



Office for Democratic Institutions and Human Rights

UKRAINE

PRESIDENTIAL ELECTION

31 October 2004

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

9-12 June 2004



**Warsaw
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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to Ukraine between 9 and 12 June 2004. The NAM included Gerald Mitchell, Head of the OSCE/ODIHR Election Section, Ambassador Geert Hinrich Ahrens, designated Head of the anticipated OSCE/ODIHR Election Observation Mission (EOM), Nikolai Vulchanov, Deputy Head of the OSCE/ODIHR Election Section, and Paul LeGendre, Programme Officer of the OSCE Parliamentary Assembly.

The purpose of the NAM was to assess the conditions and level of preparation for the presidential election scheduled for 31 October 2004, in line with OSCE commitments, and to advise on modalities for the establishment of an EOM. Discussions also included the recently held mayoral election in Mukacheve and parliamentary bye-election in Odessa.

The NAM held meetings in Kyiv with representatives of the authorities, election administration, political parties, civil society and international community, Annex 1. While the short duration of the NAM did not allow for meetings with a representative sample of the broad variety of media in Ukraine, the OSCE/ODIHR has been following media related developments and a short reflection will be included below.

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

II. EXECUTIVE SUMMARY

The Parliament of Ukraine recently adopted, with broad consensus, a new package of election legislation. While some of the election related legislation is yet to be finalized, the new election laws reflect a number of important recommendations made by the OSCE/ODIHR EOMs concerning the 1999 presidential election and the 2002 parliamentary elections; however, significant issues remain to be addressed. Importantly, on a last minute initiative of the parliamentary majority, domestic non-partisan observer groups were excluded from the election process. This contravenes Paragraph 8 of the 1990 Copenhagen Document. On 18 March 2004, the Parliament called the presidential election for 31 October 2004.

It appeared that recent legislative changes were viewed by the parliamentary majority faction, supporting incumbent President Leonid Kuchma, as a part of a broader

legislative initiative including constitutional amendments with far reaching consequences. Some factions in opposition seemed to perceive the adoption of the new election legislation as a useful initiative to achieve other objectives, such as the introduction of a fully proportional representation system to replace the existing mixed one or gaining other political concessions from the majority.

While the official election preparations will only commence in early July, the forthcoming presidential election is on the top of the country's agenda. According to many interlocutors, the major candidates may be Prime Minister Victor Yanukovich supported by the parliamentary majority and former Prime Minister Victor Yushchenko, leader of the largest opposition faction "Our Ukraine". While incumbent President Kuchma has announced that he will not run, the Constitutional Court has decided that he is eligible to contest this election.

The NAM heard expectations, based on public opinion polls among other considerations, that a second round of voting may be necessary to determine the ultimate winner. Both politicians and representatives of civil society shared concerns alleging election manipulations, including biased media coverage, interference of the executive branch, abuse of the role of the police, and exploitation of inaccurate voter lists for partisan purposes. Events affecting the recently held elections for the Mayor of Mukacheve and the bye-election for the vacated parliamentary seat for constituency No 136 in Odessa were raised to substantiate such concerns.

A range of electronic and print media operate in Ukraine, and media pluralism is in evidence. During its meetings with representatives of two television channels, the State TV UT-1 and the private ICTV, it was indicated that there are generally no serious problems expected regarding overall implementation of the new election legislation. However, the NAM did receive messages of concern in relation to potential freedom of speech issues.

Previous OSCE/ODIHR election observation missions reported that the conduct of elections in Ukraine fell short of a number of OSCE Commitments. A team of two representatives of the OSCE/ODIHR Election section attended the mayoral election in Mukacheve on 18 April 2004 and a bye-election for a vacated parliamentary seat in Odessa on 30 May 2004. Of particular concern was the mayoral election in Mukacheve, during which the team witnessed the most profound breaches to the integrity of an election process.

The NAM recommends that an Election Observation Mission (EOM) be established to observe the forthcoming presidential election in Ukraine. The OSCE/ODIHR requests OSCE participating States to second to the mission 50 long-term observers to follow the election process country-wide from 1 September until the election is completed, and 600 short term observers to observe election day procedures, including voting, counting of votes and tabulation of results at all levels of the election administration.

III. FINDINGS

A. POLITICAL CONTEXT

According to the constitution, which came into force in the mid-nineties, Ukraine is a presidential republic. The incumbent president is completing his second five-year term in office and has stated he will not run for a third term. The Constitutional Court has decided that he may run for a third term. To date, public opinion polls in Ukraine appear to indicate that anticipated presidential candidate Victor Yushchenko, leader of the opposition "Our Ukraine" parliamentary faction and former Prime Minister, has more favourable ratings than his expected rival from the parliamentary majority, the incumbent Prime Minister Viktor Yanukovich.

Recently, the parliamentary majority supporting the outgoing president initiated a constitutional reform process aimed at altering the balance of powers between the executive and legislative branches of government. A new presidential election law and a new parliamentary election law were recently signed into effect by the President as part of the overall constitutional reform effort. The intention is to reduce presidential powers and transfer a significant share of the power to the legislature. This would in effect greatly strengthen the role of the Prime Minister, while diluting the power of the President.

The Council of Europe and the European Union indicated that such profound constitutional reforms deserve proper consideration, and need further elaboration and public support, and should not be considered according to a rushed timeframe. The parliamentary majority argued that such a reform would bring Ukraine closer to Europe, while the opposition claimed that the majority is trying to find alternative options to retain power.

The proposed constitutional amendments concerning power distribution were passed in their first reading in parliament (minimum 300 votes needed) but failed with some twelve votes during the second reading. This development, together with the Mukacheve mayoral election (below), appears to have affected the coherence of opinion within the majority in Parliament. However, a new attempt to bring the issue of constitutional amendments to the floor should not be ruled out.

In a joint meeting with representatives of all parliamentary factions, the NAM established that there was a deep divide and mistrust between supporters and opponents of incumbent President Kuchma regarding the expectations for the forthcoming elections, particularly with regard to the perceived potential for a fair process. There was also clearly stated disagreement on whether there are competent NGOs, who could perform as domestic non-partisan observers in a credible manner.

B. OBSERVATION OF PREVIOUS ELECTIONS

Ukraine held presidential elections in 1999 (two rounds of voting) and parliamentary elections in 2002. The OSCE/ODIHR observed both elections. In regard to the 1999 presidential elections, it concluded that they "*failed to meet a significant number of OSCE related commitments*". On the 2002 parliamentary elections, the OSCE/ODIHR

stated that “*While Ukraine met in full or in part a number of commitments ..., it failed to guarantee a level playing field, an indispensable condition to ensure the fairness of the process. ... technical improvements are needed to protect the secrecy of the ballot and to offer an orderly and dignified process to voters.*”

The OSCE/ODIHR sent a two-person team to Mukacheve on 17-19 April 2004, to attend the 18 April mayoral election in this town in southwest Ukraine, and to Odessa on 29-31 May 2004, to attend the 30 May bye-election for a vacated seat in Parliament from Constituency N 136. Both elections were conducted under the previous legislation. The OSCE/ODIHR visits were not observation missions as such due to their limited scope.

In Mukacheve, the polling station where the OSCE/ODIHR team attended the vote count was attacked by a group of unidentified individuals posing a serious security threat, regardless of the massive presence of uniformed police in all polling stations. Later, numerous violations related to the Mukacheve mayoral election were reported by international and domestic groups observing the election, including the Council of Europe’s Congress for Local and Regional Authorities of Europe (CLRAE). Notably, all original polling station protocols disappeared from the Territorial Election Commission (TEC) during the election night. However, these developments did not prevent the TEC from announcing a result, contradicting the overall findings of observers.

To date, no responsibility for these criminal developments has been taken, and the perpetrators appear to remain at large. The environment of impunity surrounding the Mukacheve election does not comply with any notion of democracy. While the OSCE/ODIHR refrains from extrapolating the Mukacheve events in its assessment of the overall pre-election environment, one cannot ignore the fact that the culture of impunity surrounding the Mukacheve election raises grave concerns. The OSCE/ODIHR published a press release accordingly, Annex 2.

The bye-election of 31 May in Odessa was conducted in a peaceful manner. However, domestic non-partisan observers reported that there were occasions when voters residing in one and the same building were included in the voter lists in different polling stations, or that non-existing buildings were referred to. Opposition parliamentarians had concerns regarding the refusal of election commissions, during the Odessa bye-election, to provide copies of polling station protocols to candidates’ observers. Last minute attempts to de-register a candidate, and an unusually large presence of uniformed police, were again in place.

The role of police officers in polling stations was problematic since police officers had full access to sensitive aspects of the election procedures. They were taking notes on turnout figures during voting hours and on results during the count of the votes, and were reporting these figures over the phone to unidentified interlocutors. Such activities do not comply with the official role of police to ensure public order during an election.

The above developments revealed that deficiencies described in previous OSCE/ODIHR election reports were still in evidence. They also raised questions

related to the potential security of international observers in Ukraine, since it was reasonable to assume that the perpetrators in Mukacheve were aware of OSCE/ODIHR and CLRAE personnel presence. The events in Mukacheve and Odessa also underlined the importance of the role of domestic non-partisan observers to enhance transparency, accountability and confidence in the election process, although they will be excluded from observation unless the newly passed election legislation is amended.

C. LEGAL FRAMEWORK

The President has signed both the presidential and parliamentary elections laws, as well as the new law on the Autonomous Republic of Crimea and local elections. In addition, a law on the Central Election Commission was introduced to the parliament. Proportional representation has been adopted for all elections to replace the mixed proportional/majoritarian system.

The presidential election law marks substantial improvement compared to previous legislation and represents clear progress towards meeting Ukraine's commitments on democratic elections as set out in the 1990 OSCE Copenhagen Document. A number of OSCE/ODIHR recommendations have been included in the law.

Improvements include provisions for:

- Multi-party representation in territorial and polling station election commissions;
- Requiring equal opportunities for all election participants and equality of access to the media and other campaign facilities;
- Promoting transparency by granting party, candidates and international observers the right of access to voting and counting procedures; and
- Enhancing transparency in regard to completion and display of polling station results' protocols.

Remaining concerns include:

- Failure to comply with Paragraph 8 of the Copenhagen Document by excluding non-partisan domestic observers from the election process;
- Excessive limitations on the right of candidacy;
- Excessive requirements for a monetary deposit and voter signatures in order to be a candidate;
- Restrictive media provisions that fail to distinguish between State and private media and comprise limitations of the freedom of speech;
- Restrictive campaign finance provisions that create the potential for abuse; and
- Limitations on the rights of international observers.

A presidential candidate should deposit around 100,000 USD, and collect 500,000 voters' signatures (approximately 2 percent of the registered voters) in support of his or her candidacy, subject to additional restrictions. The signatures have to be deposited with the CEC for random sample verification no later than 40 days before election day. It remains unclear what will happen if the CEC finds that the validated signatures are less than 500,000.

However, the simultaneous implementation of these stringent measures, both intending to limit reasonably the number of potential candidates, could restrict the pluralistic nature of the election. Returns of deposits to failed candidates are also subject to limitations. Once registered by the Central Election Commission, a candidate can start his or her official campaign, and can be removed from the contest only by a decision of the Supreme Court. This implies that official campaigns of the separate candidates may be of different length, depending on the order in which their nominations are approved.

Of particular concern is the exclusion of domestic non-partisan observers from the legislation. This runs contrary to OSCE commitments (Paragraph 8 of the 1990 Copenhagen Document), restricts transparency and undermines confidence in the election process. Furthermore, it discriminates against citizens of Ukraine in contrast to the rights of international observers. The draft election laws included provisions allowing for domestic non-partisan observation until the final reading in parliament, and were removed by the majority at the last minute.

On 19 March the “Committee of Voters of Ukraine” (CVU), a leading domestic non-partisan NGO, issued a statement calling upon the President to veto the presidential election law. On 26 March the CVU issued a similar statement following the adoption of the parliamentary election law. Neither of these appeals has been considered.

After the NAM returned from Kyiv, the OSCE/ODIHR was informed that a group of members of Parliament have prepared draft amendments to the new election legislation, re-introducing domestic non-partisan observers to the process. While this is a welcome development, it appears that the draft provides for different rights of parties’ or candidates’ observers, international observers and domestic non-partisan observers.

In particular, the right to receive certified copies of polling station results’ protocols remains relevant only to parties’ or candidates’ observers. Denying the right of domestic non-partisan observers to receive a copy of the results protocol will significantly diminish the role of this category of observer, which arguably have the highest degree of interest in the process itself. The OSCE/ODIHR is convinced that such discrimination between different types of observers is not conducive for instilling confidence, transparency and accountability in the election process.

The OSCE/ODIHR is undertaking a review of the new presidential election law and will publish the review in due course.

D. ELECTION ADMINISTRATION

Election commissions operate at three levels: the Central Election Commission (CEC), a total of 225 territorial election commissions (TECs) and some 33,000 polling station election commissions (PSCs). The provisions on the formation of the CEC and most of its powers and duties are set out in a separate law on the CEC, which has not been finalized yet.

Each candidate has the right to have two members on each TEC and PSC. This is intended to address the need for pluralism and multi-party participation in the conduct

of elections and is an important safeguard for openness and transparency. Additionally, it is prohibited that the same political party/bloc or candidate holds more than one of the positions of chair, deputy, and secretary on the same commission. However, there are no guarantees for an approximately uniform territorial distribution of the “proportional share of positions of chairperson, deputy chair and secretary” in election commissions for each party. This creates a potential for a selected party to establish control on the election administration in particular areas of the country.

The powers of a TEC or PSC may be terminated before the expiry of its mandate, if the appointing commission or a court decides that the commission has violated the law. This injects instability in the election administration and creates the potential for abuse. An election commission should only be terminated in cases where the violations are serious, deliberate and/or repeated. Similarly, the provisions for the removal of a single member of a commission are also problematic. Special treatment is given to the chairperson, deputy chair and secretary, and it is unclear whether it is possible that these three positions are protected from removal.

The law provides that the number of voters within a polling station is permitted to range from 20 to 3,000. The number of 3,000 is high and places an excessive administrative burden on the polling station election commissions. Additionally, the NAM heard concerns related to very slow processing of voters in the polling stations on election day, which appears to have discouraged participation of specific sections of the electorate.

The Deputy Chairman of the CEC mentioned that one possibility to enhance the secrecy of the vote, in view of the newly introduced transparent ballot boxes, is to provide for ballots with special features, for example, ballots with glued corners. However, such a measure has the potential to significantly delay the counting process, in particular in the large polling stations.

The law provides that election precincts are formed by the TEC on the “submission of executive committees” of local government units. However, it fails to state whether these proposals are binding on the TEC.

The law implies that police can be present in the polling station during the vote only if invited, following a formal decision of the commission to this effect. However, it appears to remain silent regarding the vote count. The representative of the Ministry of Interior informed the NAM, that there are internal guidelines regulating the performance of the police during the election. The NAM indicated that it is looking forward to receiving these guidelines as soon as possible.

The law specifies that the delivery of election materials upon the completion of the work of the PSC, from the PSC premises to the TEC, should be accomplished under police escort. However the law fails to specify whether “escort” means that a police car will escort the vehicle with the election materials, or that the police officer will be in the same vehicle which is used to transport the bags with packed ballots.

The replacement of the *propiska* (former Soviet Union civil registration system severely restricting citizens’ freedom of choice of place of residence) moved a step

forward with an adoption of the law “On Freedom of Movement” in January 2004. It led to the transfer from an administrative/authorization system to a notification system of civil registration.

There is no central voter register in Ukraine and the local executive bodies have the responsibility to compile voter registers inclusive of administrative territorial units. Therefore, an instrument to provide against multiple registration across administrative borders is not available yet. There are allegations about a high number of names of deceased persons still on the voter lists. Additionally, there are concerns related to the potential for abuse of the names of out-of-country voters, according to some estimates to number some seven million, whose names are rightfully on the list. A draft law on a state voter register and a draft law on the register of physical persons have been submitted to the parliament. It is not expected that legislation on civil and voter registration could enter into force before the presidential elections.

E. MEDIA

During his recent assessment visit to Ukraine, the OSCE Representative on Freedom of the Media (OSCE RFoM) concluded that “overall, media pluralism is present in Ukraine”. He also went on to say that the general legal framework is “considered satisfactory by independent experts both inside and outside the country”. However, he continued, “certain recent developments are of a worrying nature and question the authorities’ full commitment, or at least their readiness to do everything they could to ensure, equal chances for everyone to exercise freedom of expression”. The OSCE RFoM referred to monopolization of television broadcasting, domination of the Government’s view on airwaves, homogenization of coverage of public issues (*temniki*), non-pluralistic licensing of frequencies, closing down broadcasts from western radio stations known worldwide for providing objective information and diverse points of view, and the ongoing case of the murder of the journalist Gongadze.

The Ukrainian authorities have responded by issuing a number of documents, notably the statement of the Ukrainian delegation to the OSCE at the 510th Special meeting of the Permanent Council, which contains responses to all above mentioned issues. In general, the Ukrainian authorities denied or played down these concerns.

During its visit to Kyiv, the NAM schedule only permitted meetings with representatives of two TV broadcasters – the State TV UT-1 and the private ICTV. The anticipated EOM will conduct a media monitoring exercise to assess the media coverage of the election campaign, as well as the overall implementation of the media legislation in Ukraine.

The ICTV, reportedly the third important TV channel in Ukraine, left an impression of professionalism and efficiency. Its representative indicated that the legislation enables the team to do their job, that this will be the second time they will be covering an election campaign, and the channel will try to show what is *important* for the people. However, he indicated that the channel would allow for *responsible* freedom of speech, which sounds somewhat conditional. He also mentioned that there are non-governmental agencies in Ukraine, including media outlets, which may agree on common policy lines during the election campaign.

The NAM was impressed by the efficiency of the ICTV. When requested to play the records of the news coverage on the evenings of 19 and 20 April (the days immediately after the Mukacheve election), the ICTV representative needed only five minutes to find the tapes and organize the equipment. The coverage of the Mukacheve events did include the various points of view and provided viewers with relevant information.

In its meeting with the senior management of the state television UT-1, employing some 2000 personnel, the NAM learned that their work will be of key importance for the election. The management reported that they see no technical obstacles to implement the law, however, they complained of political interference from all sides. They also complained that while there is a moratorium on audits for TV companies, there are continuous audits in their company. They indicated that UT-1 covers 93% of the territory of Ukraine, the remaining seven percent is in the northern part of the country where the population can watch Belarusian television.

The management of UT-1 raised the concern that political debates, according to the presidential election law, are possible only in case there is a second round. However, it is the NAM's understanding that the only restriction on the debates is that they should be conducted between two participants, therefore debates for the first round are also possible between different pairs of candidates.

According to some interlocutors, to date in Ukraine there are two media conglomerates, which include the most important television channels. One of these holdings is partly owned by Mr. Pinchuk, son-in-law of President Kuchma and comprises ICTV, STB and Novy Kanal. The second one, allegedly under the influence of Mr. Medvechuk (Head of the Administration of President Kuchma), comprises UT-1, 1+1 and Inter.

F. INTERNATIONAL OBSERVERS

Most of the NAM interlocutors welcomed the presence of an OSCE/ODIHR election observation mission for the presidential elections on 31 October 2004 and a number of them stressed the need for an exceptionally high number of international observers. The NAM has received indications that the OSCE Parliamentary Assembly, the European Parliament, the PACE, and the NATO Parliamentary Assembly are also considering sending observers for the election. In a press release dated 31 May, the NATO Parliamentary Assembly has called on the authorities to facilitate the widest possible participation of international observers.

It is anticipated that the OSCE Chairman-in-Office will designate the Head of the OSCE PA Delegation as a Special Co-ordinator to lead the short-term OSCE observer mission, and that the parliamentary institutions mentioned will closely coordinate their work with the EOM in the framework of an International Election Observation Mission, as has been the practice in the past.

The CEC can be commended for providing accreditation to the OSCE/ODIHR personnel attending the mayoral election in Mukacheve and the bye-election in Odessa

in an efficient and timely manner. The authorities have established an inter-agency Working Group to facilitate the activities of international observers.

G. DOMESTIC OBSERVERS

Regrettably, the new election legislation has excluded domestic non-partisan observers from the election process on the unconvincing grounds of preventing overcrowding of polling stations and other premises used by the election administration. Thus, the legislature has discriminated against sizable portions of Ukrainian citizens, who may prefer to observe the election from a neutral, rather than party or candidate position.

The only potential for a high degree of non-partisan observer coverage at polling station level rests with the non-partisan domestic observer organizations that represent the civil society in Ukraine. There are well organized and competent civic groups which have invested a lot of efforts in election observation in the past years. Previous election legislation has allowed for domestic non-partisan observers to observe as journalists, although this has restricted access of such observers to obtain election results' protocols at all levels.

The OSCE/ODIHR has expressed on several occasions the importance with which it attaches to domestic non-partisan election observation, in line with Paragraph 8 of the Copenhagen Document, to enhance transparency, accountability and confidence at all stages of an election process.

IV. CONCLUSIONS AND RECOMMENDATIONS

The NAM recommends that an Election Observation Mission (EOM) be established, some ten weeks before election day, to observe the forthcoming presidential elections in Ukraine. In addition to a core team of experts, the mission should also include 50 long-term observers (25 teams of two observers each to be deployed throughout the six regions of Ukraine in the beginning of September). Given the concerns for potential manipulations on election day and a divided public opinion, secondment of 600 short-term observers to follow election day procedures is considered necessary at this time. Similar arrangements should be in place for a possible second round. A follow-up team should remain in the country until the official results are certified in accordance with all legal requirements, including final court decisions regarding possible appeals on the election outcome.

ANNEX 1

PROGRAM

**of the visit to Ukraine of the ODIHR Needs Assessment Mission
(Kyiv, June 9-12, 2004)**

June 9, Wednesday

- 16:00 Meeting with acting Head of the Department for Euro-Atlantic Cooperation, MFA, V.NIKITIUK**
- 17:00 Meeting with the OSCE Project Coordinator in Ukraine, Amb. D.NICHOLAS, Office of the OSCE Project Co-ordinator in Ukraine**

June 10, Thursday

- 10:00 Meeting with First Deputy Head of the Public Security Department of the Ministry of Interior of Ukraine M.EFIMENKO, (MFA)**
- 11:30 Meeting with ICTV News Chief Editor O.SEMYRIADCHENKO**
- 14:00 Meeting with President of TV channel UT-1 O.SAVENKO**
- 15:30 Meeting with Ukrainian NGO representatives**

June 11, Friday

- 09:45 Meeting with Deputy Chairman of the Central Election Commission Y.DAVYDOVYCH**
- 11:00 Meeting with the authorized representatives of deputy factions and groups**
- 14:30 Meeting with Head of the Department of Domestic Policy O.RAFALSKYI, First Deputy Head of Legal Department V.OLESCHENKO and Deputy Head of the Department of Foreign Policy Y.PEREBYINIS**
- 16:00 Meeting with the diplomatic community**

June 12, Saturday

- 9:30 Meeting with Deputy Head of the Department for Euro-Atlantic Cooperation, Head of the OSCE Division of the MFA, O. Samarski**



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For information - not an official document

OSCE/ODIHR concerned about attack on polling station during Ukrainian mayoral election

WARSAW, 20 April 2004 - The OSCE Office for Democratic Institutions and Human rights has expressed concern today about polling station disruptions that took place during Sunday's mayoral election in the town of Mukacheve, south-western Ukraine.

Although the OSCE/ODIHR did not deploy an observation mission, two members of the ODIHR Election Section were present for polling day, as part of an effort to more closely follow the election process in Ukraine, prior to the presidential election later this year.

"Of deep concern was an attack on a polling station in Mukacheve by unidentified persons at the end of the vote count, which occurred in the presence of the OSCE/ODIHR representatives," said Gerald Mitchell, Head of the OSCE/ODIHR Election Section.

"This blatant attempt to disrupt the election proceedings is an attack on the very foundations of the democratic process," he added. "It threatened to compromise the rights of the some 1,600 Ukrainian citizens discharging their civil responsibilities in a distinguished manner at the polling station in question. All the perpetrators of this and other reported assaults should be held accountable without delay."

On election day, the OSCE/ODIHR representatives witnessed intimidation, including an unusually large police presence and unidentified persons loitering in and around polling stations. They were also concerned by a physical assault against a domestic observer by unidentified persons, without apparent intervention by the police, which resulted in his hospitalization. In addition, the secrecy of the vote may have been compromised in some polling stations during Sunday's mayoral election.

All these violations serve to underline the importance which the OSCE/ODIHR attaches to the presence of domestic non-partisan observers to enhance transparency, accountability and confidence at all stages of the election process. Furthermore, recent election legislation bars such persons from observing, and thus discriminates against citizens of Ukraine in contrast to the rights of international observers.

The OSCE/ODIHR will continue to follow election related developments in Ukraine in advance of the 31 October presidential election.