



International Observation Mission to Ukraine Presidential Elections 2010	Міжнародна місія спостереження Вибори Президента України 2010 року
---	---

Ukraine Presidential Election Final Report

The European Network of Election Monitoring Organizations (ENEMO) has fielded about 900 short-term observers to monitor all stages of the voting process, including the opening, the vote, the vote count and the tabulation of results in polling stations and in district electoral commissions for the two rounds of the 2010 Presidential Elections. In total, ENEMO observers monitored the opening of 400 polling stations, voting procedures in over 4300 polling stations and the vote count in over 400 polling stations for the two rounds of election. In addition, ENEMO deployed short term observers to monitor Election Day in Ukrainian embassies and consulates in Russia (Moscow, Saint Petersburg, Rostov-on-Don, and Vladivostok), Republic of Moldova (Chisinau and Beltsy), Belarus (Minsk and Brest) and Romania (Bucharest).

ENEMO observed significant improvements in the 2010 Ukrainian presidential elections over the 2004 poll. The election environment surrounding these elections was generally free of pressure, intimidation or harassment against any contender. In stark contrast to 2004, there were no reports of centralized misuse of administrative resources and ENEMO observers reported only isolated cases of pressure on voters and observers. While election days proceeded without reports of systematic fraud, there were significant procedural and organizational problems concerning the updates made to the voter lists and the uneven enforcement of the provisions regarding mobile voting. Furthermore, ENEMO observed attempts at vote buying and vote falsification. ENEMO calls for authorities to fully investigate such instances. While the number of ENEMO observers prevented from observing significantly decreased between the rounds, observers were still denied this right in several cases particularly during counting of ballots and the tabulation of results at the level of DEC's. In its preliminary reports ENEMO expressed concerns regarding pressures and threats directed against its observers in Donetsk oblast by unidentified election commissioners, particularly in the city of Kramatorsk (DEC 48).

ENEMO observers note that in general the Central Election Commission (CEC) has functioned in a professional, transparent and timely manner. However, throughout these elections the CEC continued its practice of adopting decisions in closed meetings to

which observers were not allowed. In addition, CEC has repeatedly failed to issue clear and consistent instructions regarding voter registration during Election Day and mobile voting procedures, which lead to their different implementations by lower-level election commissions across oblasts.

On February 25, 2010 Victor Yanukovich was sworn in as the new President of Ukraine following the final tabulation of results by the Central Election Commission. Prior to that, the Higher Administrative Court of Ukraine considered a complaint made by the runner-up candidate Yulia Tymoshenko regarding alleged violations of the voting procedures in several oblasts. However, the Court did not have the chance to make a formal decision because the plaintiff dropped the case. ENEMO observers reported that the contestation took place in a climate free of pressure and in keeping with the Ukrainian laws in vigor.

In a parallel development on February 16, the Ukrainian Parliament voted to postpone the local elections initially scheduled for May 30, 2010, invoking lack of funding and a need to change the law for local elections. At the time of compiling this report, the Parliament is yet to decide on a new election date. Thus, ENEMO fears delays in organizing this electoral process which might lead to serious distortions of the electoral calendar. Thus, ENEMO calls for all entitled authorities to urgently draft a clear calendar for the upcoming elections so that voters and candidates have time to familiarize with it.

Summary of Election Day Findings (first and second voting rounds)¹

Opening

ENEMO observes noted that 98% of the monitored polling stations opened on time with only 1.47% of the Precinct Election Commissions (PECs) opening up to 15 minutes late. This represents a major improvement compared to the first round of elections and to other previous Ukrainian polls.

Overall Evaluation of Opening

Similarly, compared to previous elections and to the previous round, ENEMO observers noted a significant improvement of the opening procedures and of the overall work of the election commissions. ENEMO observers reported in a positive manner about 95% of the PECs they visited.

Number and work of PEC Members

A few days before the second round of elections the Verkovna Rada amended the electoral legislation in order to seemingly prevent commissioners representing one candidate from disrupting the election procedures. However, ENEMO Election Day reports showed that most of the appointed commissioners conducted their work in keeping with the legal provisions and in a collegial atmosphere. In addition, the work of the commissions was rated positively by most of the observers compared to the first

¹ See annex 1 in this document for a comparative statistical analysis of the ENEMO observer's findings of the first and second rounds.

round. However, tensions between the commissioners representing different candidates halted the work of DEC 10 in Crimea and DEC 109 in Lugansk when receiving protocols from the lower election commissions.

Secrecy of the Ballot

As in the first round, fully adhering to the secrecy of the ballot remained a challenge. ENEMO observers reported numerous instances, in which the set up of the voting booths could not ensure a full discretion for voters when casting their votes. Such cases were registered, among other places, in L'viv, Khmelnytsky, Odessa, Zhytomir and Kherson (DEC 184 PEC 11). Furthermore, in Cherkassy (DEC 200 PEC 156) commissioners instructed voters to cast their ballots in separate boxes according to the candidate they voted for. In Kiev (DEC 96 PEC 34) and Donetsk (DEC 42 PEC 2, 7, 13) unauthorized persons took photos of voters casting their ballots.

Insufficient number of ballots

According to the election legislation, the amount of ballots PECs are to receive from the higher-standing commissions equals the amount of voters in the list plus a reserve. Observers noted several cases where the number of ballots received was less than the number of voters on the lists following the updates made during Election Days. Such cases were recorded in Zakarpatya, Odessa, Kiev and Crimea.

Breaking of election procedures

In Donetsk (DEC 55 PEC 81) ENEMO observers reported incidents concerning ballot stuffing. ENEMO observers noted attempts at taking ballots outside of the polling station and voters recording (may be "taking photos of?") their ballots, which might indicate organized vote buying and carousel voting strategies. While hard to properly document such violations, ENEMO reports suggest such practice were widespread across the country from supporters of both candidates. In Lugansk (DEC 114 PEC 4) a commissioner was accused by her colleagues of attempting to destroy ballots.

ENEMO observers also recorded cases when commissioners slightly deviated from the procedural requirements regarding voting in Mykolaev (DEC 130 PEC 33) and Odessa (DEC 137 PEC 20). In Khmelnytsky (DEC 192 PEC 193) and Zhytomir (DEC 64 PEC 83, DEC 65 PEC 28, DEC 67 PEC 219), among other places, commissioners issued ballots to voters without properly checking their identification.

Unauthorized Persons in Polling Stations

In both rounds ENEMO observers noted several cases where individuals believed to be in a position of authority influenced or directly coordinated the activities of PECs, voters or observers. Such cases were recorded in Zakarpatya (DEC 72 PEC 77, 111), Khmelnytsky (DEC 195 PEC 30), Mykolaev (DEC 129 PEC 12) and Donetsk (DEC 48, PEC 66; DEC 42, PEC 26; DEC 41, PEC 7). ENEMO strongly recommends that such activities should be properly regulated since they undermine the work of the commissioners and jeopardize the fairness and transparency of the electoral process.

Limitation of Observers' Rights

In general, the electoral process was transparent and ENEMO observers were allowed to monitor all stages of the electoral process on Election Days. ENEMO noted a significant improvement between the rounds. However, observers were initially prevented from entering the polling station or monitoring all stages of the voting process in Chernivtsy (DEC 206 PEC 13), Cherkassy (DEC 198 PEC 52), Kiev (DEC 91 PEC 28), Odessa (DEC 137 PEC 93), Crimea (DEC 1 PEC 18), Donetsk (DEC 41 PEC 7), Zhytomir (DEC 67 PEC 219, DEC 65 PEC 71), Lugansk (DEC 112 PEC 9), Kirovograd (DEC 101 PEC 6) and Kharkiv (DEC 179 PEC 145). In addition, ENEMO remains concerned that observers were prevented from properly monitoring the activities of the DEC in Crimea DEC 10 and Ternopil DEC 169, among others places.

Mobile Voting

In its pre-election reports ENEMO repeatedly noted that unclear provisions for mobile voting lead to arbitrary decisions of the lower commissions. During both rounds, ENEMO observers reported that commissioners across the oblasts varied in their application of those procedures, based on their own understanding regarding mobile voting procedures. While in Lugansk, Mykolaev and Khmelnytsky commissioners refused to grant mobile voting to people without medical certificates, in Kiev and Chernigiv for example commissioners added voters on the list for mobile voting without any written requests. In Odessa and Poltava PEC members considered as valid the mobile voting requests submitted for the first round, in disagreement with the legal provisions, which stated that voters have to submit new applications before the second round. In addition mobile voting requests from different voters written by one person also remained a source of concern in places like Lugansk, Donetsk and Zakarpatya.

Because only a limited number of requests for mobile voting were registered, it is unlikely that problems with mobile voting procedures affected the election results. However, ENEMO emphasizes that unclear provisions will continue to generate uneven enforcement of the law and it will offer grounds for further complaints.

Voter Lists

The implementation of a fully centralized voter registry in Ukraine led to significantly better voting lists. However, lack of clear procedures for updating the voter lists during Election Days at the level of PECs produced uneven implementation of these legal provisions depending on the understanding of the commissioners. While it remains impossible to determine the number of voters affected by these contradictory decisions, reports suggest that they were widespread across the country. For example, in Kiev, Chernivtsi, Khmelnytsky, Odessa, Kharkiv, Donetsk and Sumy voters were added to the lists following an ad-hoc decision of the commissioners during Election Days. In Odessa, Crimea, Cherkassy and Vinnitsa voters were added to the list following a phone conversation between the head of the commission and officials from the State Voter Registry, in the absence of any written documents. In Zakarpatya (DEC 70, PEC 36) the head of the commission created a new voter lists without the approval of the State Voter Registry, the institution legally in charge of the voter lists. However, the small number of

additions made to the lists during the runoff suggests once more an enhanced system of voter registration.

Overall Evaluation of the Voting Process

ENEMO further acknowledges the improvements made in the conduct of PECs during the runoff. In this round, 95% of the ENEMO observers assessed positively the activities of the election commissioners during the voting procedures.

Counting and Tabulation of Results

Reports from ENEMO short-term observers suggest that no major incidents were witnessed during the count of ballots. However, during the runoff, counting procedures appear to have deteriorated compared to the first round, with 9% of the PECs visited evaluated negatively in regard to counting procedures.

Transfer and DEC activity

The transfer of election materials to the DECs has been another area of improvement during the runoff elections. ENEMO reports positively assessed this stage of the electoral process in 95% of the visited DECs. However, in Crimea the activity of DEC 10 came to halt following disagreements between commissioners representing the two candidates. In Zakarpatya, DEC 70 decided to alter the protocol from PEC 36 after the transfer was made and in the absence of the lower-level commissioners.

Summary of Pre-Election Period Findings

- The Central Election Commission failed to set clear procedures on mobile voting, voting abroad and voter list additions on Election Day. This has raised fears of possible manipulation;
- ENEMO remained concerned about the voter registration process and updates being made to the voter lists during the January 17 election day. In particular, ENEMO feared that outdated information in the voter lists could lead to cases of multiple voting. Lack of direction from the CEC on this process also means that uneven standards and rules has been applied throughout the country;
- ENEMO feared that delays in setting clear procedures for mobile voting might cast doubt over the entire electoral process since this was a main vehicle for fraud in 2004;
- ENEMO also have noted that lack of instructions for voting stations abroad means an unequal standard. ENEMO observers were present in 8 consulates on Election Day to observe the voting;

- The Central Election Commission (CEC) has worked in a relatively even-handed manner, but most of its decisions were taken during closed doors meetings without observers present;
- The campaign period has been generally free of intimidation, pressure, and harassment. This is an improvement from the previous Ukrainian elections that ENEMO has monitored;
- Compared to previous Ukrainian elections, ENEMO observers reported only a limited number of cases of state administrative resource abuse and involvement of state officials in the campaign:
- Delays in the allocation of funding for the Presidential elections led to obstacles in the work of election commissions and raised serious concerns about the ability of all PECs around the country to be fully operational during Election Day;
- Mass media has enabled the electorate to familiarize itself with the programs of candidates through extensive coverage of the election campaign in news programs, television debates and paid advertisements.

CAMPAIGN VIOLATIONS

The campaign has been described as low and characterized by a large disinterest of voters in political events. In general, the campaign period has been free of pressure and intimidation and all candidates were able to express their views and meet the voters. Top-flight candidates have used a mix of campaign strategies including door-to-door canvassing, large billboards, leaflets, tents, TV ads and rallies.

ENEMO observers have documented a limited number of state officials' involvement in campaigning. Yulia Tymoshenko issuing land certificates to voters together with political materials and electoral promises represented an infringement of the electoral law. Similar accusations of abuse of administrative resources were leveled against Minister of Interior Yuriy Lutsenko for campaigning in front of law-enforcement officials during a visit to Cherkassy oblast on January 4, and against candidate Viktor Yanukovich's staff for pressuring state employees in Kharkiv and Donetsk.

ENEMO observers recorded few incidents in which campaigners were physically abused and campaign materials destroyed. These appear to be isolated cases and most of them are under investigation. Such incidents were recorded in Simferopol (against Arseniy Yatsenyuk's campaigners), in Odessa (against Yulia Tymoshenko's agitators), in Crimea, Zaporozhiya, Poltava, Chernigiv (against Viktor Yanukovich headquarters) and in Khmelnytsky and Donetsk (against Petro Symonenko campaign tents).

During the campaign period, many political actors alleged that other candidates are engaged in vote buying. While most of these claims remained simple rumors, some

instances suggest that attempts at vote buying constitute a threat to the fairness of the electoral process. In Ternopil oblast, representatives of Yanukovich and Tymoshenko face court investigations following accusations of vote bribery. In Dnipropetrovsk, Donetsk and Zaporizhzhya, agitators of Yanukovich distributed food-packages together with campaign materials during winter holidays.

MEDIA SITUATION

All candidates were able to freely campaign in the state-owned media according to electoral law provisions and to place paid political advertisements in commercial media. However, some candidates complained that the main contenders received more media attention through participations in popular TV shows, while refusing organized debates among all the candidates

Campaign information presented as news and unmarked as advertising remained a common practice for the Ukrainian media at all levels. This has raised concerns regarding candidates' interference with the editorial contents through paid agreements with the owners of media outlets. Furthermore, unclear principles for covering candidates in their institutional roles have generated fears of misuse of administrative resources and offered an advantage to those holding such positions.

The publishing of opinion polls in local media across oblasts has raised suspicions of manipulation, since most of these polls failed to clarify their methodology and samples.

In cooperation with media monitoring agency "Context media" ENEMO Ukraine Presidential Elections 2010 EOM conducted monitoring of central printed media in the period between two rounds (January 18 - February 3).² The results have confirmed that the candidate who was at the same time a representative of the executive power was slightly more immanent in mass media but at the same time those results confirmed that both candidates had equal opportunities to present their platforms before the run off.

Mass media representatives kept their pre election reporting standards in the period after the run off.

DOMESTIC OBSERVERS

Domestic NGOs OPORA and CVU have been highly active in training election officials and monitoring all stages of the campaign period. They have issues reports describing the finding of their LTOs deployed around the country. ENEMO LTOs have been in contact with OPORA and CVU representatives and attended their trainings and election briefings. Since according to the election law, domestic observers are allowed to monitor

² See Annex 2 of this document for a detailed media analyses of the run-off campaign commissioned by ENEMO EOM

the process only as accredited journalists, ENEMO is concerned about possible cases of their rights' infringement.

ACTIVITIES OF ENEMO CORE TEAM

On December 1, 2009 the European Network of Election Monitoring Organizations (ENEMO) established an Election Observation Mission headed by Taskyn Rakhimbek to monitor the Presidential elections in Ukraine. This is ENEMO's sixth mission to Ukraine elections. ENEMO deployed 50 long-term observers (LTOs) who covered all oblasts of Ukraine and monitored the pre-election period while preparing for the deployment of over 800 short-term observers for both rounds.

ENEMO's long-term observers focused on the conduct of the election campaign, voter registration, the work of election commissions and court decisions. In addition to the monitoring efforts in Ukraine, ENEMO EOM deployed 11 short term observers to monitor the Election Day in Ukrainian embassies and consulates in Russia (Moscow, Saint Petersburg, Rostov-on-Don, Vladivostok), Republic of Moldova (Chisinau and Beltsy), Belarus (Minsk and Brest) and Romania (Bucharest).

Throughout the period ENEMO EOM met with Andrii Mahera, Deputy Chairmen of the Central Election Commission, with Vladimir Andriyenko, Director of International Department of the Central Election Commission, with Vladimir Ivanovich Mayevskiy, Head of the Department of Public Security at the Ministry of Internal Affairs of Ukraine, and with Heidi Tagliavini, Head of OSCE/ODIHR mission in Ukraine.

The Head of the ENEMO EOM also met with the representatives of all front runners.

ENEMO EOM interacted with representatives of Embassies of the USA, Canada, Germany, the United Kingdom, and the Netherlands and attended events and briefings organized by International Foundation of Electoral Systems, National Democratic Institute and International Republican Institute.

ENEMO EOM offered more than 30 interviews in national media outlets such as Kommersant, Korrespondent, Tyzhden, RBK Ukraina, First National Channel, Channel 5, Inter Channel and Tons channel while its activities in Ukraine were reflected in more than 1000 articles and 80 news bulletins. All statements from this missions and other information are available at www.enemo.eu.

CONCLUSIONS AND RECOMMENDATIONS

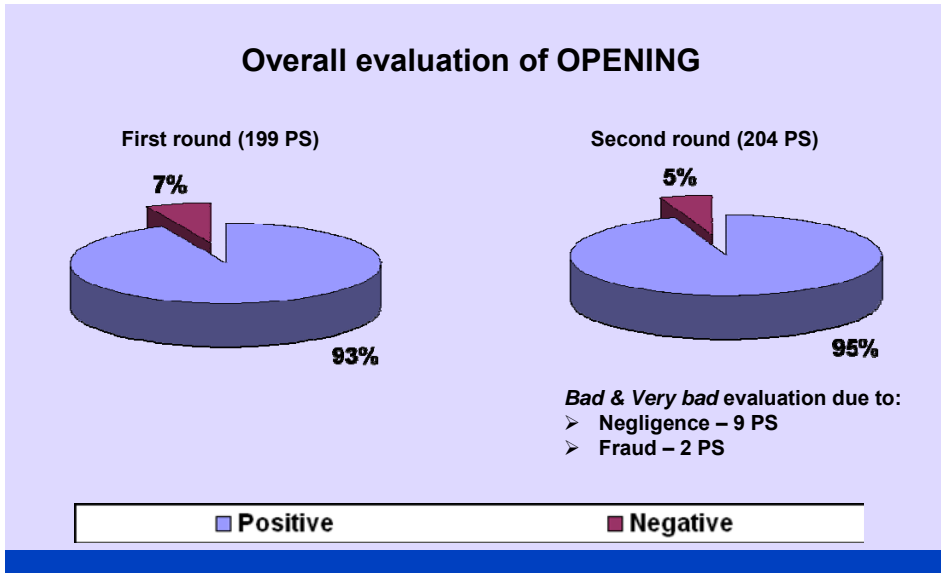
ENEMO recognizes the efforts of the Ukrainian authorities to comply with international standards for democratic elections. However in order to prevent the problems listed above from influencing the electoral process in the future ENEMO recommends the following:

- The Central Election Commission should offer clarifications and unified procedures regarding mobile voting requests;
- The Central Election Commission should offer clarifications and unified procedures regarding updates to the voter lists during Election Day;
- Election authorities should harmonize election procedures and provide for a stable and predictable legal framework in a timely manner;
- Election authorities should clearly define the role and attributions of the domestic observers;
- ENEMO also recommends that the activities of unauthorized persons during the electoral process be investigated with vigor;
- ENEMO also recommends that activities attempting at vote buying and multiple voting should be carefully investigated;
- A clear election calendar of the upcoming elections so that voters, candidates and observers can make preparations in a timely manner.

Annex 1: Comparative Statistics of the Two Rounds



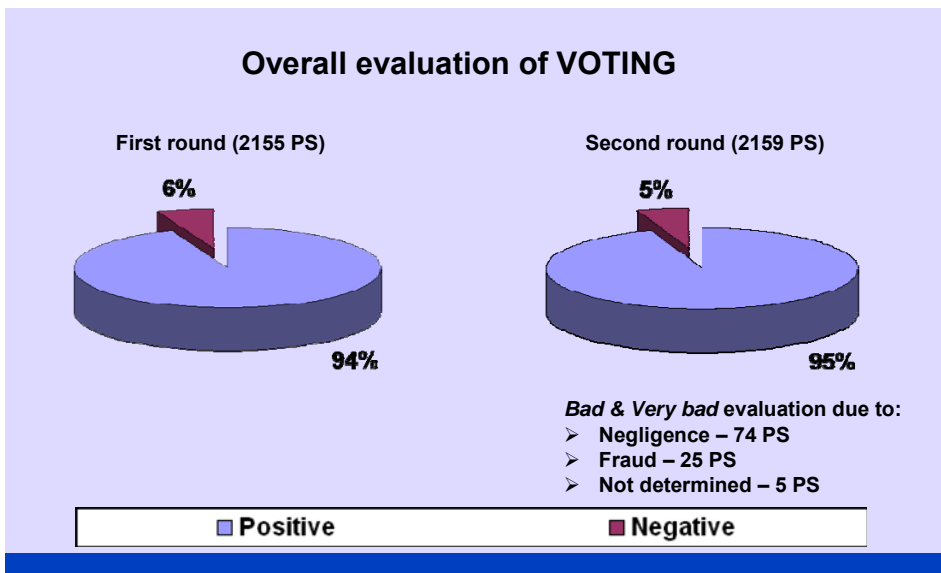
International Observation Mission to Ukraine Presidential Elections 2010	Міжнародна місія спостереження Вибори Президента України 2010 року
---	---



(Official ENEMO statistics)

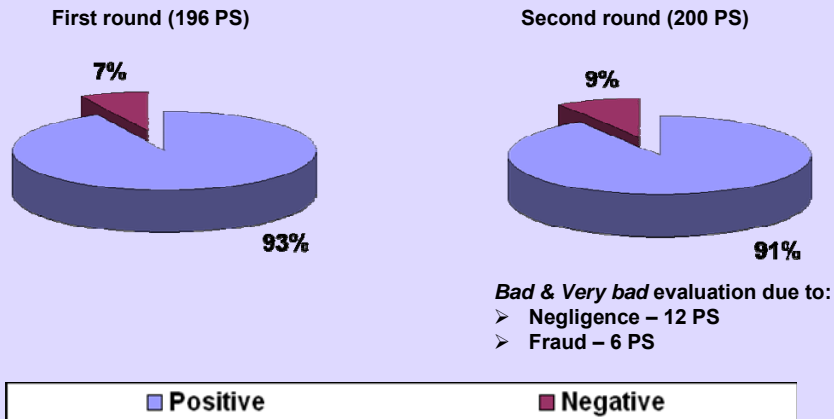


International Observation Mission to Ukraine Presidential Elections 2010	Міжнародна місія спостереження Вибори Президента України 2010 року
---	---



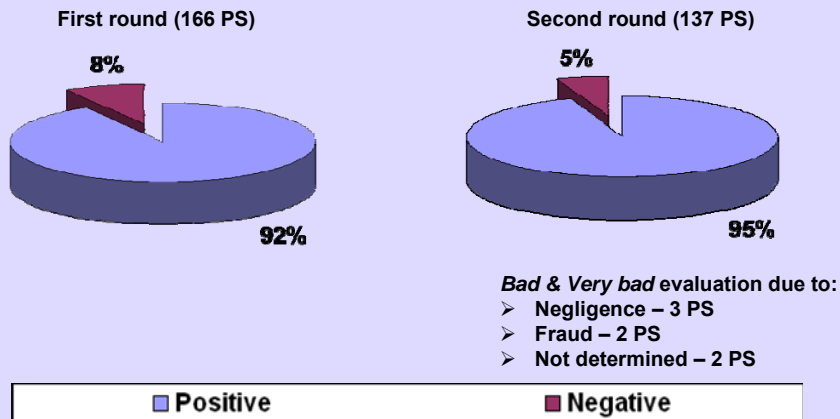
(Official ENEMO statistics)

Overall evaluation of COUNTING



(Official ENEMO statistics)

Overall evaluation of DEC transfer & DEC activity



(Official ENEMO statistics)

Annex 2: Media monitoring of the Run-Off Campaign

Context Media, Department of Information and Analytics



02660, г. Киев, а/я 63
ул. М. Расковой 11. 5 этаж тел. (044) 501-84-47
e-mail: sale@context-ua.com web: www.context-ua.com

**Informational audit
of the coverage of
Yulia Tymoshenko and Viktor Yanukovych,
presidential candidates,
in the central printed media
for the period from January 18 till February 3**

Kyiv – 2010

Period analyzed:
January 18 – February 3, 2010

TOP-15 Central press (newspapers):

Blik

Vecherniye vesti

Gazeta po-kievski

Gazeta po-ukrainski

Delo

Den

Kievskiye vedomosti

Komsomolskaya pravda v Ukraine

Kommersant

Novaya

Segodnya

Silski visti

Ukraina moloda

Fakti i kommentarii

Ekonomicheskiye izvestiya

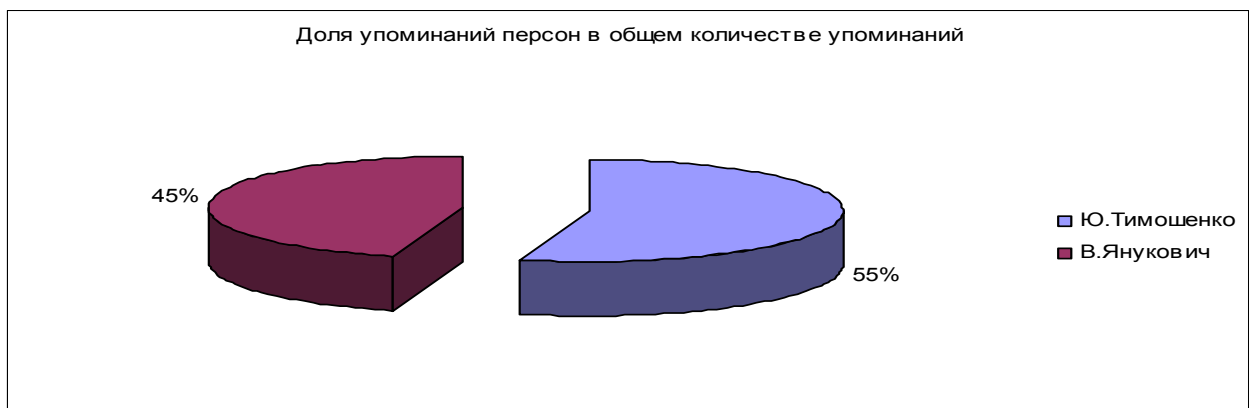
CONTENTS:

2. Share of person's mentioning in the general amount of mentionings.....	14
3. Dynamics of persons' mentioning per days.....	15
4. Distribution of general number of mentionings according to publications.....	16
4.1. Diagram of distribution of mentionings' general number per publications	16
5. Distribution of mentionings into positive, negative and neutral.....	18
5.1. Distribution of emotional colouring of mentionings per person.....	18
6. Share of positive mentionings of persons in the total number of positive mentionings.....	19
7. Share of negative mentionings of persons in the total number of negative mentionings.....	19
8. Share of neutral mentionings of persons in the total number of neutral mentionings.....	20

1. Total number of mentionings, including that per person, for the period

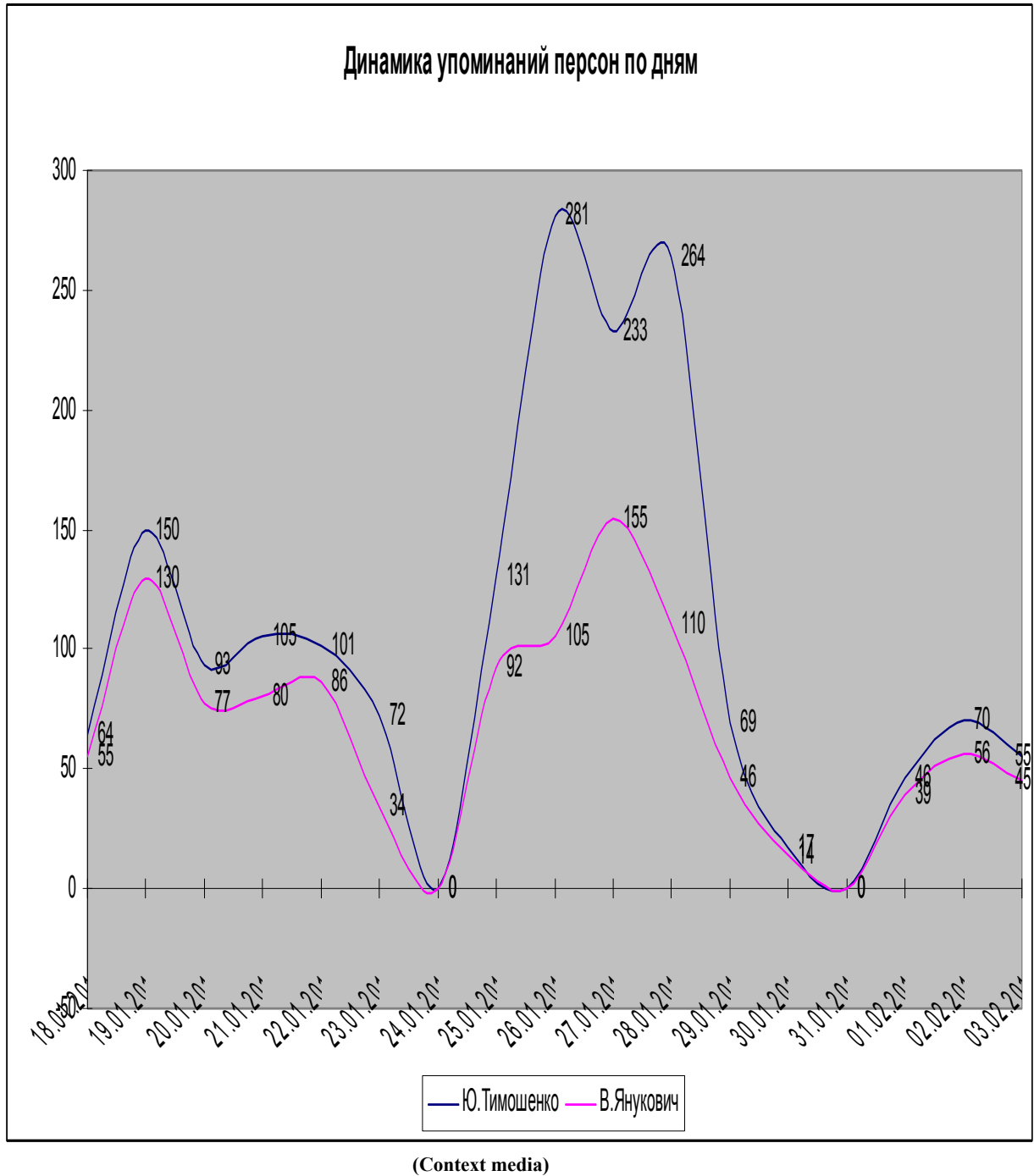
Date	Y. Tymoshenko	V.Yanukovych
18.01.10.	64	55
19.01.10.	150	130
20.01.10.	93	77
21.01.10.	105	80
22.01.10.	101	86
23.01.10.	72	34
24.01.10.	0	0
25.01.10.	131	92
26.01.10.	281	105
27.01.10.	233	155
28.01.10.	264	110
29.01.10.	69	46
30.01.10.	17	14
31.01.10.	0	0
01.02.10.	46	39
02.02.10.	70	56
03.02.10.	55	45
Total number of mentionings	1,751	1,124

2. Share of person's mentioning in the general amount of mentionings



(Context media)

3. Dynamics of persons' mentioning per days

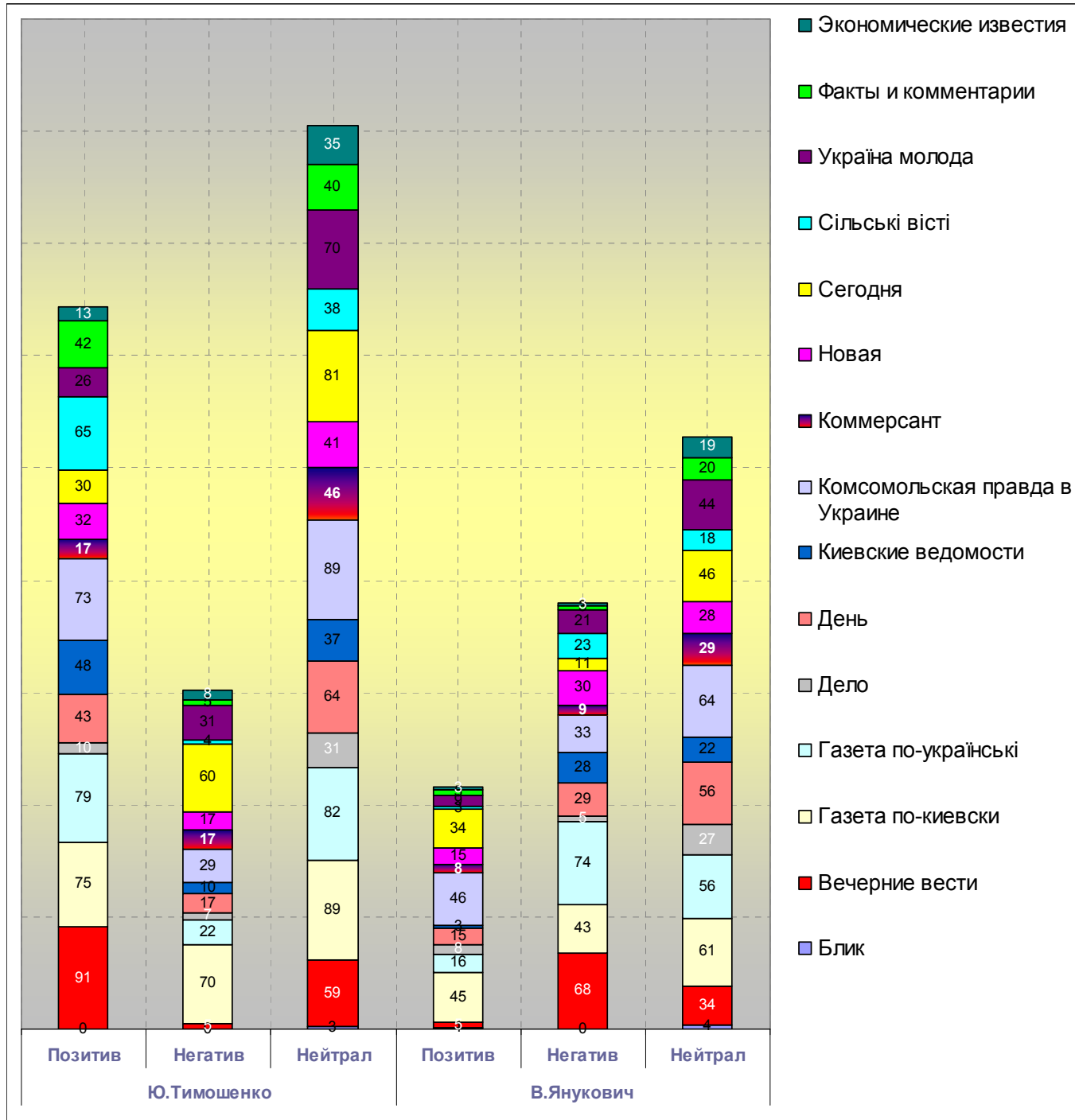


4. Distribution of general number of mentionings according to publications

Publication	Y. Tymoshenko			V. Yanukovich		
	Positive	Negative	Neutral	Positive	Negative	Neutral
1. Blik	0	0	3	1	0	4
2. Vecherniye vesti	91	5	59	5	68	34
3. Gazeta po-kiyevski	75	70	89	45	43	61
4. Gazeta po-ukrainski	79	22	82	16	74	56
5. Delo	10	7	31	8	5	27
6. Den	43	17	64	15	29	56
7. Kievskie vedomosti	48	10	37	3	28	22
8. Komsomolskaya pravda v Ukraine	73	29	89	46	33	64
9. Kommersant	17	17	46	8	9	29
10. Novaya	32	17	41	15	30	28
11. Segodnya	30	60	81	34	11	46
12. Silski visti	65	4	38	3	23	18
13. Ukraina moloda	26	31	70	9	21	44
14. Fakti i komentarii	42	5	40	5	3	20
15. Ekonomicheskkiye izvestiya	13	8	35	3	3	19
Total number of publications	644	302	805	216	380	528

(Context media)

4.1. Diagram of distribution of mentionings' general number per publication



(Context media)

5. Distribution of mentionings into positive, negative and neutral

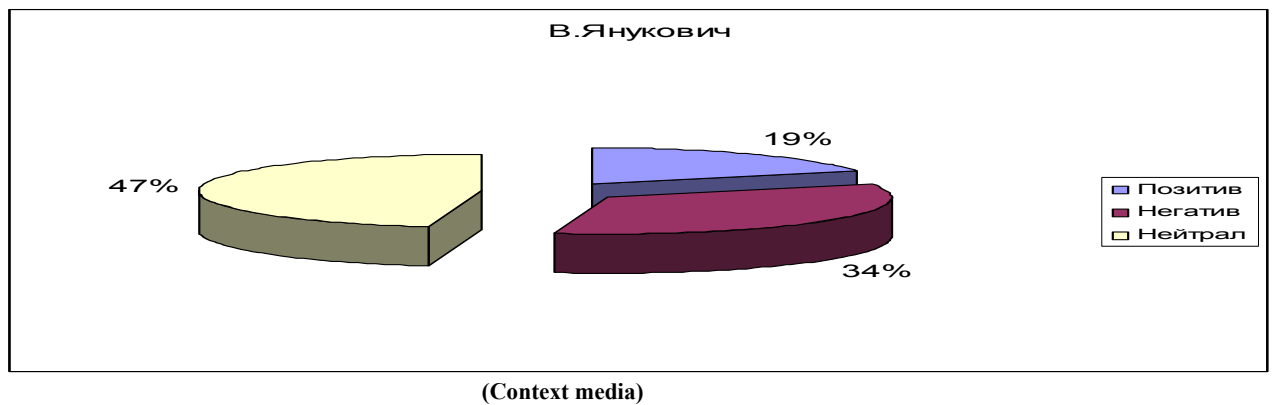
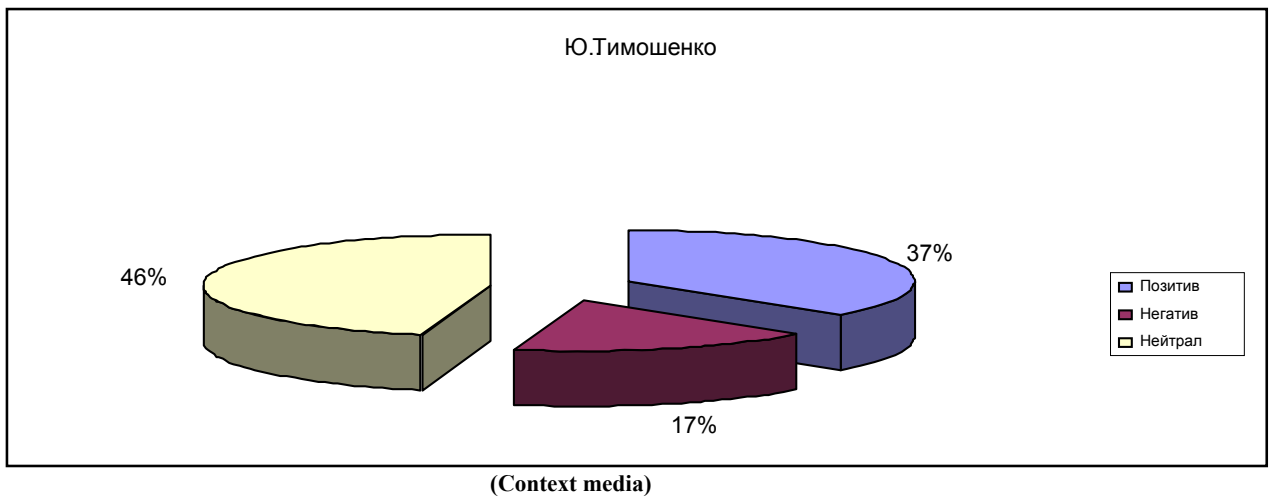
Y. Tymoshenko

positive	negative	neutral
644	302	805

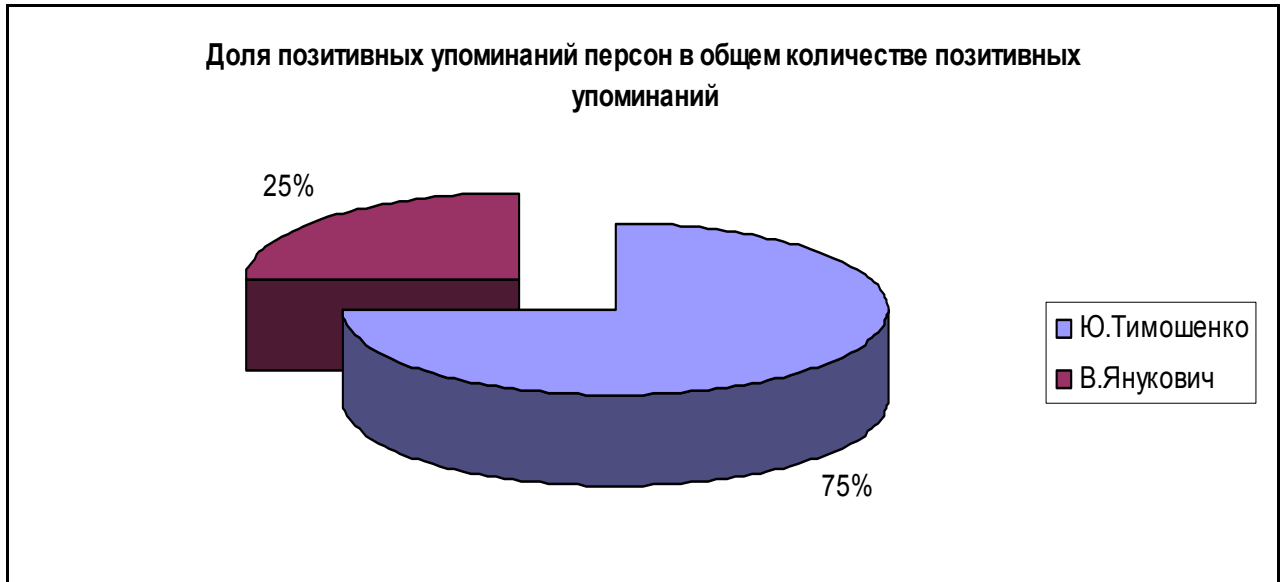
V. Yanukovich

positive	negative	neutral
216	380	528

5.1. Distribution of emotional colouring of mentionings per person

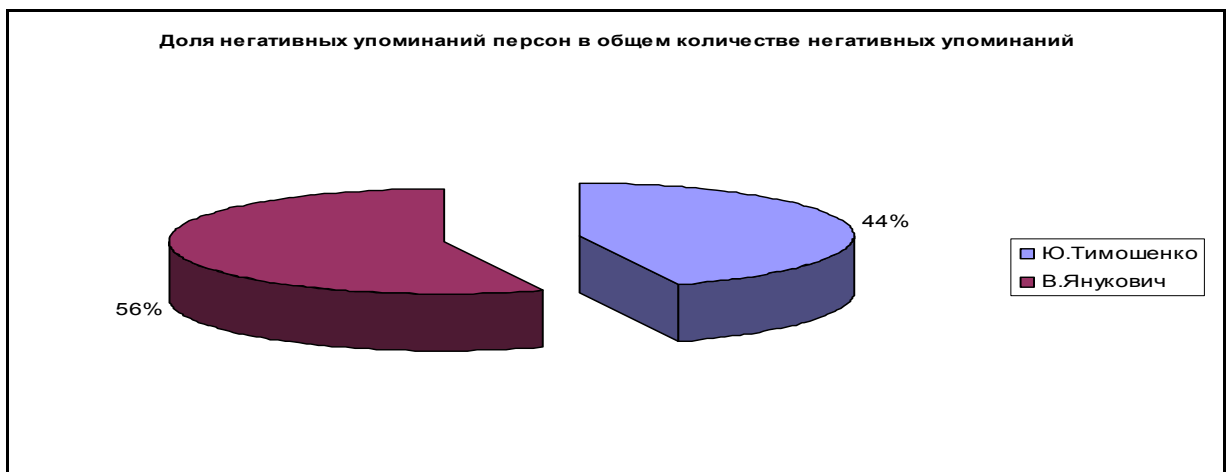


6. Share of positive mentionings of persons in the total number of positive mentionings



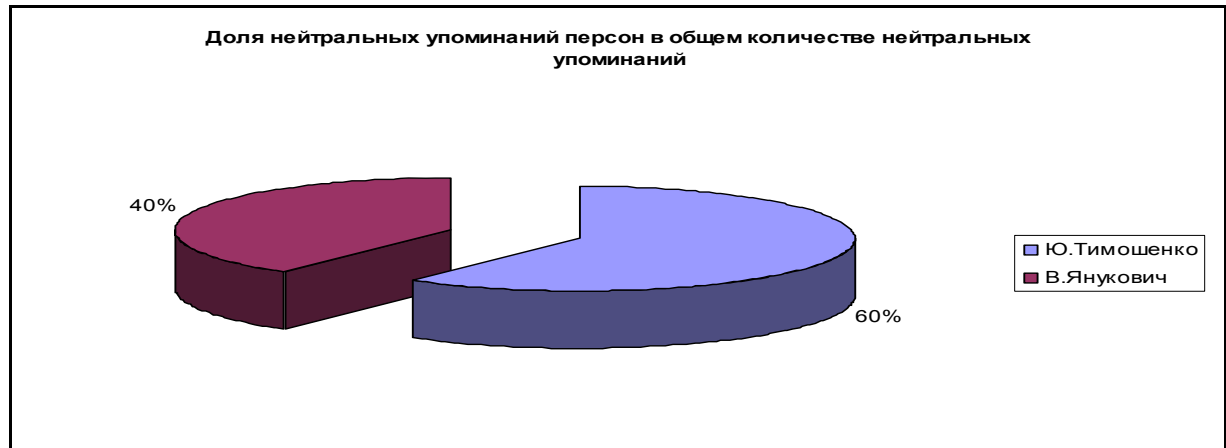
(Context media)

7. Share of negative mentionings of persons in the total number of negative mentionings



(Context media)

8. Share of neutral mentionings of persons in the total number of neutral mentionings



(Context media)

Note: Total number of mentioning's exceeds total number of materials where mentioning's of Y. Tymoshenko and V. Yanukovich were discovered. If there were several mentioning's of Y. Tymoshenko or V. Yanukovich in one material, but they had the same coloring (positive, negative or neutral) they were all counted as one mentioning. If Y. Tymoshenko or V. Yanukovich in one material were mentioned with different coloring, such mentioning's were accounted for as one unit in respective groups of mentioning's (positive, negative or neutral).