalition put forward Viktor Yanukovich as their candidate for Prime Minister, and this proposal was eventually accepted by President Viktor Yushchenko.

In March 2007, a crisis was triggered by the shifting of certain opposition deputies (from OU and BYuT) to the governing side; this was deemed unconstitutional by the President, who issued a decree calling for early parliamentary elections for the end of May. The crisis ended on 27 May, with an agreement between the President, the Prime Minister and the Speaker of Parliament. This opened the way for a new presidential decree setting the date of the pre-term parliamentary elections for 30 September.

Election System and Legal Framework

The Parliament of Ukraine (*Verkhovna Rada*) consists of 450 members elected in one nationwide constituency for a five-year term. Seats are distributed proportionally among the lists of political parties and electoral blocs that receive more than three per cent of all votes cast. Only parties and blocs may register candidate lists; the law does not allow individual nominations.

Parliamentary elections are primarily regulated by the Constitution of Ukraine and the Law on the Election of People's Deputies (the Parliamentary Election Law, PEL), adopted in 2004 and last amended on 1 June 2007. They are supplemented by a number of other laws and CEC decisions. Despite the latest amendments, the legal framework can still provide a basis for the conduct of democratic elections; however, the exercise of political will by all stakeholders is required to ensure proper implementation. The legal framework is still too complex and some of its provisions are still contradictory.

While a number of amendments to the PEL addressed previous OSCE/ODIHR and Council of Europe recommendations, other amendments to the law adopted as part of a compromise to end the political crisis impacted negatively on the process and raised concern. These include provisions for voting at home; challenging procedures for the compilation of voter lists; and the removal of possibilities for absentee voting, which during the 2006 elections concerned over 50,000 voters.

Finally, the amendments have established a 50 percent turnout requirement for elections to be considered valid, which did not exist previously. It should be noted that turnout requirements have demonstrated the potential to create cycles of failed elections.

In addition, the amendment adopted by the outgoing parliament which foresees the exclusion from the voter lists of those citizens who crossed the borders after 1 August, and were not recorded as returning to Ukraine by 26 September, could give rise to disenfranchisement, discrimination, invasion of privacy and lack of transparency. It was not addressed due to lack of action by the Constitutional Court. The removal from the VL of names of Ukrainian voters who have gone abroad, challenges universal franchise as stipulated in Article 70 of the Constitution of Ukraine, and the rules for eligibility to vote as stipulated in Article 2, paragraphs 1 and 2, of the PEL. It also is in contradiction to the European Convention on Human Rights, paragraph 7.3 of the 1990 OSCE Copenhagen Document, and the Venice Commission Code of Good Practice in Electoral Matters.

Furthermore, a number of previous recommendations remain to be addressed. These include the removal of the possibility to vote “against all”, and the possibility that invalid votes and votes cast “against all” which do not express a distinct choice, are accounted for in the allocation of seats.

Election Administration

These elections were administered by a three-tier election administration comprising the Central Election Commission (CEC), 225 District Election Commissions (DECs) and 33,974 Precinct Election Commissions (PECs). A district for out-of-country voting was established and administered by the CEC and the Ministry of Foreign Affairs, comprising 115 precincts. The recent amendments to the PEL have introduced political party representation in election commissions at all levels, with only the five parliamentary factions constituted at the opening of the outgoing Parliament eligible to nominate commission members.

The CEC handled most administrative aspects of these elections in an efficient manner. CEC meetings were regular, and as a rule attended by several non-voting CEC members, the media and accredited observers.

The CEC was less effective in reaching decisions on issues in which the priorities of the political parties that nominated members diverged, such as on the registration of some contestants, or on complaints related to the campaign. Despite two court rulings issued in late August, the CEC failed to give timely guidance on homebound voting regulations; it adopted the necessary application form and the related clarification only on 18 and 20 September. The commission did not establish one binding and uniform procedure for the distribution of management positions in PECs by DECs. The Commission was also divided when deciding on complaints, frequently voting along party lines.

DECs administered the preparation for the elections in an open and transparent manner. However, the establishment of Precinct Election Commissions (PECs) by DECs was negatively affected by difficulties of certain political parties to fulfil their quota of nominations, and by late replacement of PEC members. Consequently, some PECs first meeting was delayed by a lack of the required two-thirds majority. Many PECs lacked capacity and time to carry out their duties before election day. Problems were noted, in particular, with regards to changes to the voter list, due to lack of time and mistakes in the lists received from DECs. PECs also lacked time and resources to verify applications for homebound voting, partly due to the late adoption by the CEC of the relevant decisions on homebound voting.

Voter Registration

For these elections, draft voter lists (VL) were compiled by a total of 679 Working Groups. Working Groups were to use an electronic version of the 2006 draft VL provided by the CEC, a hardcopy from the local State Archive and information from some ten central agencies as a basis for compiling the VL for these elections. Working Groups appeared overall well organized, and the 12 September deadline for delivery of the draft VL to DEC's was generally respected.

The compilation of accurate voter lists was impeded by a lack of clear allocation of responsibility between relevant State institutions, and by a number of technical problems. This was partly a consequence of the 2007 amendments to the PEL. In line with these amendments, unlike in 2006, Working Groups sent draft VL directly to DEC's, rather than via the CEC, and no state-wide database of voter registration was compiled in order to cross-check for possible multiple entries. At times, the quality of the voter lists tended to become a matter of political controversy in the campaign.

Moreover, according to the CEC, some 11 million records had to be re-entered by the Working Groups due to incompatibilities between the software used for the compilation of the lists in 2006 and the one used in 2007. This may have further affected the accuracy of the draft VL. Moreover, as the corrections to the draft VL in 2006 resulting from the period of public scrutiny remained only on hard copy, current draft VL may have repeated some of the errors identified in 2006.

Following the delivery of draft VL by Working Groups to DEC's, political parties and civil society groups engaged in assessing draft VL as part of an overall public scrutiny exercise. According to reports from OSCE/ODIHR EOM observers and domestic observers, the quality of draft VL varies across the country. Representatives of the opposition have publicly expressed well documented concerns about inaccurate draft VL delivered by Working Groups in specific areas, including significant numbers of possible multiple records. There are cases, such as DEC's 48–51 (Donetsk *oblast*) and DEC 62 (Zhytomyr *oblast*), in which DEC's had to send draft VL back to Working Groups for further revision. While in DEC's 48-51 Working Groups were active in correcting the VL and sent them back two days later to the DEC's, in DEC 62 Working Groups stated their inability to further improve the VL and returned them to DEC's without being updated.

In line with the 2007 amendments to the PEL as decided by the outgoing parliament, starting on 1 August, the State Border Guard Service (SBGS) has been registering citizens of Ukraine who leave or enter the country in order to remove the names of those voters who had not returned by 24:00 hours on 26 September from the VL. The OSCE/ODIHR EOM requested from the SBGS the summary data accumulated since 1 August, but the request was declined on grounds of the confidentiality of the information. However, on 28 September, the CEC did share the data pertaining to the numbers of voters to be removed from the lists.

The President filed an appeal on 27 August to the Constitutional Court, questioning the constitutionality of the relevant provisions, as did 54 MPs from PoR. This issue was not addressed due to lack of action by the Constitutional Court. Consequently, in line with these provisions, the State Border Guard Service sent on 26 September the names of 570,914 citizens to the election administration for their removal from the lists. These numbers varied significantly from region to region, amounting to six per cent of the electorate in Uzhgorod Oblast, three per cent in Ivano-Frankivsk, and over 2.5 per cent in Lviv, Ternopil and Chernivtsi.

In a further effort perceived as streamlining the VL, the Government sent police officers to check door-to-door whether people were residing at their registered addresses. This was done on the basis

of three decrees of the Cabinet of Ministers, subsequently suspended by Presidential decrees as unconstitutional, thus calling into question the legal basis of police actions.

The PoR estimated, by extrapolation of the police data accumulated, the number of Ukrainian citizens residing abroad to be some five million. The PoR indicated that such voters, when identified, should have their names removed from the VL as part of the VL review. The Minister of Interior expressed the same view. On 25 September, the Kiev District Administrative Court found the above police activities illegal.

Candidate Registration

The CEC registered, within the legal deadline, a total of 20 candidate lists submitted by political parties and blocs, who nominated 4,857 candidates. Initial inaction of the CEC in registering BYuT was appealed by the Bloc to the Kyiv District Administrative Court. On 14 August, the Court ruled that the CEC must register the Bloc. On 4 September, the same court overturned a CEC decision to register the former youth civic group PORA as a separate electoral subject, and obliged the CEC to strike PORA off the ballot. The registration process was inclusive overall, and took place in a transparent and open environment.

Campaign Environment

The campaign environment remained calm, and was extensive in its reach. The inclusive registration of parties and blocs meant that voters enjoyed a genuine choice amongst a wide variety of political options.

The election campaign was generally free of confrontation, and none of the parties met by the IEOM expressed any concerns with their ability to meet voters. In certain isolated cases, incidents occurred (e.g. tents damaged in Donetsk, Svoboda candidate attacked in Ivano-Frankivsk) that were interpreted by parties as being campaign-related, but they remained limited in nature and scope. Some interlocutors from non-parliamentary parties expressed their dissatisfaction with the shorter campaign period, but most felt that the one month of campaigning and the quantity of campaign information was sufficient for voters to form an opinion. PoR, BYuT and OU-PSD, as the three largest parliamentary groups, featured most prominently throughout the course of the campaign.

One issue that came to the fore during the course of the election was the campaigning of State officials who were not candidates. Although the PEL is clear in prohibiting state functionaries from campaigning unless they are on the list of a party or bloc, many officials took leave in order to manage campaign offices or, at times, to campaign openly for a particular party/bloc. Although this was noted in the cases of some regional governors from OU-PSD, local councillors and State functionaries from parties and blocs, such as BYuT, PoR, SPU and others, were also observed campaigning. At a higher level, there was criticism voiced from a number of party headquarters of the President openly campaigning for OU-PSD. In addition, OU-PSD asked for an investigation into the use of state helicopters by Prime Minister Yanukovich during the course of PoR's electoral campaign, and filed a complaint against the Interior Minister for campaigning for the SPU (see Complaints and Appeals on above cases). In relatively few cases, however, did state resources appear to have been misused by officials.

Of some concern was the number of cases observed in which parties provided material incentives to voters under the guise of charitable activities. This type of assistance ranged from the donation of school equipment or medical equipment, to the handout of bicycles, clothing, or fuel to citizens. One documented case of a party giving money in exchange for a commitment to vote for that party,

accompanied by a request for passport details, was noted. The party, however, denied the claims and stated that other contestants were impersonating them as part of a negative campaign.

Participation of Women

The legal framework of Ukraine provides for equality between women and men in public and political life. There are no quotas for women on candidate lists and, as such, political parties and blocs are free to decide on the number and position of women in their lists. Most political parties do not address women specifically within their electoral platforms, and issues affecting women have not featured prominently as part of the political discourse.

Women were under-represented in the outgoing Parliament as only 39 female deputies (8.7 per cent) were elected in 2006; no government ministers are female. Women were also under-represented on candidate lists for these elections. Overall, some 17.8 per cent of candidates were women. Among the top 25 candidates, women accounted for only 1.6 per cent.

Women were well-represented within the election administration. In polling stations visited by IEOM observers on election day, 67 per cent of PEC chairpersons were female, and overall, women accounted for 74 per cent of PEC members.

Participation of National Minorities

During the election process, few issues have arisen regarding national minority groups in the election; this could be due to nature of the electoral system, which tends to downplay regional differences and specificities. Anti-Semitism and xenophobia targeted at minorities remained a marginal phenomenon; however, some instances of 'negative PR' (against OU-PSD, particularly) showing candidates under a Star of David or alleging their holding of Israeli passports (presented pejoratively) were noted.

The Media

National media provided broad coverage of the campaign and political developments in a variety of programs, including the news, discussions and election debates. This coverage focused predominantly on the major parliamentary parties.

However, concerns remain regarding lack of transparency in media ownership, the absence of a public broadcaster and of an independent media regulatory body. In addition, representatives of a number of media outlets confirmed that it is a widespread practice for media to sell information slots to political contestants, without clearly indicating such slots as campaign broadcast messages. This practice is in contradiction with the Law. The OSCE/ODIHR EOM identified a large number of such items, including in the news, interviews and newspaper articles.

Most national TV channels provided similar coverage of political actors and election participants, predominantly neutral or positive in tone, with BYuT, PoR and OU-PSD dominating the news coverage on the majority of TV channels monitored by the OSCE/ODIHR EOM. PoR received the largest share of news coverage of contestants in the newscasts of *STB*, *5 Kanal*, *Inter*, *UT 1*, *TV Era*, *NTN* and *TRK Ukraine* (with coverage ranging from 13 to 22 per cent); BYuT was given the biggest portion of coverage of contestants in the newscasts of *1+1* and *ICTV* (17 and 14 per cent, respectively). Few other parties were given significant amounts of positive coverage on certain TV channels (for instance the Lytvyn Bloc on *TV Era*, or the Party of Free Democrats on *NTN* and

I+I). SPU and CPU received perceptible portions of airtime in almost all monitored TV channels, but these generally did not exceed 4 per cent per party.

All monitored TV channels gave large amounts of coverage to the Government and, to a lesser extent, to the President, in particular state TV, which devoted 28 per cent of its relevant news coverage to the Government and 20 per cent to the President. Local authorities clearly dominated the news coverage of the regional state TV channels. Media faced difficulties in clearly distinguishing between differing roles of politicians, e.g. State officials campaigning.

All electoral contestants were able to present their platforms in the State media: TV *UT 1*, radio *UR 1* and the newspapers *Uradovyi Kurier* and *Golos Ukrainy* provided all parties with airtime or space, at the expense of the State, as required by the PEL. Activities of the CEC were generally well-covered by the media, but voter education in the media was not extensive.

The state-owned governmental newspaper *Uradovyi Kurier* devoted 65 per cent of its coverage to the Government and 23 per cent to the President; their portrayal was positive. Coverage of political actors in state-owned *Golos Ukrainy* concentrated on the parliamentary parties. The private weekly *Zerkalo Nedeli* provided a rather critical portrayal of the political actors, focusing on the frontrunners; other private newspapers monitored by the OSCE/ODIHR EOM adopted editorial lines resulting in coverage in favor of or against certain political parties.

Only some parties, namely BYuT, PoR, OU-PSD, SPU and the Lytvyn Bloc, conducted a sustained and visible paid campaign in the key media. Negative campaigning and negative messages targeting political opponents in paid advertisements were widespread.

On 15 September, *UT 1* and *UR 1* aired a President's address at a political event organized by OU-PSD in Lviv, in which the President called upon people to support OU-PSD. State media informed the OSCE/ODIHR EOM that the coverage of this event was requested by the President. While the Law on the Procedure of Media Coverage of State Authorities gives State authorities the right to request coverage by the state media, such application of the law arguably gave one political bloc an undue advantage and raises concerns over the use of state resources.

Complaints and Appeals

The amendments to the PEL have eliminated possible discrepancies between the PEL and the Code of Administrative Procedures by stipulating that decisions of first-instance courts will be reviewed according to the procedures established by the Code. Potential parallel adjudication of claims by courts and election commissions has been eliminated by giving precedence to court decisions.

Administrative and ordinary courts were actively adjudicating election-related disputes. A large number of complaints filed with the courts not only sought the redress of violations of rights, but also entailed clarification of some issues not addressed by the legislation. Since the beginning of the electoral process, administrative courts in Kyiv have given more than 50 judgments. With few exceptions, courts considered cases in a timely manner. In cases observed by the OSCE/ODIHR EOM, the courts have demonstrated a genuine effort to consider cases in a transparent manner.

The majority of cases challenging decisions, actions or inactions of the CEC regarding the registration of contestants (see Candidate Registration, above) and alleged illegal campaigning were upheld by the courts. On 18 September, the Kyiv District Administrative Court upheld the claim of OU-PSD, which alleged illegal campaigning by an SPU candidate in his capacity as Interior Minister; the Administrative Court of Appeals, however, overturned the decision on 22 September.

A number of provisions of the PEL were challenged in the Constitutional Court. The President on 27 August challenged the constitutionality of Article 102, especially with regards to the Border Guards' role in the compilation of voter lists, arguing that it was infringing upon the CEC's role of custodian of the Voter Register, as provided for in the Law on the State Register of Voters.

As of 29 September, electoral subjects had submitted 90 complaints to the CEC, most of which were dismissed on procedural grounds without consideration of the merits. Only 16 complaints were considered on merits but consequently also rejected. One of the few complaints the CEC upheld came from the SPU alleging illegal campaigning by the President. The CEC ruled that calling on citizens to vote for a particular party was incompatible with the President's mandate. OU-PSD appealed the CEC decision on 24 September, which the court overturned on 28.

Domestic and International Observers

Ukrainian legislation provides for domestic and international observation. The CEC registered election observers from 14 domestic non-partisan organizations, 10 international organizations and 11 embassies. In addition, party representatives were also permitted to observe the process. Throughout the course of the election process, observation groups were able to perform their work without interference. The most extensive observation effort was launched by the Committee of Voters of Ukraine (CVU), who deployed some 4,000 observers, issuing eight public reports prior to election day. CVU was also engaged in raising voter awareness and in the training of PECs. Other domestic and international organizations such as OPORA and ENEMO also observed extensively.

Election Day

Election day was calm and overall, voting was conducted in an orderly and transparent manner. Preliminary CEC data put voter turnout at 63 per cent. IEOM observers assessed the voting process as good or very good in 98 per cent of polling stations visited, while PECs' understanding of procedures was assessed positively in 95 per cent. No significant regional variations were noted with regards to the conduct of polling. Opening procedures were generally adhered to and assessed as good or very good in 97 per cent of observations. Almost all polling stations, where opening procedures were observed, opened on time.

The main problems noted during voting were connected with voter lists. In 25 per cent of their visits, observers witnessed voters turned away because their names were not on the voter list. Such problems appeared to be more widespread in the east (31 per cent) than in the west of the country (18 per cent) and affected voters in urban centers more than those in rural areas. In addition, voters were denied the right to vote for inappropriate reasons in 1 per cent of polling stations visited.

There was no consistency with regards to the handling of lists sent to DEC's by the Border Guard Service. Many PECs throughout the country had not received the lists at all, others had been told to not use them, while others were instructed to mark or cross out the names of voters on these lists. Many observers reported from all parts of Ukraine that where the names of these voters had been marked or crossed out, they were nonetheless allowed to vote if they showed up at the polling station, sometimes upon production of their international passport.

Circumstances in and around polling stations were rated very positively. Only 6 per cent of polling stations visited were assessed as difficult to access for voters with disabilities, and 2 per cent were overcrowded. Very few reports were received of large number of voters waiting to vote, campaign

activities, tension or unrest, intimidation or attempts to influence voters. Few PECs (3 per cent) had not received all required election material.

Only a small number of minor procedural problems and irregularities were observed. In 5 per cent of polling stations visited, not all voters marked their ballots in secret; however, frequent problems with the secrecy of the vote were reported in less than 1 per cent of polling stations visited. In 6 per cent of polling stations visited, cases of group (family) voting were observed. Observers reported few cases of proxy voting or one person “assisting” numerous voters (1 per cent each), seemingly identical signatures on the voter list (2 per cent), or ballot boxes not being properly sealed (3 per cent). Only two cases of voting with pre-marked ballots was reported, as were five cases of possible ballot-box stuffing.

While the presence of unauthorized persons, mostly police, was noted in 4 per cent of polling stations visited, only a few reports of such persons directing or interfering in the work of the PEC were received. Domestic and international observers from other organizations were identified in 31 per cent of polling stations, and observers from parties/blocs in 99 per cent. Observers reported not getting full co-operation from the PEC in 2 per cent of polling stations.

The vote count was assessed as good or very good in 94 per cent of reports. There were no regional or urban-rural variations in this assessment. In some polling stations, not all procedures were followed during the count; occasionally, the number of signatures on the voter lists was not entered in the protocol, unused ballots were not counted and cancelled, counterfoils were not counted, or voters’ choices on the ballots were not announced aloud. In one of five counts observed, the sequence of steps in the procedures was not strictly adhered to. However, only two reports were received of falsification of voter list entries, results or protocols. With very few exceptions, PECs determined ballot validity in a reasonable and consistent manner.

In 97 per cent of counts observed, PEC members agreed on the results protocol. IEOM observers reported from 11 per cent of the counts that the PEC had problems filling in the results protocol. In the vast majority of polling stations, copies of the results protocol were posted and given to observers and other persons entitled to a copy. Unauthorized persons were seen in only five polling stations where the count was observed. IEOM observers reported no serious problems during the transfer of protocols to the DEC.

Reconciliation and tabulation procedures at DEC were mostly evaluated positively (86 per cent good or very good). In the majority of DEC observed, PECs were asked to correct deficiencies in the protocols; however, the number of PECs affected was low in most DEC. In almost one half of DEC where IEOM observers were present, they were not given access to the room where the results were entered into a computer for transmission to the CEC. In addition, some teams reported that they were restricted in their observation of the process, and not provided with the requested information. The presence of unauthorized persons was noted in 6 per cent of DEC, and in 9 per cent, non-DEC members were interfering in or directing the work of the DEC.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR Election Observation Mission opened in Kyiv on 10 August with 67 experts and long-term observers deployed in Kyiv and 21 centres. On election day, the IEOM deployed some 803 observers from 47 OSCE participating States, including a 60-member delegation from the OSCE PA, a 33-member delegation from the PACE, a 31-member delegation from the European Parliament, and a 16-member delegation from the NATO PA. The IEOM observed voting in over 2,950 polling stations out of a total of 33,974, and counting in 216 polling stations. The IEOM also observed tabulation in 82 DEC's.

Ms. Tone Tingsgård, Vice-President of the OSCE Parliamentary Assembly and Head of the OSCE PA delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office to lead the OSCE short-term observers, Ms. Hanne Severinsen headed the PACE delegation, Mr. Adrian Severin led the delegation of the European Parliament, Mr. Jan Petersen headed the delegation of the NATO PA, and Ambassador Audrey Glover led the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank 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. The IEOM also wishes to express its appreciation to the OSCE Project Co-ordinator in Ukraine and other international organizations and embassies for their support throughout the duration of the mission.

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