



OSCE/ODIHR ELECTION OBSERVATION MISSION Ukraine — Local Elections, Second Round, 15 November 2015

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Kyiv, 16 November 2015 – Following an invitation from the Ministry of Foreign Affairs, and based on the recommendation of a Needs Assessment Mission conducted from 5 to 7 August, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) for the 25 October 2015 local elections. The OSCE/ODIHR EOM remained in the country to follow the 15 November mayoral second round contests.

The second rounds of the mayoral elections were assessed for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. This statement should be considered in conjunction with the Statement of Preliminary Findings and Conclusions issued on 26 October, after the first round of voting, by the OSCE/ODIHR EOM, the Congress of Local and Regional Authorities of the Council of Europe and the European Parliament.¹ The overall assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including counting and tabulation. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process.

PRELIMINARY CONCLUSIONS

The second round of the mayoral races in Ukraine confirmed the assessment of the 25 October local elections which saw business interests influencing the process in most contests. Many candidates focused their efforts on local coalition building more than on reaching out to voters. There was little active campaigning. In a positive development, debates were organized between the candidates in a number of regions. Frequent and late replacements of Territorial Election Commission (TEC) members raised serious concerns regarding their independence. Lack of confidence in the election administration and the deficient legal framework were at the root of most problems encountered during these elections, highlighting the need for an inclusive reform. Dedicated and capable polling station staff organized voting and counting in a commendable manner.

On 15 November, second rounds of mayoral elections were held in 29 cities. Local elections scheduled for 25 October did not take place in Mariupol and Krasnoarmiisk in the Donetsk *oblast*; the law adopted by the parliament on 10 November mandated holding elections in these cities on 29 November. The election results under the newly-introduced proportional “open list” system revealed a distortion in the representation of local communities. In certain districts the most popular candidates were not elected, while candidates who came in second and third places obtained seats, raising concerns whether the electoral system gives effect to the will of the voters.

Provisions of the election law related to the second round leave some important aspects of the process insufficiently regulated. The Central Election Commission (CEC) adopted a regulation clarifying aspects of the election law related to the conduct of the second round, although merely repeating legal provisions, thus missing the opportunity to address issues that proved to be problematic during the first round of elections.

¹ See Statement of Preliminary Findings and Conclusions on the first round of the 25 October local elections, available at: <http://www.osce.org/odihr/elections/ukraine/177906>.

The preparations for the second round were affected by the protracted tabulation process of the 25 October election results that went beyond the legal deadlines, and high turnover of Precinct Election Commission (PEC) members. Frequent replacements of TEC members, complexity of calculation of results, interference by party observers and candidates negatively affected the process. Moreover, information on the election results was not provided to the public by the CEC in a comprehensive or timely manner, which is at odds with Ukraine's international obligations. The problems with tabulation process fostered the distrust of some stakeholders in the election administration.

Candidates were able to campaign freely and without undue restrictions. Campaign activities between the two rounds were limited and took place in an overall calm environment. The campaign was visibly influenced by powerful business interests and allegations of fraud were often voiced. Closer to election day, in a number of contests, unpredictable multi-party coalitions were formed in support of different candidates based on a variety of local interests. Not all TECs verified the financial reports submitted by candidates or made them publicly available within the deadline, which enfeebled the oversight over campaign finance and negatively impacted voters' access to information.

Abundant reporting on the arrests of political figures and their alleged involvement in unlawful activities initially dominated the election coverage across the media landscape, reducing voters' opportunity to assess the platforms of the candidates standing for elections. The National Television and Radio Broadcasting Council remained passive and failed to establish a level playing field prior to the run-offs' denying voters access to balanced reporting both at national and regional levels. Similarly to the 25 October elections, Bloc Petro Poroshenko Solidarnist and Opposition Bloc candidates were granted most of the airtime in the broadcasters' election related coverage.

Most complaints filed with the CEC after the 25 October elections were considered by individual CEC members, whose decisions were communicated by letter and could not be appealed, which is not in line with OSCE commitments. Courts received a high number of complaints, most of which were rejected on substance or dismissed on technical grounds. Decisions of cases considered on substance at times did not provide sound legal justification, which undermined the right to an effective remedy provided for by OSCE commitments and other international obligations.

OSCE/ODIHR EOM observers assessed opening of polling stations, voting and counting positively. Transparency was overall ensured and observers could follow procedures without restrictions in almost all polling stations observed. Tabulation was assessed slightly less positively. Candidate representatives and citizen observers were present in large numbers during all stages of the process. The CEC announced turnout at 34 per cent.

PRELIMINARY FINDINGS

Background

On 15 November, second rounds of mayoral elections were held in 29 out of 35 cities where the law provided for the second round.² Forty-five candidates representing 16 political parties and 13 self-nominated candidates, contested mayoral seats in the run-offs.³ Two out of a total of 58 candidates

² According to the law, in cities with at least 90,000 voters mayors are elected in two rounds. In Kharkiv, Odesa, Ternopil, Sloviansk, and Lysychansk mayors were elected by obtaining an absolute majority in the first round.

³ Among the 45 political party nominated candidates 12 were from the Bloc Petro Poroshenko *Solidarnist* (BPPS), 5 each from the Opposition Bloc (OB), the Ukrainian Association of Patriots (UKROP) and *Batktivshchyna*, 4 from *Samopomich*, 3 from *Svoboda*, 2 from *Nash Kray* (NK), and 1 each from 9 other parties.

were women. One candidate withdrew from the race.⁴ On the same day, re-run elections were held for 617 councillors and 20 mayors in different villages and settlements.

Local elections scheduled for 25 October did not take place in Mariupol and Krasnoarmiisk in the Donetsk *oblast*.⁵ According to the Central Election Commission (CEC) resolution, the electoral process in these two cities was systematically violated and the decisions of the respective Territorial Election Commissions (TEC) should be followed up by the prosecutor's office. The law adopted by the parliament on 10 November mandated holding elections in these cities on 29 November.

Legal Framework and Election System

Provisions of the Law on Local Elections (hereinafter, the election law) related to the second round leave some important aspects of the process insufficiently regulated. The election law does not allow for sufficient time for public scrutiny and introduction of corrections to voter lists before the second round.⁶ The law does not regulate the process for resubmitting requests for mobile voting. The CEC adopted a regulation clarifying aspects of the election law related to the conduct of the second round, although merely repeating legal provisions without adding further details, thus missing the opportunity to address issues that proved to be problematic during the first round of elections, including campaign and campaign finance regulations and media conduct.

Following the first round of local elections, on 27 October, the CEC adopted a resolution establishing that the second round should not be held in cities where the total number of eligible voters, according to the results protocols, fell under 90,000. This was challenged by the mayoral candidate in the city of Pavlohrad where the number of voters decreased to 89,810 before the 25 October election day. The Kyiv Administrative Court of Appeals overruled the CEC clarification considering it to be contrary to the law, and stated that the electoral system cannot be changed after the start of the electoral process. The subsequent appeal of this decision by the CEC to the High Administrative Court of Appeals was unsuccessful.

The election results under the newly-introduced proportional "open list" system revealed a distortion in the representation of local communities. A number of electoral districts within the multi-mandate constituencies had no representation in councils, while other districts were represented by up to three councillors.⁷ Moreover, some regional capitals were not represented at all in the respective *oblast* councils.⁸ In addition, due to the nature of the electoral system, the most popular candidates in certain districts were not elected, while candidates who came in second and

⁴ On 3 November, the NK mayoral candidate in Kherson withdrew his candidacy from the second round contest alleging falsifications in the first round and threats against him and his campaign workers. In accordance with the law, the candidate with the third largest number of votes took the vacant place in the run-off.

⁵ Voting was invalidated in Svatove of the Luhansk *oblast*, since some parties were omitted from the ballot. The TEC scheduled the repeat elections in Svatove for 27 December.

⁶ The law provides for two days to introduce corrections to the voter lists.

⁷ In Chernivtsi *oblast* 21 out of 64 electoral districts, in Kharkiv *oblast* 27 out of 120 electoral districts, in Zhytomyr *oblast* 21 out of 64 electoral districts, and in Lviv *oblast* 22 out of 84 electoral districts remained without representation.

⁸ According to point I.2.2.2 of the Code of Good Practice of the Council of Europe's European Commission for Democracy through Law (Venice Commission), seats must be evenly distributed among the constituencies. Chernihiv city is not represented in the respective *oblast* council; Chernivtsi city has 4 councillors out of 11 districts in the respective *oblast* council; Uzhgorod city has 1 councillor out of 6; Cherkasy city has 3 councillors out of 15.

third places obtained the seats.⁹ This raises concerns whether the electoral system gives effect to the will of the voters.¹⁰

Election Administration

The preparations for the second round were affected by the protracted tabulation following the elections on 25 October and high turnover of PEC members. The initial stages of the results tabulation process were in general assessed positively by OSCE/ODIHR EOM observers. However, later stages of tabulating the results of proportional elections to the local councils proved problematic for the TECs to implement and for stakeholders to comprehend. Frequent replacements of TEC members, complexity of calculation of results, as well as interference by party observers and candidates, negatively affected the process.¹¹ Moreover, information on the 25 October election results was not provided to the public by the CEC in a comprehensive or timely manner, which is at odds with Ukraine's international obligations.¹²

Tabulation was protracted and many TECs failed to establish and publish results within the legal deadlines.¹³ TECs were not provided with uniform official software for calculation of results for councillor elections. In at least two identified cases, the tabulation means used proved fraudulent.¹⁴ Many PEC protocols appeared to be of poor quality, and, as the figures in a number of them did not reconcile, many protocols were returned for corrections.¹⁵ OSCE/ODIHR EOM observers reported that in some cases PEC members, contrary to the law, changed PEC protocols in TEC premises.¹⁶ Some TECs ordered recounts because of inability to establish results.¹⁷ In one instance a TEC used dubious grounds for recounts and later invalidated the PEC vote count protocol, which affected the

⁹ For instance, two BPPS candidate for the Kyiv city council in electoral districts 61 and 113, the United Centre candidate for the Mukachevo city council in electoral district 7 gained majority of the votes but lost to other party list candidates when votes were transferred into percentage.

¹⁰ General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) states that “any system operating in a State party must be compatible with the rights protected by article 25 [of the ICCPR] and must guarantee and give effect to the free expression of the will of the electors.”

¹¹ Party or citizen observers appeared to be more knowledgeable regarding the procedural issues, which allowed them to provide advice but also at times unduly interfere in the work of the commissions. Interference was observed in Slavuta city TEC and Horodok district TEC in Khmelnytskyi *oblast*, Dniprodzerzhynsk city TEC in Dnipropetrovsk *oblast*, and Svaliava TEC in Zakarpattia *oblast*.

¹² Paragraph 19 of the General Comment No. 34 to Article 19 of the ICCPR states that “State parties should proactively put in public domain Government information of public interest. State parties should make every effort to ensure easy, prompt, effective and practical access to such information”.

¹³ The deadline for publishing mayoral election results was 30 October and the council election results - 4 November. By law, TECs are to work without breaks until the election results are established. In practice, however, the lengthy tabulation process was further delayed by breaks.

¹⁴ In Mykolaiv city, one of the city district TECs used an Excel spreadsheet to tabulate the results. Party observers identified that the number of votes from small parties and some of the invalid ballots were automatically transferred to the votes for the incumbent mayor. A similar method was used in Babushkinskiy city district TEC of Dnipropetrovsk city, where a number of votes from small parties were transferred to Renaissance and UKROP. This case was referred to the Ministry of Internal Affairs by the CEC.

¹⁵ According to the OSCE/ODIHR EOM observers, problematic reconciliation was caused by poor preparedness, fatigue and overregulation of procedures stemming from legislator's intention to prevent fraud. For instance, up to 50 per cent of protocols were returned for corrections in Dnipropetrovsk city, and Selydove TEC of the Donetsk *oblast*. In Vinnytsia, all but one protocol were returned.

¹⁶ Such instances were observed in Sloviansk in the Donetsk *oblast* and Bilovodsk in the Luhansk *oblast*. The election law requires PECs to reconvene for a formal session when the PEC results protocol contains errors and the TEC instructs the PEC to issue a corrected protocol.

¹⁷ In Prydniprovskiy and Sosneviskiy city district TECs in Cherkasy city, Svaliava TEC in Zakarpattia *oblast*, and Rodynskoe city TEC in Donetsk *oblast*.

results.¹⁸ The problems with tabulation process fostered the distrust of some stakeholders in the election administration.

Second round mayoral contests were held by the TECs established prior to the first round. However, respective city TECs had to form new PECs based on nominations from the run-off candidates ensuring their equal representation in these commissions. Almost all city TECs managed to form PECs by the legal deadline.¹⁹ On 3 November, the CEC passed a resolution, whereby executive positions had to be allocated proportionally.²⁰ TECs applied different approaches to this task. In an attempt to meet the legal requirements and achieve fair distribution in the absence of proper clarification by the CEC, some TECs tried to equally distribute executive positions among the eligible candidates.²¹ Other TECs either disadvantaged one of the candidates or decided not to appoint deputy chairpersons of PECs in order to equally distribute positions of chairpersons and secretaries.²²

Voter lists were handed over to the PECs two days before election day by the State Voter Register local branches. Voters were able to check their entries at the CEC webpage. As of 13 November, 9,010,302 voters were included in final voter lists, 64,707 of which were permanent homebound voters.

The Campaign Environment and Campaign Finance

Official campaigns started on the day following the decisions on announcing the second rounds by the respective TECs. Some candidates resumed their campaigns before that.²³ The late announcements of the first-round results effectively shortened the campaign period for the second-round contests.

Initially, the detention of UKROP leader affected the campaign discourse. The case was presented as an anti-corruption measure.²⁴ The campaign was visibly influenced by powerful business interests and allegations of fraud were often voiced. Some candidates underlined their parties' agenda such as utility tariffs, failing reforms in the justice and anti-corruption sectors, as well as peace, order and stability.

Candidates were able to campaign freely and without undue restrictions. Campaign activities between the two rounds were limited and took place in a generally calm environment, although their

¹⁸ In Sviatohorsk city TEC ordered recounts primarily due to damaged seal of ballot box at TEC premises as well as due to lack of PEC stamp on the counterfoils, none of which are envisaged by the law. As a result, self-nominated candidate V.Moroz lost votes and hence the elections. The candidate appealed to court but lost the case.

¹⁹ In Uzhgorod, Kryvyi Rih, Dniprodzerzhynsk, Zhytomyr and Mykolaiv city TECs had shortfall of sufficient number of nominees due to unwillingness among the potential candidates for such positions.

²⁰ The legal requirements are contradictory. Article 23.7 of the election law requires that executives be nominated by different eligible subjects, while Article 87.8 stipulates that PECs have equal number of members from two run-off candidates, however the law is silent on how the three executive positions of chairperson, deputy chairperson and secretary are to be distributed among the representatives of the two run-off candidates.

²¹ Some TECs tried to assign three executive positions to both candidates by dividing PECs into odd and even numbers, thereby ensuring that candidates have equal number of executives within the given electoral district. For instance in Poltava, Ivano-Frankivsk, Kyiv, Mykolaiv, and Berdiansk city TECs.

²² For instance in Chernihiv, Kremenchuk, Zaporizhzhia, Pavlohrad, Uzhgorod, Lviv, Kherson, Kirovohrad, Cherkasy and Rivne city TECs.

²³ In Lutsk the UKROP candidate, in Melitopol the BPPS candidate, and in Chernivtsi the candidate of *Ridne Misto* Party (Hometown).

²⁴ Hennadii Korban was detained on 31 October on suspicion of involvement in organized crime, embezzlement and kidnapping. He was released 72 hours later as prosecutors' office failed to issue an arrest warrant, but was immediately detained again. On 6 November, he was put under house arrest by the Kyiv district court.

intensity varied among the localities. The tone of the campaign became more acrimonious in the last week before election day as candidates levelled increasingly strong personal accusations against their rivals. In some regions the candidates relied on negative campaigning by distributing leaflets containing slanderous accusations against their rivals.²⁵ The OSCE/ODIHR EOM received two reports of violence against campaign staff.²⁶

A number of recently formed political parties contested the elections and made major investments in the national media campaign, but proved to be largely regional in their support. Three political parties (*Batkivshchyna*, *Svoboda* and UKROP) publicly announced their agreement on mutual support of candidates in the second rounds. In a number of contests, unpredictable multi-party coalitions were formed in support of different candidates based on a variety of local interests.²⁷

All contestants of the run-offs had to submit interim financial reports five days before election day. Reports were submitted by 48 out of 58 candidates. Due to the absence of sanctions for non-compliance with the finance reporting requirements, the examination of the reports by TECs in most cases appeared to be a formality. Not all TECs verified the reports or made them publicly available within the deadline, which enfeebled oversight over campaign finance and negatively impacted voters' access to this information.²⁸

The Media

Prior to the run-offs, the media's abundant reporting on the arrests of political figures and alleged involvement in unlawful activities initially dominated the election coverage, thus reducing voters' ability to assess the platforms of the candidates. The ambiguities in the legal framework for the conduct of media throughout the campaign period were not addressed. The National Television and Radio Broadcasting Council (NTRBC) remained passive and failed to establish a level playing field across the media landscape prior to the run-offs.²⁹ Thus, voters were denied access to balanced reporting both at national and regional levels.

With 19 incumbent mayors standing for the elections, the misuse of media owned by local administrations was aggravated.³⁰ On the national level, the BPPS continued to enjoy additional coverage due to the ample time allotted to the president.

Between the two rounds, the National Television and Radio Company (NTRC) endeavoured to engage the candidates in debates focusing on policies and local issues. Only in Lviv did such a live face-off take place.³¹ In ten cities local broadcasters carried out debates on their own initiative.³² In

²⁵ Such leaflets were observed in Berdiansk, Lviv, Rivne, Lutsk and Bila Tserkva, and negative campaigning in Dnipropetrovsk, Lviv, Poltava, and Zhytomir.

²⁶ In Zaporizhzhia, campaign manager of the BPPS candidate was beaten-up. In Mykolaiv, campaign staff of OB candidate was attacked.

²⁷ For instance, in Dnipropetrovsk, the *Samopomich* announced its support of UKROP candidate; in Mykolaiv, the BPPS candidate supported the *Samopomich* candidate; in Poltava, Serhii Kaplin Ordinary People Party supported the BPPS candidate; in Kherson, the Radical Party and *Svoboda* supported the self-nominated candidate.

²⁸ For instance, only 10 out of 29 TECs published interim financial reports within the deadline.

²⁹ Prior to the run-offs no cases concerning media conduct were reviewed by the NTBC. Prior to the 25 October elections, 69 cases of possible violations were noted, yet no resolute measures taken, and no fines introduced.

³⁰ OSCE/ODIHR EOM long-term observers in Berdiansk, Chernivtsi, Chernihiv, Khmelnytskyi, Lutsk, Melitopol, Nikopol, Poltava, and Zhytomyr reported misuse of media owned/co-owned by local administrations. For instance, in Kremenchuk the oblast-owned broadcaster's administration suspended news due to the biased reporting; in Melitopol the newly elected councillors tried to dismiss the director of the local state-owned television station MTV, as a result the debate between the candidates was cancelled and the daily work of the MTV's news department was hindered.

³¹ In Dnipropetrovsk, Mykolaiv and Kyiv one of the candidates refused to participate.

two cases one of the candidates refused to participate, in three cases the candidates had to pay for the participation in debates on the municipal channel. It is at odds with the fundamental principles of freedom of expression. Programmes, despite the shortcomings, were broadly appreciated and perceived as a first step towards issue-oriented political campaign.

Media monitored by the OSCE/ODIHR EOM mirrored the tendencies observed prior to the first round.³³ The same parties were granted most of the airtime in the broadcasters' election related coverage.³⁴ While 16 political parties whose candidates were standing for elections were mentioned in the media at least once, Oleksandr Vilkul (the OB mayoral candidate in Dnipropetrovsk) and Vitalii Klytchko (the BPPS mayoral candidate in Kyiv) were the most quoted political actors within the news. The print media's editorial content was similarly tailored.³⁵ None of the female candidates was quoted within the broadcasters prime-time election related programmes and the time-share allotted to them is below one per cent.

The campaign silence commences 24 hours prior to the polling. It was broadly respected, yet some local broadcasters broke the moratorium. Those violations remained unaddressed.³⁶

Complaints and Appeals

The CEC received 101 complaints following the 25 October election day. Out of a total of 304 complaints received since the start of the election process, most were rejected on technical grounds and only 19 were considered in session. All other complaints were considered by individual CEC members, whose decisions were communicated by letter and could not be appealed. This procedure is not in line with the OSCE commitments.³⁷

Following the 25 October elections, courts adjudicated some 435 cases. The OSCE/ODIHR EOM was informed of 118 requests for recounts related both to council and mayoral contests submitted to the courts. Courts ordered recounts in 25 cases and the rest were rejected as unsubstantiated or on procedural grounds.³⁸ Additionally, in 140 cases, requests were made to declare elections invalid or as not held. Most of these were rejected on procedural grounds.³⁹

³² Chernihiv, Ivano-Frankivsk, Khmelnytskyi, Kryvyi Rih, Rivne, Kirovohrad, Melitopol, Sumy and Zhytomyr local broadcasters televised recorded debates. Debates were paid for in Chernihiv, Kryvyi Rih and Ivano-Frankivsk.

³³ The OSCE/ODIHR EOM continued monitoring UA:First, 1+1, Channel 5, Inter TV, ICTV, TRK Ukraina. Newspapers – *Fakty i Kommentarii*, *Komsomolskaia Pravda v Ukraine*, and *Segodnia*.

³⁴ On average, the BPPS received 19 per cent of the election related coverage, the OB 17 per cent and *Svoboda* and *Samopomich* 12 per cent each. On 1+1 TV the OB was granted 49 per cent and UKROP 19 per cent of airtime; on 5 Channel - the BPPS dominated with 66 per cent of total coverage; on Inter TV the OB received 43 per cent and the BPPS 18 per cent; on TRK Ukraina the OB got 37 per cent and a total of 28 per cent of time was given to the self-nominated candidates. ICTV allotted time in its prime-time programming equitably to the BPPS, the OB, *Svoboda* and *Samopomich*; the UA:First equitably covered *Svoboda*, *Samopomich*, UKROP and the Party of Decisive Citizens.

³⁵ *Fakty i Kommentarii* devoted 67 per cent of its election related coverage to the BPPS; *Komsomolskaia Pravda v Ukraine* allotted 62 per cent to *Samopomich* and *Segodnya* allotted equitable space to parties with slightly preferential coverage to the OB – 27 per cent of the total space devoted to the election related coverage.

³⁶ On 25 October, Lviv local state TV and radio aired an editorial material promoting the city council's achievements with a direct speech from the incumbent candidate. The TEC received 9 complaints on this case, yet no measures taken.

³⁷ Paragraph 18.4 of the 1991 OSCE Moscow Document states that "participating States will endeavor to provide for judicial review of [administrative] regulations and decisions."

³⁸ These court cases mostly concerned elections in various locations of Kherson, Kirovohrad, Kyiv, Odesa, Zhytomyr, Sumy, Zakarpattia, Vinnytsia, Dnipropetrovsk, Lviv, Ivano-Frankivsk *oblasts*.

³⁹ In two cases, courts have satisfied the request and declared elections as invalid or not held. In two other cases courts have declared actions of the commission members illegal, and in one instance, prohibited TEC to

Twenty-nine complaints were filed with courts by internally displaced persons (IDPs) who sought to be included in the voter lists. In nine instances courts considered the IDP certificate as a proof of registration and obliged relevant PECs to include the claimants in the voter lists.⁴⁰ Other complaints submitted to courts referred to issues of formation of election commissions, district delimitation, violation of campaign regulations, media conduct, vote-buying, and access of observers.

Whereas most of cases related to candidate and voter registration were considered on merits, almost all other cases were rejected on substance or dismissed on technical grounds. Decisions of cases considered on substance at times did not provide sound legal justification, which undermined the right to an effective remedy provided for by OSCE commitments and other international obligations.⁴¹

According to the information from the Ministry of Interior, as of 10 November, law enforcement agencies received 7,433 cases of alleged criminal offences and opened 525 criminal cases related to the elections.⁴² A large number of these concerned vote-buying, misuse of administrative resources, falsification of electoral documents and destruction of campaign materials.

Election Day

Dedicated and capable polling station staff organized voting and counting in a commendable manner. The CEC announced turnout at 34 per cent.

The OSCE/ODIHR EOM observers assessed opening of polling stations and voting positively in 99 per cent of observations. Voting procedures were largely followed and the process was calm and orderly, however a few technical irregularities were noted by OSCE/ODIHR EOM observers. In 3 per cent of polling stations observed the ballot boxes were not properly sealed. Unauthorized people were present in 8 per cent of polling stations observed, and were seen interfering in the process in a quarter of these. In 3 per cent of observations, not all voters marked their ballots in secrecy or folded them properly before depositing into the ballot box. In Dnipropetrovsk city, OSCE/ODIHR EOM observers reported cases of voters having invitation cards with bar codes allegedly with encoded personal details, which were collected by the activists of initiative “Vote” outside the polling stations.

Transparency was overall ensured and observers could follow procedures without restrictions in almost all polling stations observed by the OSCE/ODIHR EOM. In 2 per cent of cases, observers did not have a full view of the voting procedures largely due to inadequate layout or premises of the polling stations. About a third of polling stations observed were not accessible to people with disabilities.

Despite positive assessment some procedural irregularities of the counting process were nevertheless noted.⁴³ In 19 per cent of observations, procedures were not strictly followed which led to counting discrepancies and in 17 per cent of observations PECs had to revise the figures

publish the results. In the latter cases, the courts did not provide any further elaboration on the request to invalidate or declare elections as not held, and did not specify the consequences of their decisions.

⁴⁰ According to the SVR the court decisions were not relevant for the second rounds and these voters have to apply again in order to be included in the voter lists.

⁴¹ Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental human rights and ensure legal integrity.”

⁴² Out of the total number of cases, 5,983 were left without consideration on merits.

⁴³ Procedural irregularities included cases when PECs did not announce number of counted counterfoils, unused ballots and number of signatures in the voter lists. In limited cases PECs did not vote on the contested ballots.

established earlier in the process. Unauthorized people were present in 6 per cent of polling stations observed. OSCE/ODIHR EOM observers were not provided with protocols in 8 per cent of cases and PECs did not post protocols at their premises in 29 per cent of observations, which limited transparency.

Candidate representatives were present during all stages of the process, while citizen observers were noted less frequently. It is noteworthy that OSCE/ODIHR EOM observers reported the presence of a relatively large number of so-called ‘journalists’ who at times could not name the organization they officially represented. These people in some cases interfered with the work of the commissions.

OSCE/ODIHR EOM observed tabulation in 67 out of 99 TECs. Tabulation was assessed positively in all but 4 TECs observed. The negative assessment could be linked to problems with transparency or general organization of the process. Access to data entry was limited for the OSCE/ODIHR EOM in 14 observations. Observers reported that not all PECs submitted complete protocols and that the figures did not always reconcile in 44 observations. In 10 cases, OSCE/ODIHR EOM observers reported that election material packs were tampered with.

***The English version is the only official document.
However, this statement is also available in Ukrainian and Russian.***

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR EOM opened in Kyiv on 9 September with 17 experts in the capital, and 80 long-term observers deployed throughout Ukraine. The OSCE/ODIHR EOM core team of experts and 52 long-term observers remained in the country to observe the second rounds of the 15 November mayoral contests. Tana de Zulueta (Italy) is the Head of the OSCE/ODIHR EOM.

On election day of the second rounds, some, 320 observers from 44 countries, including 240 short-term observers were deployed. Voting was observed in over 1,100 out of some 5,000 polling stations. Counting was observed in 125 polling stations across the country. The tabulation process was observed in over 67 out of 99 TECs, so far.

The observers wish to thank the authorities of Ukraine for the invitation to observe the election, the Central Election Commission for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. The observers also wish to express appreciation to the OSCE Project Co-ordinator in Ukraine, the OSCE Special Monitoring Mission to Ukraine and embassies and international organizations accredited in Ukraine for their co-operation and support.

For further information, please contact:

- Ms. Tana de Zulueta, Head of the OSCE/ODIHR EOM, in Kyiv (+380 44 498 19 00);
- Mr. Thomas Rymer, OSCE/ODIHR Spokesperson (+48 609 522 266); or
- Ms. Lusine Badalyan, OSCE/ODIHR Senior Election Adviser, in Warsaw (+48 22 520 0600).

OSCE/ODIHR EOM Address:

38 Volodymyrska Street, 5th floor, Kyiv

Tel: +380-44-498 1900; Fax: +380-44-498 1901

email: office@odihr.org.ua

Website: <http://www.osce.org/odihr/elections/ukraine/123759>