



ELECTION OBSERVATION MISSION IN UKRAINE
PRESIDENTIAL ELECTION (SECOND ROUND)
14 NOVEMBER 1999

PRELIMINARY STATEMENT

Kyiv, 15 November 1999 - This is the preliminary statement of the observation of the second round of the presidential elections in Ukraine held on 14 November 1999, issued by the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights' (ODIHR) Election Observation Mission and endorsed by the Parliamentary Assembly of the Council of Europe (PACE).

EXECUTIVE SUMMARY

The conduct of the campaign for the second round of the presidential election in Ukraine was in breach of the election law and the relevant OSCE commitments on democratic elections and shows no improvement over the first round of the election.

State administration and public officials were again observed campaigning for the President and against his challenger. The ODIHR Election Observation Mission uncovered clear evidence that this campaign by State institutions was systematic and co-ordinated across the country.

The electronic and State-owned media comprehensively failed to live up to their legal obligation to provide balanced and unbiased reporting on the candidates and the campaign in their news coverage of the second round.

During the second round of these elections voting day procedures according to the law were not followed as closely as they were in the first round. Observers saw instances of more serious violations. Observers in Lviv *oblast* in particular saw voters given several ballot papers and casting more than one vote in a number of rural polling stations visited. They also noted instances of family voting and breaches of the secrecy of the vote.

THE ROLE AND INFLUENCE OF PUBLIC OFFICIALS AND THEIR EMPLOYEES

As during the first round of election on 31 October 1999, State administration and public officials were observed campaigning for the President and against his challenger. Furthermore, the ODIHR Election Observation Mission uncovered clear evidence that this campaign was systematic and co-ordinated across

the country. The orchestrated abuse of state structures and organs in favour of the President is in clear breach of the law and related OSCE commitments for democratic elections.

The violations included a sustained campaign to coerce state employees in medical and educational facilities to vote in favour of the incumbent and for those employees to urge patients, parents and students to do likewise. Verified reports of these campaigns were observed in eleven *oblasts* throughout the country.

The Militia were also observed disseminating campaign material and campaigning door-to-door in favour of the President, which could be perceived by voters as intimidation.

These activities and those of other institutions including the ZhEK¹ were co-ordinated by *rayon* and city authorities reporting directly to the Ministry of Interior. It is extremely disturbing that State officials meant to uphold the law, have been observed breaking it.

THE ROLE OF THE MEDIA

Once again, the electronic and State-owned media comprehensively failed to live up to their legal obligation to provide balanced and unbiased reporting on the candidates and the campaign in their news coverage of the second round. The monitoring of the media by the ODIHR Election Observation Mission clearly shows the level of imbalance and bias from both these sources.

The news coverage on *UTI*, the State-owned national television channel, promoted the incumbent throughout the first and second round. In comparison, *Inter* and *I+I*, two private national television channels, gave less time to the President but the nature and tone of their coverage was still overwhelmingly one-sided and supportive of the incumbent President. *STB*, the most balanced of the national broadcasters, did not provide a level playing field for the two candidates.

Throughout the election period, before the first and second round, the ODIHR Election Observation Mission received reports and allegations of pressure on certain media outlets to provide better and greater coverage of the activities of the incumbent. These outlets complained of an unwarranted number of inspections by numerous authorities including tax, fire and safety inspectors. At the national level, *STB*, in particular, was singled out for attention. Regional private television channels also encountered similar difficulties. In the Autonomous Republic of Crimea, *Chernomorskaya TV*, was allowed back on air only by 12 November 1999. In Kharkiv, *Simon TV* was also subject to such inspections, as was *Kanal 5* in Dnipropetrovsk Oblast. Allegations were also received that independently minded press in the regions found it difficult to print their papers, as printing houses either refused to publish them or delayed publication.

These inspections and restrictions on media outlets created an atmosphere of self-censorship in which editors and journalists concluded that critical comment on the incumbent President's campaign would invite unwarranted impediments to the publication of their paper or broadcasting of their programmes.

¹ The ZhEK have responsibility for buildings and public services in publicly owned housing, administration of civil status and the management and distribution of certain social welfare provisions.

In conclusion, the media coverage of the 1999 presidential election in Ukraine did not live up to the required legal provisions and OSCE commitments, and shows no improvement over the coverage of the campaign for the 1998 parliamentary elections.

THE CAMPAIGN

The beginning of the campaign for the second round of voting was marked by the “resignation” of Heads of State Administration in three *oblasts*. In the days following, at least another eleven Heads of Rayon State Administration also “resigned”. In their resignation statements, some of these public officials intimated that the relatively low results for the incumbent President in the first round reflected badly on their administration. Clearly their resignations have particular significance given the observed level of interference in the campaign by State administration.

In the first round, the Observation mission reported that numerous false, libellous and anonymous leaflets and newspapers had been circulated. In the second round, the ODIHR Election Observation Mission received copies of false versions of Communist newspapers this time, being distributed in at least three *oblasts*. At the time of writing, the Mission understands that the relevant authorities have failed once again to halt the distribution of these false versions of newspapers, nor were any copies impounded.

COMPLAINTS AND APPEALS

The ODIHR Election Observation Mission received a number of complaints prior to the first round related to campaign activities. Between the two rounds, the ODIHR Election Observation Mission received additional complaints, mostly concerning violations of election day procedures for the first round of voting and counting.

The ODIHR Election Observation Mission will continue to monitor the election process until official results have been published and will also monitor any complaints submitted after the second round.

COMPOSITION OF ELECTION COMMISSIONS

The Law on Election of the President of Ukraine stipulates that polling station commissions are composed of nominees of each candidate. However the ODIHR Election Observation Mission noted that in a number of areas, commission members were nominated by a State institution and not by the candidates or the parties. In these cases, the commission members were assigned their party affiliation after their nomination, irrespective of their own political preferences.

ELECTION DAY

The observation of the second round of these elections has revealed that voting day procedures according to the law were not followed as closely as they were in the first round. In the first round, observers were generally satisfied with the conduct of voting although some minor irregularities were seen. In the second round, observers saw instances of more serious violations. Observers in Lviv *oblast* in particular, saw voters given more than one ballot paper in a number of polling stations visited in rural areas. They also noted instances of family voting and breaches of the secrecy of the vote.

In general, observers noted an increase in the number of unauthorised persons present in polling stations. This is of particular concern, given the observed level of interference by State officials and institutions during the campaign. Furthermore, observers noted the presence of members of the Security Service of Ukraine (SBU) in a number of polling stations in both rounds. The ODIHR Election Observation Mission has raised this issue with SBU headquarters and sees no reason for their presence in polling stations or at Territorial Election Commissions on election day, unless expressly invited to be there by members of these commissions.

Although most reports are still being processed, particularly those on counting procedures, the ODIHR has not been informed of any widespread or systematic irregularities at the time of this writing. The ODIHR Election Observation Mission will continue to monitor the aggregation procedure until official results have been published.

The Election Observation Mission would like to thank the Central Election Commission (CEC) and officials at all levels, as well as the Ministry for Foreign Affairs of Ukraine for their assistance and co-operation throughout the mission.

This preliminary statement is based on the findings of 26 ODIHR long-term observers and core staff deployed from 15 September 1999 and 160 international short-term observers. The international observers included 8 members and staff from the Parliamentary Assembly of the Council of Europe, individuals sent from OSCE participating States, members of the diplomatic community in Ukraine as well as other international organizations present in the country, representing in total 26 participating States. The PACE delegation was led by Ms. Hanne Severinsen M.P. (Denmark) and the ODIHR Election Observation Mission was headed by Mr. Simon Osborn (UK). No final assessment can be reached until the counting and aggregation of votes have been completed and the official results published. The ODIHR Election Observation Mission will continue to follow developments until the election process is completed. The ODIHR Election Observation Mission will issue a final report in December.

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