



Office for Democratic Institutions and Human Rights

UKRAINE

LOCAL ELECTIONS

25 October and 15 November 2015

OSCE/ODIHR Election Observation Mission
Final Report



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**UKRAINE
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OSCE/ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs of Ukraine, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 9 September 2015 to observe the 25 October local elections. The OSCE/ODIHR EOM remained in the country to follow the 15 November mayoral second round contests. The mission closed on 4 December 2015, following the 29 November elections in the cities of Mariupol and Krasnoarmiisk. The OSCE/ODIHR EOM assessed compliance of the election process in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. For the 25 October election day, the OSCE/ODIHR EOM joined forces with delegations of the Congress of Local and Regional Authorities of the Council of Europe and the European Parliament to form an International Election Observation Mission (IEOM).

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 26 October 2015 concluded that the elections held on 25 October “were competitive, well organized overall and the campaign generally showed respect for the democratic process. Nevertheless, the complexity of the legal framework, the dominance of powerful economic groups over the electoral process, and the fact that virtually all campaign coverage in the media was paid for, underscore the need for continued and inclusive reform.”

The Statement of Preliminary Findings and Conclusions issued by the OSCE/ODIHR EOM on 16 November for the 15 November second round of the mayoral races confirmed the assessment of the 25 October local elections which saw business interests influencing the process in most contests. The mission also noted that while dedicated and capable polling station staff organized voting and counting in a commendable manner, frequent and late replacements of Territorial Election Commission (TEC) members raised serious concerns regarding their independence. The mission noted that, overall, lack of confidence in the election administration and the deficient legal framework were at the root of most problems encountered during these elections.

The local elections took place in challenging political, economic, humanitarian and security environment and against the backdrop of a constitutional reform process aiming at decentralization. The planned transfer of a number of executive functions from central state administrative bodies to the elected local councils raised the stakes for political parties and candidates. The Central Election Commission (CEC) made resolute efforts to organize elections throughout the country, but they could not be held in the Autonomous Republic of Crimea, the city of Sevastopol and in certain areas of Donetsk and Luhansk regions (*oblasts*) declared by the parliament as temporarily occupied territories. In addition, the CEC declared it not possible for security reasons to hold elections in some government-held territories in these two *oblasts* under military-civilian administration.

Local elections were contested by 132 political parties, a number of which were newly-formed. On 15 November, second rounds of mayoral elections were held in 29 of the 35 cities as foreseen by the law. Forty-five candidates representing 16 political parties and 13 self-nominated candidates contested mayoral seats in the run-offs. Women comprised about 35 per cent of all registered candidates for the

¹ The English version of this report is the only official document. An unofficial translation is available in Ukrainian and Russian.

proportional races and 13 per cent in mayoral races. In total, 4.7 per cent of elected local councillors were women.

The election law was adopted less than four months before election day and without public consultation, contrary to OSCE commitments and international good practice. A number of previous OSCE/ODIHR and the Council of Europe's Venice Commission recommendations remain unaddressed, including measures to ensure stability and impartiality of the election administration, procedures for candidate registration, transparency of campaign finance, and effective electoral dispute resolution. Overall, the legal framework falls short of some OSCE and Council of Europe commitments and other international obligations and standards.

The electoral system revealed a distortion of the constitutional principle of representation of local communities. A number of electoral districts within the multi-mandate constituencies had no representation, while other districts were represented by up to three councilors. Moreover, some regional capitals were not represented at all in the respective *oblast* councils. In addition, in some cases the most popular candidate in a certain district was not elected, while candidates who had come in second or third were. This raised concerns whether the electoral system gives effect to the will of the voters.

The CEC operated collegially overall, meeting legal deadlines. However, cases of decision-making along political lines, of evasion of open discussion during sessions, frequent replacements, as well as abuse of authority by some TECs, undermined confidence in these commissions. The complexity of the new election law was a concern for many commissioners and affected their performance. A number of interlocutors voiced allegations of corrupt practices related to the trading of seats in Precinct Election Commissions (PECs).

OSCE/ODIHR EOM interlocutors expressed general trust in the voter registration system. Voters who were away from their voting addresses on election day were not able to cast their ballots, except for those voting in special election precincts established in medical institutions. The law does not provide for voting by internally displaced persons (IDPs). Still, in nine instances courts considered the IDP certificate as a proof of registration for the 25 October elections.

Contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document, the law does not allow for independent candidacies at all levels of local councils (it is allowed at village and settlement levels and for mayoral races). The election law introduced the requirement of at least 30 per cent representation of each gender on a party list, but did not provide for sanctions for political parties that fail to comply with this rule. Unclear candidate registration rules and their restrictive interpretation and inconsistent implementation, as well as apparently politically motivated decisions of some TECs, hindered the right to stand for candidates on an equal basis in several instances, contrary to OSCE commitments and other international obligations and standards.

Freedom of assembly was generally respected and candidates were able to campaign without undue restrictions. The campaign environment was generally competitive. However, wealthy donors conspicuously focused their resources on mayoral and *oblast* council races. The campaign was more visible in urban than in rural communities, and particularly subdued in the government-controlled territories in Luhansk and Donetsk *oblasts* where elections were held. Campaign activities between the two rounds were limited. In some areas the campaign was marred by threats and physical attacks targeting candidates and campaign workers. The OSCE/ODIHR EOM received widespread allegations of vote-buying.

Several OSCE/ODIHR EOM interlocutors raised concerns about allegedly widespread use of undeclared funds by parties for political advertising prior to the registration of candidates, which was not subject to reporting. The absence of ceilings on campaign expenditures was a further impediment to a level playing field during the campaign period. Campaign finance regulations remained insufficiently transparent. Nor were proportionate sanctions for campaign finance irregularities or independent oversight over campaign funds foreseen.

The media sector with its vividness and turmoil reflects Ukraine's overall political climate. The media sector is affected by business interests of media owners, leading to the politicization of media sector at both national and regional levels. This phenomenon intensified prior to the second round of mayoral races. Therefore, despite the numerous sources of information available to the public, voters' ability to make an informed choice was limited. OSCE/ODIHR EOM media monitoring showed that only three registered parties were granted meaningful editorial coverage across the media landscape. Most of the monitored TV channels with a nationwide reach, including the National Television and Radio Company, predominantly featured only two to three political parties within their prime time programming. Regional media monitoring highlighted the sector's drawbacks.

The election law, which governs the media's conduct throughout the electoral period, overregulates pre-election coverage, yet poorly defines provisions for it. Important legislation, such as the law on privatization of state-owned print media and the law on transparency of media ownership, are not yet implemented. Between the two rounds the CEC did not make use of its regulatory powers to investigate reported media violations. Lacking both capacity and sanctioning powers, the National Television and Radio Broadcasting Council was unable to take timely and resolute measures.

National minorities' participation in these elections was affected by the crisis in the east and the temporary control of parts of the territory by illegal armed groups, and the illegal annexation of the Crimean peninsula. Representation of national minorities was further hindered by several aspects of the election legislation, especially the inability to self-nominate or run independently in local council races, as well as the increased five per cent threshold for party lists.

The election law provides for international and citizen election observation, granting observers broad rights. The CEC registered 83 non-governmental organizations and 1,672 international observers. The accreditation of citizen, party, candidate and international observers was inclusive.

The legal framework does not define a hierarchical procedure for the treatment of complaints, nor does the law establish the procedure for challenging election results. The treatment of complaints by the CEC compromised the right to judicial appeal provided for by OSCE commitments. The courts received a high number of complaints. Whereas the majority of candidate registration and voter list cases were considered on merits, most other cases were dismissed on technical grounds. In some cases, courts provided inconsistent interpretation of the law. As of 25 November, law enforcement agencies had opened 525 criminal cases related to the elections, of which a large number concerned vote-buying, abuse of administrative resources, falsification of electoral documents and destruction of campaign material. Some OSCE/ODIHR EOM interlocutors expressed a lack of confidence in the effectiveness of legal remedy, and lack of trust in the impartiality of the courts.

In most of the country the 25 October elections proceeded calmly. The CEC reported turnout at 46.6 per cent. Elections were not held in Krasnoarmiisk, Svatove and Mariupol, owing to shortcomings in, or the non-distribution of ballots. IEOM observers assessed voting positively in 98 per cent of polling stations throughout the country, despite some procedural problems. Over half polling stations observed were not accessible to people with disabilities. In 5 per cent of observations, not all voters cast their vote in secrecy. IEOM observers assessed positively 88 per cent of the 238 vote counts observed. Initial

stages of the results tabulation process were in general also assessed positively, although later stages of tabulation for elections to the local councils proved more problematic. TECs were not provided with uniform software for calculating results for councilor elections, contributing to allegations of fraud. Many TECs failed to establish results within legal deadlines. Moreover, information on the election results was not provided to the public in a timely manner, at odds with Ukraine's international obligations. Arbitrary standards for the cancellation of results, not in line with Venice Commission and OSCE/ODIHR recommendations, remain in place.

Voting for the second round of mayoral contests proceeded calmly and peacefully overall. The CEC announced turnout at 34 per cent. OSCE/ODIHR EOM observers assessed opening of polling stations, voting and counting positively. Tabulation was assessed slightly less positively, as some organizational problems were noted.

The post-election period was marked by numerous withdrawals of elected councillors and subsequent changes in the composition of councils at all levels. In most cases, TECs established results before the legal deadline, although some results were delayed. In Kirovohrad, OSCE/ODIHR EOM observers saw provisional results overturned despite unsuccessful legal challenges via the late replacement of 10 members of a single PEC. In Kryvyi Rih, the *Samopomich* candidate challenged election results, alleging falsification in favour of the OB candidate and declared victor. Following inconclusive appeals in the courts and street protests by *Samopomich* candidate supporters, on 26 November the parliament passed resolution No. 3529, establishing a temporary special commission to investigate alleged violations during the second round elections in Kryvyi Rih. The establishment of the commission raised concerns of attempted interference by political interests and another branch of power in the work of the election administration. Cancellation by parliament of the election result might create a dangerous precedent.

Following the adoption of a law by parliament on 10 November, local elections in the cities of Mariupol and Krasnoarmiisk were re-scheduled for 29 November. In accordance with this law, ballots were printed in Kyiv, while the CEC was mandated to take the necessary measures for the conduct of the elections. OSCE/ODIHR EOM observers described the political environment prior to the postponed elections as tense. Business interests loomed large in both elections. Overall, preparations for the elections were carried out effectively by the newly-appointed TECs. Ballot papers with necessary security features were handed over by CEC representatives directly to PECs by the legal deadline. Preliminary and final voter lists were delivered in a timely manner. Election day took place in a calm atmosphere overall.

Following the 25 October and 15 November elections, the courts adjudicated some 694 cases prior to the departure of the OSCE/ODIHR EOM. Most complaints were rejected on technical grounds. In some instances adjudication of post-election day complaints was protracted for weeks and results were announced before final decisions by the courts. In some cases TECs refused to comply with the court decisions.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs of Ukraine, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 9 September 2015. The OSCE/ODIHR EOM was headed by Tana de Zulueta and consisted of 17 experts and 80 long-term observers (LTOs), who were based in 23 locations throughout the country. On 25 October, some 675 long-term and short-term observers were deployed by the OSCE/ODIHR. Members of the OSCE/ODIHR EOM for the 25 October elections were drawn from 39

OSCE participating States and 2 Partners for Co-operation. On 15 November, some 320 observers from 44 OSCE participating States were deployed for the second rounds of the mayoral contests.

For the 25 October election day, the OSCE/ODIHR EOM joined forces with delegations from the Congress of Local and Regional Authorities of the Council of Europe and the European Parliament to form an International Election Observation Mission (IEOM). The IEOM deployed some 750 observers from 44 countries on election day.

The OSCE/ODIHR EOM assessed compliance of the election process in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This final report follows Statements of Preliminary Findings and Conclusions which were released at press conferences on 26 October and 16 November 2015 and are available on the OSCE/ODIHR website.²

The OSCE/ODIHR EOM wishes to thank the minister of foreign affairs of Ukraine for the invitation to observe the elections, the Central Election Commission (CEC) for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs for its co-operation and assistance. The OSCE/ODIHR EOM also wishes to express appreciation to other national and local state institutions, election authorities, political parties, candidates and civil society organizations for their co-operation, and to the OSCE Project Co-ordinator in Ukraine, the OSCE Special Monitoring Mission to Ukraine, embassies of OSCE participating States and Partners for Co-operation, and international organizations accredited in Ukraine for their co-operation and support.

III. BACKGROUND AND POLITICAL CONTEXT

The local elections were held against the backdrop of armed conflict in the East of Ukraine and a constitutional reform process aiming at decentralization. The planned transfer of a number of executive functions from central state administrative bodies to the elected local councils raised the stakes for political parties and candidates.

No elections took place in the Autonomous Republic of Crimea, the city of Sevastopol and, as described in resolutions of the Central Election Commission (CEC), in certain areas of Donetsk and Luhansk regions (*oblasts*) which are declared by the parliament as temporarily occupied territories. In addition, the CEC declared the holding of elections not possible for security reasons in some territories of the two *oblasts* that are administered by military-civil administrations of the Ukrainian authorities.³

Local elections were contested by 132 political parties. The Bloc Petro Poroshenko party, joined by the United Democratic Alliance for Reform – UDAR, fielded most of its candidates under the new party name – the Bloc Petro Poroshenko Solidarnist (BPPS). The People’s Front (PF), chaired by the prime minister, did not take part in the elections; its members mostly ran with the BPPS. Members of the once dominant and now dissolved Party of Regions (PoR) competed on other political party lists or as self-nominated candidates for mayoral positions.⁴ The Communist Party of Ukraine (CPU) was banned

² See previous [OSCE/ODIHR election observation mission reports on Ukraine](#).

³ CEC resolutions Nos. 207 and 208 declared that it was not possible to organize elections for 91 local councils in Donetsk and 31 local councils in Luhansk *oblasts*. In addition, no elections for regional councils were held in the two *oblasts*. According to the CEC, these decisions were based on the information provided by military-civil administrations and affected 525,588 voters from the two *oblasts*.

⁴ Former PoR members contested the elections on the lists of the Opposition Bloc (OB), *Nash Kray* (NK), Renaissance and the BPPS parties.

by court decision.⁵ On 15 November, second rounds of mayoral elections were held in 29 out of 35 cities where the law provided for a second round.⁶ Forty-five candidates representing 16 political parties and 13 self-nominated candidates, contested mayoral seats in the run-offs.⁷ Two out of a total of 58 mayoral run-off candidates were women. One candidate withdrew from the race. 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*.⁸ According to a CEC resolution, the electoral process in these two cities was systematically violated and the decisions of the respective TECs should be investigated by the prosecutor's office. The law adopted by the parliament on 10 November mandated holding elections in these cities on 29 November.

IV. THE ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Local elections are primarily regulated by the Constitution and the Law on Local Elections (hereinafter, the election law), as well as regulations of the CEC. Other relevant legislation includes the Law on the CEC, the Law on the State Voter Register, the Law on Political Parties, the Code of Administrative Procedure, and the Criminal Code. The election law was adopted less than four months before election day in an expedited manner and did not provide for effective and inclusive public consultation, contrary to OSCE commitments and international good practice.⁹ However, it had broad support from the ruling coalition. In addition to criticizing the manner of its adoption, most OSCE/ODIHR EOM interlocutors voiced concerns regarding its complexity.

The election law introduced three electoral systems for the local elections, increased the threshold to five per cent,¹⁰ limited candidacy rights of independent candidates, provided for a possibility to recall elected mayors and council members by a petition initiated by voters, and, for the first time, introduced the requirement of at least 30 per cent representation of each gender on a party list, but regrettably did not provide for any sanctions for political parties that fail to comply. The law does not provide for voting by internally displaced persons (IDPs). A number of draft laws, including on ensuring voting rights of IDPs, as well as Criminal Code amendments regarding definition and stricter sanctioning of vote-buying, were registered in the parliament, but, despite strong public demand, were not adopted. Despite long-standing OSCE/ODIHR and Council of Europe recommendations, the legal framework continues to be fragmented. It contains gaps and ambiguities and lacks clarity with regard to candidate registration, campaign and campaign finance rules, electoral dispute resolution, and media regulations,

⁵ On 9 April 2015, the Ukrainian parliament passed a law "On condemnation of the Communist and Nazi totalitarian regimes in Ukraine and banning of propaganda of their symbols". See the Joint OSCE/ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission) Interim Opinionat <http://legislationline.org/> and the [statement by the OSCE Representative on Freedom of the Media](#). Former CPU members ran on the lists of the party New State (NS).

⁶ According to the law, in cities with at least 90,000 voters mayors are elected in two rounds if no candidate wins more than 50 per cent of the vote. In Kharkiv, Odesa, Ternopil, Sloviansk, and Lysychansk mayors were elected by an absolute majority in the first round.

⁷ Of the 45 political party candidates 12 were from BPPS, 5 each from OB, the Ukrainian Association of Patriots (UKROP) and *Batkivshchyna*, 4 from *Samopomich*, 3 from *Svoboda*, 2 from NK, and 1 each from 9 other parties.

⁸ Voting was invalidated in Svatove of the Luhansk *oblast*, since some parties were omitted from the ballot. The Territorial Election Commission (TEC) scheduled repeat elections in Svatove for 27 December.

⁹ Paragraph 5.8 of the 1990 OSCE Copenhagen Document states that the legislation will be adopted at the end of a public procedure. The [Code of Good Practice in Electoral Matters](#) of the Venice Commission states that "the fundamental elements of electoral law, in particular the electoral system, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendments less than one year before an election", see point II.2.b.

¹⁰ The threshold for party lists in the last local election cycle in 2010 was 3 per cent.

among other issues. Moreover, provisions of the election law related to the second round leave some important aspects of the process insufficiently regulated, including voter list corrections, media conduct and formation of election commissions.¹¹ These shortcomings, combined with the complexity and late adoption of the election law led to legal uncertainty and were aggravated by inconsistent implementation of the legislation by election commissions and courts.

A number of previous OSCE/ODIHR and Venice Commission recommendations remain unaddressed, including measures to ensure stability and impartiality of election administration, procedures for candidate registration, transparency of campaign finance, and effective electoral dispute resolution. Overall, the legal framework falls short of some OSCE and Council of Europe commitments and other international obligations and standards and does not ensure integrity of several key aspects of the electoral process.

The election law should be amended to address the gaps and ambiguities identified in this report as well as other recommendations of the OSCE/ODIHR and the Venice Commission. Consideration should be given to undertaking a comprehensive electoral reform with the aim to harmonize election legislation regulating all types of elections. The reform process should be inclusive and completed well in advance of the next elections.

The CEC issued a number of regulations clarifying various aspects of the law, however, it did not fully address the existing uncertainties in a timely manner. Clarifications on controversial issues of candidate registration, criteria for holding second round elections,¹² and a ban on campaigning in Mariupol and Krasnoarmiisk prior to 29 November elections, were subsequently challenged in court. In the latter two cases the courts ruled that these clarifications were contrary to the law, which resulted in their cancellation.

Mayors, settlement and village councils are directly elected under a majoritarian system; by a first-past-the-post system in villages, settlements and cities with fewer than 90,000 voters, and a two-round system for mayoral elections in cities with at least 90,000 voters.¹³ Region, district, city, and city district councils are elected under a multi-member constituency proportional electoral system which Ukrainian law-makers refer to as an “open list” system, although it cannot be considered such, since voters are not given the possibility to choose between different candidates, the defining feature of open list systems. This electoral system proved difficult both for voters to understand and for election commissions to implement.

A total of 168,450 constituencies were established by the respective TECs. The law clearly states that the boundaries of single mandate districts should be contiguous, but lacks clarity with respect to this requirement for multi-mandate districts.¹⁴ By law, the number of voters should be equally distributed among the constituencies, however, the distribution of voters and delimitation of constituencies rests solely at the discretion of TECs, with no criteria for legally permissible deviations. The law caps the share of councilors representing a city in a regional council at 20 per cent, putting large urban areas,

¹¹ Additionally, the law does not regulate the process for resubmitting requests for mobile voting for the second round.

¹² The CEC adopted a clarification establishing that a second round should not be held in cities where the number of voters in the results protocols falls below 90,000. This was challenged by a mayoral candidate in Pavlohrad, where the number of voters dropped to 89,810 on election day. The Kyiv Administrative Court of Appeals overruled the CEC clarification, stating that the electoral system cannot be changed during the election process.

¹³ If no candidate in a majoritarian contest receives a majority of votes cast, a second round between the two leading candidates is held no later than three weeks.

¹⁴ All four electoral districts in Berehovo district in Zakarpattia *oblast*, for example, lack contiguity among the administrative units that comprise each district.

such as Kharkiv, Odesa and Lviv, at a disadvantage, while favouring smaller municipalities in these regions, which is at odds with international good practice.¹⁵

The election results under the proportional system revealed the distortion of the constitutional principle of representation of local communities. A number of electoral districts within the multi-mandate constituencies had no representation, while other districts were represented by up to three councillors.¹⁶ Moreover, some regional capitals were not represented at all in the respective *oblast* councils.¹⁷ These deficiencies of the electoral system are inconsistent with the principle of equality of the vote under paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international standards.¹⁸ In addition, the conversion of votes into percentage resulted in the non-election of the most popular candidates in certain districts, while candidates who came in second and third were elected. This raises concerns whether the electoral system gives effect to the will of the voters.¹⁹

The election law should be reviewed in order to ensure equality of the vote and bring it in line with OSCE commitments and other international obligations for democratic elections.

V. THE ELECTION ADMINISTRATION

The local elections of 25 October were administered by the CEC, 10,778 TECs and 29,261 Precinct Election Commissions (PECs). The CEC is a permanent body with the responsibility to ensure the implementation and protection of citizens' electoral rights. Its 15 members, five of whom are women, were appointed for seven-year terms by the parliament, on the president's proposal. On 13 March 2014, the Law on the CEC was amended, thereby prolonging the powers of CEC members whose mandates had expired.²⁰ CEC members occasionally expressed their dissatisfaction at the delayed appointment of new members, a problem that the parliament and the president have left unaddressed for over a year. One CEC member went on hunger strike in protest against alleged pressure on the CEC, and hostile statements and threats directed at her. Some stakeholders challenged the legitimacy of the CEC with regard to the expired mandates of some of its members.²¹

The CEC held regular open sessions attended by party representatives, media and observers and operated collegially overall, meeting legal deadlines. Session agendas were usually distributed prior to sessions. Most CEC resolutions were passed unanimously, although issues related to candidate registration, IDP voting, gender quota and on interpretation of criteria for holding second round

¹⁵ In Kharkiv, Odesa and Lviv *oblasts* between 55 and 31 per cent of the population live in these regional centers. According to point I.2.2.2 of the Code of Good Practice of the Venice Commission, seats must be evenly distributed among constituencies.

¹⁶ In Chernivtsi 21 electoral districts were left without representation, in Kharkiv 27, in Zhytomyr 21, and in Lviv 22. According to the CEC, 9,396 constituencies out of 29,187 were left without elected representatives.

¹⁷ Chernihiv city is not represented in the respective *oblast* council; Chernivtsi has only 4 councillors in the respective *oblast* council.

¹⁸ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides for participating States to "guarantee universal and equal suffrage to adult citizens". Paragraph 21 of the 1996 UN Human Rights Committee (UNHRC) General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) states that "the principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another."

¹⁹ 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."

²⁰ Article 30.1 of the Law on the CEC stipulates that the powers of a member of the commission may only be terminated by decision of the parliament.

²¹ The legitimacy of the CEC under its current composition was questioned by the vice-speaker (*Samopomich*) of parliament, as well as UKROP, *Batkivshchyna* and Radical Party (RP) representatives.

elections were passed either with dissenting opinions or with a split vote, reflecting the controversial character and sensitivity of these issues. As a rule, published CEC resolutions do not include dissenting opinions. Nor does the CEC publish a log of received complaints, which in most cases were considered by individual CEC members, outside sessions.

The CEC could enhance the transparency of its work by publishing election related documents, including dissenting opinions attached to resolutions and a log of annotated complaints, for public scrutiny on its website.

TECs were formed at different levels of administrative-territorial units. On 6 September, the CEC formed 640 TECs in *oblasts*, districts (*rayons*), cities of regional importance and Kyiv, and districts in Kyiv, which in turn formed TECs at the level of cities, city districts, villages and settlements. TECs comprise from 9 to 18 members, all nominated by political parties. The initial appointment of TEC members was followed by replacements, including of members in executive positions that continued through the entire process, in some cases affecting the performance of the commissions. By law, nominating subjects are free to recall their nominees from the commissions up to and after election day.²² Arbitrary replacements, for instance, of chairpersons, affected the work of several commissions and compromised their independence, undermining public confidence.

In order to ensure stability and safeguard the independence of the election administration, deadlines, as well as provisions on clear and restrictive grounds, could be introduced for replacements of TEC and PEC members.

Some aspects of the organizational preparations, especially for 25 October elections, proved problematic. Many TECs lacked sufficient financial and other operational resources, in particular printed materials, but overcame challenges and organized the process adequately.²³ TEC members also expressed their discontent regarding inadequate remuneration for the work they had to perform. Almost all TECs visited by the OSCE/ODIHR EOM observers voiced concerns regarding the counting and tabulation process under the new law. In some areas the printing of ballots was controversial and caused conflict, contributing to lack of trust in the process.²⁴ In several regions TEC members reported intimidation and threats against them.²⁵ The complexity of the election law raised concerns among commissioners and affected their performance.

TECs and PECs are formed based on nominations from eligible political parties and candidates.²⁶ The existing formula for the composition of TECs and PECs puts parties with parliamentary factions at an advantage, since in addition to guaranteed seats, they could also participate in the lottery for allocation

²² The Code of Good Practice of the Venice Commission, point II.3.1.77, recommends that “bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable...”. OSCE/ODIHR EOM observers reported that replacements were the result of requests from political parties, resignations and, to lesser extent, in compliance with legal requirements.

²³ A high number of TECs expressed concern regarding the limited size of their financial allocation and the late transfers of funds. A few OSCE/ODIHR EOM observers reported that some TECs had to initially fund their operations from their members’ private funds.

²⁴ For instance, in Mariupol, the decision of the city TEC regarding the selection of a local printing facility was opposed by some stakeholders who challenged its legality, alleging fraud. In Ternopil city, the print house did not destroy extra ballots as per legal and contractual requirements, which led to a police investigation.

²⁵ For instance, Haisyn district TEC in Vinnytsia, Kotovsk city TEC in Odesa, Dnipropetrovsk city TEC and Bilhorod-Dnistrovskiy district TEC.

²⁶ Parties represented by a faction in the parliament have two guaranteed members in each TEC and one guaranteed member in each PEC. The remaining seats in TECs are filled by lottery from among eligible political parties, and in PECs by eligible parties and candidates.

of the remaining seats.²⁷ Analysis of the distribution of executive positions among the 640 TECs formed by the CEC demonstrates that parties with parliamentary factions are over-represented.²⁸ A number of OSCE/ODIHR EOM interlocutors voiced allegations of corrupt practices related to the trading of seats in the commissions by so-called ‘technical’ candidates and parties.²⁹ This raised questions regarding the integrity and impartiality of election commissions and further undermined the trust in election administration.³⁰

Political parties and candidates should have equal opportunity for representation on election commissions. Preferential rules that put certain parties at an advantage could be reconsidered. The CEC may consider using random distribution and allocation of members to eligible nominating subjects, possibly with the use of special software developed for this purpose.

OSCE/ODIHR EOM long-term observers (LTOs) reported that almost all TECs managed to form PECs by the legal deadlines. For second round mayoral contests PECs were formed by respective TECs anew based on nominations from the run-off candidates. However, the formation process varied from region to region, depending on the competence of election commissions and consistency of implementation of procedures. In some areas the PEC formation process mirrored local political party rivalries and resulted in partisan decision-making, causing mistrust and dissatisfaction among the stakeholders.³¹ Both for 25 October elections and for the second rounds, the rate of replacement of PEC members in some of the *oblasts* reached as much as 50 per cent. In many cases this was related to very low remuneration or due to the fact that promised payments were not made.

In order to ensure independent and impartial performance of election administration the law should prohibit payments from candidates and parties to commissioners; remuneration of election commissioners should be commensurate to the workload. Authorities need to take necessary measures to adequately fund the costs associated with the organization of elections.

For 25 October elections almost all TECs had to contend with a shortage of nominees for PEC positions, especially in rural areas.³² In order to respond to the shortfall, many TECs requested local authorities to identify qualified polling staff. This placed the independence of commissions in doubt since many acting mayors and councillors were running as candidates.

In the absence of legal provisions on the matter, the TECs distributed PEC executive positions in varying ways. For the second round, however, the CEC passed a resolution whereby executive

²⁷ The Code of Good Practice of the Venice Commission, states that political parties should be equally represented on election commissions, see point II.3.1.e.

²⁸ The biggest share of executive positions in these 640 TECs were allocated to the BPPS (18 per cent), followed by *Batkivshchyna* (16 per cent), the PF (13 per cent), the OB (12 per cent), RP (11 per cent), with the remaining 30 per cent being distributed among other contestants. The election law provides that chairperson, deputy chairperson and secretary must be nominated by different entities but is silent regarding the method of distribution of executive positions.

²⁹ For instance, such allegations were conveyed to the OSCE/ODIHR EOM in Odesa and Kyiv cities.

³⁰ Paragraph 20 of the General Comment No. 25 of the ICCPR emphasizes that “an independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.” Section II.3.1.b of the Venice Commission’s Code of Good Practice in Electoral Matters states that “independent, impartial electoral commissions must be set up at all levels, from the national level to polling station level.”

³¹ A protracted candidate registration process in Sloviansk city TEC affected candidates’ right to submit nominees for PEC membership. In another instance, the Krasnoarmiisk city TEC included nominees of withdrawn candidates in the lottery.

³² The main reasons conveyed to OSCE/ODIHR EOM observers were related primarily to lack of qualified nominees, unwillingness of people to serve as members, low remuneration and personal or health reasons.

positions had to be allocated proportionally.³³ 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.³⁴ 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.³⁵

Cascade training for TEC and PEC members was positively assessed by OSCE/ODIHR EOM LTOs overall. However, in some cases, commissioners found training of limited value, occurring late in the process.

Voter education in the monitored media with nationwide reach was virtually absent throughout the pre-election period.³⁶ Comprehensive voter outreach, covering all stages of the process, was not conducted, despite the complexity of the newly adopted electoral system. A few educational spots were produced with the support of the international community and placed on social media. Between the two rounds the CEC did not conduct any voter awareness campaign.³⁷

VI. VOTER REGISTRATION

Voter registration is passive and based on the centralized State Voter Register (SVR). The CEC oversees the SVR, which is updated monthly and maintained continuously by 23 Registration Administration Bodies and 669 Register Maintenance Bodies (RMBs). The SVR database contains personal data for every citizen over the age of 18, and an indication if the voter is homebound. For 25 October elections 29,815,753 voters were registered, of whom 1.8 per cent were permanently homebound. Before the second rounds, the number of registered voters was 9,010,302 with less than one per cent of homebound voters. OSCE/ODIHR EOM interlocutors expressed general trust in the voter registration system and the accuracy of the voter lists.

Any citizen aged 18 years or older is eligible to vote, except those found incompetent by a court decision. The ID documents valid for the local elections are internal passport and temporary citizenship card. The OSCE/ODIHR EOM observed at least one case when a voter was denied the right to vote after presenting an external passport for travelling abroad. Such a limitation in the law is contrary to the principle of universal suffrage.

In order to further facilitate participation of voters in local elections, the law should consider an external passport as valid ID for voting.

By law, voters away from their voting addresses on election day, including prisoners and service personnel posted abroad, were not able to vote, except for those voting in special election precincts

³³ 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. 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.

³⁴ 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.

³⁵ For instance, in Chernihiv, Kremenchuk, Zaporizhzhia, Pavlohrad, Uzhgorod, Lviv, Kherson, Kirovohrad, Cherkasy and Rivne city TECs.

³⁶ The National Television and Radio Company (NTRC) allotted only one per cent of its prime time programming to voter education and just a few regional media outlets were striving to raise voters' awareness.

³⁷ The ICCPR General Comment No. 25 states that "Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community".

established in medical institutions for which special voter lists were compiled. IDPs and non-citizens are not eligible to vote in local elections, irrespective of their length of residency, contrary to good electoral practice.³⁸

Forty-eight complaints were filed with the courts by IDPs who sought to be included on the voter lists, and in nine instances courts considered an IDP certificate as proof of registration, obliging relevant PECs to add the claimants to the voter lists. However, the court decisions were not applicable to the second rounds.

The authorities should take measures to ensure equal suffrage and provide the right to vote in local elections to different groups of citizens, including IDPs, after a certain period of residence.

For the 25 October elections preliminary voter lists (PVL) as well as final voter lists were extracted from the SVR and handed over to the PECs within the deadline.³⁹ Thereafter PVLs were opened for public scrutiny at PEC premises. Voters could also check their entries through the CEC webpage. By law voters could request corrections of their, as well as any other voter's records, by submitting an application to the PEC, RMB or to the local court.⁴⁰ On election day only technical corrections of the voter lists were allowed.

The law does not provide for PVL in the second round. Final voter lists were handed over to the PECs two days before election day while personal invitations were distributed three days before election day. Hence, voters were deprived of sufficient time to make corrections to voter lists before the second round.⁴¹

VII. CANDIDATE REGISTRATION

Any citizen with the right to vote can stand for election irrespective of place of residence, except those with an unexpunged criminal record for a grave crime, a crime against citizens' suffrage rights or for corruption. In order to contest the elections, parties need to be registered with the CEC.⁴² Candidate lists and candidates are put forward by local branches of political parties, as well as by self-nomination for mayoral and village and settlement council elections. The election law requires a variety of documents for the registration of candidates or party lists, including decision of the party on the nomination of candidates (for party-nominated candidates only), statement of consent of these candidates, autobiographies of the candidates with detailed personal information. Nominations should be accompanied by a monetary deposit of 4 minimum monthly salaries, UAH 5,000 in total (some EUR 200), for each 100,000 voters in the respective electoral contest.⁴³

³⁸ Section I.1.1.b of the Venice Commission's Code of Good Practice in Electoral Matters states that "it would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence". Principle 22 of the UN Guiding Principles on Internal Displacement (1998) determines that "IDPs [...] shall not be discriminated against as a result of their displacement in the enjoyment of [...] the right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right".

³⁹ According to Article 30.2 and 32.2 of the election law PVLs are distributed 13 days while final voter lists two days before election day respectively. Personal invitations must be delivered no later than 10 days before election day.

⁴⁰ While, as provided by the law, justified requests addressed to the PEC or to the RMB were accommodated if submitted by the deadline of two days before election day, late court decisions on inclusion of names in the voter lists were reflected in the final voter lists on the day before voting.

⁴¹ The Venice Commission's Code of Good Practice in Electoral Matters states that "there should be an administrative procedure that allows voters to have incorrect inscriptions amended", see point I.1.2.v.

⁴² Out of 142 parties that applied for CEC registration, 132 were registered. Article 10 of the Law on Political Parties (2001) requires that parties demonstrate a base of support in two-thirds of the country's *oblasts* in order to register.

⁴³ Mayoral candidates who win the elections and political parties that pass the 5 per cent threshold are entitled to a refund of their electoral deposits.

Contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document, the law does not allow for independent candidacies at all levels of local councils (it is allowed at village and settlement levels and for all mayoral races).⁴⁴ More than 350,000 candidates stood for 168,450 positions of mayors of cities, villages and settlements and for councillors of village, settlement, city, city district, district (*rayon*) and regional (*oblast*) councils.

Independent candidates should be allowed to stand for elections at all levels of local councils in line with the OSCE commitments and other international obligations and standards, including those obliging participating States to facilitate the participation of national minorities.

Equal rights of men and women, including in public and political life, are guaranteed by the Constitution and are further protected by the election law and the Law on Ensuring Equal Rights and Opportunities of Women and Men. The election law introduced the requirement of at least 30 per cent representation of each gender on a party list, but did not provide for any sanctions for political parties that fail to comply with this rule. Moreover, on 23 September the CEC adopted a regulation clarifying that non-fulfilment of the 30 per cent gender quota requirement cannot be a ground for rejection of registration of candidate lists. The Kyiv Administrative Court of Appeals ruled that the clarification was illegal, but the decision was overturned by the High Administrative Court. According to the CEC, women comprised about 35 per cent of all registered candidates for the proportional races and 13 per cent in mayoral races. In total, some 4.7 per cent of elected local councillors were women, and none were elected as mayors of cities with more than 90,000 voters.

Consideration should be given to establishing a mechanism to enforce the gender quota requirement. Additional special temporary measures to promote women candidates, including access to public funding and placing women in winnable positions, could also be considered. Political parties could consider ways to further increase gender balance on their party lists.

The election law provides for corrections of mistakes and inaccuracies in candidate registration documents and does not allow for rejection of registration based on these grounds. Although the law lacks clarity with respect to the resubmission of registration documents, the definition of mistakes and inaccuracies, and the gender quota requirement, TECs rejected a number of candidates based on the above grounds.⁴⁵ In a large number of cases, courts provided an inclusive interpretation of the law and overturned TEC denials of candidacy on appeal.⁴⁶

Neither the CEC nor the courts were consistent in their decisions regarding non-registration of candidates, in some cases requesting TECs to reconsider the registration while obliging TECs to register candidates in other instances.⁴⁷ Furthermore, some TECs repeatedly denied registration of

⁴⁴ Paragraph 7.5 of the OSCE Copenhagen Document states that “The participating States will... respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.”

⁴⁵ The OB was denied registration by Sloviansk, Lysychansk, Oleksandriia, Cherkasy, Bucha, Berdiansk, Kostopil, Fastiv and Enerhodar city TECs and Kharkiv *oblast* TEC. Kherson, Zhytomyr, Staryi Sambir, Tokmak, Lysychansk, Pervomaisk, Zaporizhzhia, Lutsk and Novomoskovsk TECs refused registration of the NK. Kamianets-Podilskyi, Novomoskovsk, Lysychansk, Novomoskovk, Kurakhove, Ratne TECs refused registration of *Batkivshchyna*.

⁴⁶ The Kyiv Administrative Court of Appeal in five cases upheld court decisions on non-registration and stated that mistakes and inaccuracies in the biographies and transfers of election deposits should be considered equivalent to the absence of such documents. However, in the majority of other cases the courts ruled the opposite. TECs in Olevsk, Zhytomyr, Berdychiv, Lviv, Lutsk denied registration of candidate lists based on non-compliance with the gender quota requirement; however, the courts overruled these decisions.

⁴⁷ The CEC obliged to register candidates in Sloviansk, Kherson, Cherkasy city TECs and Kharkiv regional TEC. Administrative courts in Zaporizhzhia, Rivne, Odesa, Volynsk and Zhytomyr obliged the TECs to register candidates, while Kherson, Lviv, Cherkasy, Dnipropetrovsk and Kirovohrad courts were amongst those who requested TECs to reconsider denial of registration.

certain candidates, despite decisions by the CEC and courts mandating acceptance of candidates' applications.⁴⁸ In one instance, the Rivne District Administrative Court acknowledged violation of candidate registration rules, but stated that existing gaps in the election law rule out the possibility to protect claimants' candidacy rights. Courts received 19 requests to invalidate elections due to violation of candidate registration procedures, and satisfied them in three cases.⁴⁹

Overall, unclear candidate registration rules and their restrictive interpretation and inconsistent implementation hindered the right to stand for candidates on an equal basis in several instances, contrary to OSCE and Council of Europe commitments and other international obligations and standards.⁵⁰ Some of these cases continued throughout the pre-election period, with candidates being reinstated only by intervention of the CEC, in some cases shortly before election day or in twelve cases after election day, undermining equal opportunity to campaign.⁵¹ Moreover, this at times conflicted with the legal deadline for printing of ballots. In a number of instances observed by the OSCE/ODIHR EOM LTOs, including Mariupol, Cherkasy, Kherson, Kharkiv, Berdiansk and Kamianets-Podilskyi, the decisions by TECs with respect to the registration of certain candidates and party lists appeared politically motivated and designed to exclude certain political forces from participating in the elections.

Rules on candidate registration should be clear and established sufficiently in advance of the elections to ensure consistency and legal certainty. Consideration could be given to restricting the information candidates are requested to provide at the time of registration to proof of their passive voting rights as defined by the law. Decisions related to candidate registration should be taken sufficiently in advance of the campaign to provide equal opportunity to stand for all prospective contestants.

VIII. THE CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

The campaign environment was competitive. Freedom of peaceful assembly was generally respected and candidates were able to campaign freely and without undue restrictions. However, it was dominated by allegations of fraud, as well as wealthy donors and their associated business interests who focused their resources on the mayoral and *oblast* council races. The campaign was more visible in urban than in rural communities, and especially subdued in government-controlled territories in Luhansk and Donetsk *oblasts*. Campaign activities between the two rounds were limited, and took place in a generally calm environment, although their intensity varied among localities. Campaign activities intensified in all regions closer to election days.

The campaigns took place against a backdrop of growing disillusionment with the political establishment, an ongoing economic crisis and the slow implementation of anti-corruption reforms. National issues such as peace, order, stability and the slow pace of reforms in the justice and anti-corruption sectors dominated the campaign. A minority of the contestants focused on local issues and on the actual powers and responsibilities of local councils.

⁴⁸ Registration of OB candidates was repeatedly denied by Kharkiv, Sloviansk, Berdiansk city TECs, of the NK by Kherson city TEC, and of the Free Democrats by Cherkasy city TEC. Article 99.8 of the election law prohibits election commissions to adopt decisions that repeat decisions ruled illegal by the courts.

⁴⁹ The courts invalidated elections in Nova Mayachka settlement, election results in Vilshana settlement of Cherkasy *oblast*, and cancelled the resolution on electing a village head in Shepetivskyi District of Khmelnytskyi *oblast*.

⁵⁰ Paragraph 15 of the General Comment No. 25 to Article 25 of the ICCPR states that "any restrictions on the right to stand for election ... must be justifiable on objective and reasonable criteria". See also paragraph 24 of the 1990 OSCE Copenhagen Document, which provides that any restrictions on rights must be "strictly proportionate to the aim of the law". See also Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

⁵¹ On 31 October, Novoarkhanhelskyi District Court of Kirovohrad *oblast* cancelled the decision of TEC to register a candidate for village council providing no details on the legal consequences of this judgment.

According to the law, election campaigning may start once candidates or party lists are registered, and ends 24 hours before election day. The law narrowly defines election campaign as an activity encouraging voters to vote or not to vote for candidates, and does not regulate the display or distribution of political advertisement by contestants before registration. In practice, some political parties placed billboards and tents prior to official registration.⁵²

Problems with the registration of some political parties and candidates resulted in delays and prevented some candidates from campaigning, which affected the initial campaign debate in some regions, in particular in eastern and southern *oblasts*. The late announcement of the 25 October election results effectively shortened the campaign period for second round contests in some places. Although the official campaign period for all second rounds began the day after the announcement of decisions on second rounds by the respective TECs, some candidates resumed their campaigns before that.⁵³

To ensure equality of opportunities in line with OSCE commitments, the law should establish an equal campaign period for all contestants.

A number of recently formed political parties contested the elections and made major investments in national media campaigns, but proved to be largely regional in their support. Three political parties (*Batkivshchyna*, *Svoboda* and UKROP) publicly announced their agreement to mutually support their respective candidates in the second rounds. A number of local coalitions were formed in support of different candidates.

Voters had a wide array of parties and candidates to choose from, with the exception of districts in Luhansk and Donetsk *oblasts*.⁵⁴ New faces from various backgrounds, such as servicemen of the Ukraine Armed Forces, volunteer battalion commanders, police officers, civic activists, or representatives of regional business elites, emerged as local candidates. A number of so-called ‘clone’ parties and candidates with names similar or identical to those of other contestants entered mayoral and council races with the apparent aim of reducing the imitated contestants’ votes.⁵⁵

In some instances, government officials took an active role in the campaign, both as supporters and as candidates.⁵⁶ Incumbent candidates are allowed to campaign while in office, but campaign activities of these officials during working hours gave rise to a number of allegations regarding the misuse of administrative resources. The use of municipal websites for campaign purposes and distribution or posting of materials on public transport, which is prohibited by law, was observed by OSCE/ODIHR EOM LTOs.⁵⁷

⁵² Amongst others, Movement for Reforms (MR), UKROP, New Faces (NF), Renaissance, *Samopomich*, RP, *Svoboda*, and BPPS. On 26 September, a complaint on early campaigning by the charity fund “Zdorove Misto” was rejected by the Dnipropetrovsk District Administrative Court on the grounds that the fund and the free water bottles it distributed were not visibly connected to the UKROP mayoral candidate.

⁵³ In Dnepropetrovsk the UKROP, the OB and Renaissance candidates, in Lutsk the UKROP candidate, in Melitopol the BPPS candidate, and in Chernivtsi the candidate of *Ridne Misto* party. In Poltava the OSCE/ODIHR EOM observed the distribution of campaign leaflets in support of the BPPS mayoral candidate.

⁵⁴ Fewer parties participated in government-controlled election districts of Luhansk and Donetsk *oblasts* than in other regions, with most candidates from the OB, the BPPS, the NK and *Batkivshchyna*.

⁵⁵ ‘Clone’ candidates withdrew their candidacy before election day in Uzhgorod. The ‘clone’ Political Party *Samopomich* did not take part in the elections after an agreement was reached with the Political Party Union *Samopomich*. ‘Clone’ parties won a number of council seats: Renaissance received 1,687 seats, its clone Renaissance of Ukraine 4 seats; People’s Control received 372 seats, its clone Civil Control 6 seats.

⁵⁶ During a press conference the speaker of the parliament endorsed a VES mayoral candidate. The governor of Odesa actively took part in the campaign of the BPPS mayoral candidate; this resulted in a court complaint by the Renaissance mayoral candidate. The court rejected the complaint.

⁵⁷ For instance in Chernihiv, Dnipropetrovsk, Kharkiv, Kyiv, and Vinnytsia.

The authorities, political parties and candidates should take further steps to safeguard against the misuse of administrative resources during the campaign.

Parties and candidates with ample resources, strong media connections and able to recruit active campaign staff used a variety of methods to campaign, including TV and radio advertisements, billboards, campaign tents, print materials, free concerts and rallies.⁵⁸ During the second rounds, the campaign became more acrimonious in the last week, as candidates levelled increasingly strong personal accusations against their rivals. In some regions candidates resorted to negative campaigning by distributing leaflets and newspapers containing slanderous accusations against their rivals.⁵⁹

The OSCE/ODIHR EOM noted numerous complaints and received widespread allegations of vote-buying by candidates trying to profit from the financial hardship of voters and observed candidates distributing food packages to low-income voters directly or through charity organizations.⁶⁰ The law does not define this practice as vote-buying so long as the value of distributed campaign materials and goods does not exceed five per cent of the minimum wage (UAH 69).⁶¹

Effective and proportional sanctions for all violations of the election laws, including the distribution of goods and services to voters in relation to election campaigning, must be unambiguously established by law and enforced. A public commitment by political parties and candidates not to resort to any form of vote-buying could be made.

In some localities the campaign was also marred by threats and physical attacks targeting candidates and campaign workers.⁶² In some instances fear and intimidation were mentioned as reasons for candidates' withdrawal, while some attributed candidates' decision to contest mayoral races as non-partisan self-nominees to pressure.⁶³

A. CAMPAIGN FINANCE

The law on local elections does not provide adequate regulations to ensure transparency of campaign financing. Likewise, proportionate sanctions for campaign finance irregularities and independent oversight over campaign funds were not envisaged. The law amending a number of legal acts related to

⁵⁸ The OSCE/ODIHR EOM observed 47 rallies prior to the 25 October elections, and 10 prior to the mayoral second rounds.

⁵⁹ Such leaflets were observed in Berdiansk, Bila Tserkva, Lutsk, Lviv, Odesa, Rivne and Kyiv *oblast*, and negative campaigning in Dnipropetrovsk, Lviv, Poltava, and Zhytomyr.

⁶⁰ In Berdiansk, OSCE/ODIHR EOM LTOs observed campaign events with the distribution of free food, or food stalls offering groceries at reduced prices. In Dnipropetrovsk, 604 complaints about vote-buying were made on election day; the cases are under criminal investigation. OSCE/ODIHR EOM LTOs also observed the following: in Kirovohrad, an NK mayoral candidate distributed food packages through his wife's charity fund; the incumbent mayor of Chernivtsi distributed food packages; in Mykolaiv, the NK candidate for city council sponsored a football match and distributed envelopes with cash.

⁶¹ There is a discrepancy between the definitions of vote-buying stipulated in the election law and Criminal Code. While the election law (Article 60) allows the distribution of campaign materials with value not exceeding 5 per cent of a minimum wage, the Criminal Code (Article 160) sets a 3 per cent limit.

⁶² The PC mayoral candidate in Kharkiv sustained head injuries after an assault. *Samopomich* candidate to the regional council of Lutsk was severely beaten. An OB campaign tent was destroyed in Kyiv Dniprovskiyi district. Two OB activists were attacked by unknown people in Mykolaiv. A bomb exploded near the house of Odesa Maritime Party mayoral candidate. A car with election campaign materials of the OB mayoral candidate for Dnipropetrovsk was burned. During the second round, the campaign manager of the BPPS candidate was beaten-up in Zaporizhzhia. In Mykolaiv, campaign staff of the OB candidate was attacked.

⁶³ In Rivne, the OB representatives told the OSCE/ODIHR EOM that they would not campaign due to fears of intimidation. In Vinnytsia, *Svoboda*, the Agrarian Party and the OB claimed that a number of their candidates were pressured to withdraw or change party affiliation in order not to lose their public sector jobs.

political financing and addressing some previous OSCE/ODIHR and Venice Commission recommendations was adopted on 21 November 2015 and comes into force in 2016.⁶⁴

Local party organizations and candidates could establish electoral funds after registration with the respective TEC. The law stipulates that all campaign expenditures must be paid directly through bank transfers. The campaign may be financed by candidates, parties, and private donations. There are no limits to the amount parties and candidates can contribute to their electoral funds, although individual donations may not exceed the value of 10 minimum salaries (UAH 12,180, equivalent to some EUR 487). Donations from foreign citizens and anonymous sources are prohibited. The contestants mainly relied on financial support by parties and their own funds.

TECs were mandated to exercise campaign finance oversight and respond to campaign finance violations by informing the relevant law enforcement bodies. However, the law does not set clear deadlines for the TEC to address financial violations. Due to the absence of crosschecking mechanisms and sanctions for non-compliance with finance reporting requirements, the examination of the reports by TECs in most cases appeared to be a formality.

The OSCE/ODIHR EOM observed that TECs lack sufficient knowledge and resources to efficiently function as an oversight body. In addition, the election administration confirmed that TECs do not have the capacity to perform crosschecking to establish whether reports reflect actual spending.⁶⁵

All contestants had to submit interim and final financial reports on the income and expenditures to the relevant TECs. During the 25 October elections only a few TECs received reports from all registered contestants in the respective constituency within the deadlines. In most of the cases TECs failed to make them publicly available as required by the law.⁶⁶ During the run-off contests, reports were submitted by 48 out of 58 candidates. The law does not provide detailed requirements regarding the financial reports published by the TECs. Not all TECs verified the reports or made them publicly available within the deadline, weakening oversight and negatively impacting voters' access to this information.⁶⁷

Consideration could be given to vesting TECs with the obligation to publish party and candidate financial reports online, before and after election day, preferably using standard templates.

Several OSCE/ODIHR EOM interlocutors raised concerns about allegedly widespread use of undeclared funds by parties for political advertisement prior to the registration of candidates, which were not subject to reporting. In addition, the use of lavish campaign funds by some contestants, coupled with the absence of ceilings on campaign expenditures, jeopardised the level playing field during the campaign period required by international good practice.⁶⁸

⁶⁴ The law "On Amendments to Certain Legislative Acts of Ukraine Related to the Prevention of and Counteraction to Political Corruption" introduces public funding of political parties and administrative and criminal sanctions for campaign irregularities during presidential and parliamentary elections. See [OSCE/ODIHR and Venice Commission Joint Opinion](#) on draft amendments to Some Legislative Acts of Ukraine Concerning Prevention of and Fight against Political Corruption of 26 October 2015.

⁶⁵ See OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation paragraph 214 that states "the regulatory authority should be given the power to monitor accounts and conduct audits of financial reports submitted by parties and candidates. The process for conducting such audits should be stated in relevant legislation."

⁶⁶ The OSCE/ODIHR EOM is aware of at least 17 *oblast* level TECs that did not publish interim reports.

⁶⁷ For instance, only 10 out of 29 TECs published interim financial reports within the deadline.

⁶⁸ See the General Comment No. 25 to Article 19 of the ICCPR and 2003 Council of Europe Recommendation Rec(2003)4 of the Committee of Ministers on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (III.9).

Legal provisions governing campaign finance in the local election law should be harmonized with the new Political Finance Law. All expenses incurred during the electoral period should be considered campaign expenditures and disclosed accordingly. Consideration could be given to establishing reasonable ceilings on campaign expenditures.

IX. THE MEDIA

A. MEDIA ENVIRONMENT

The media sector with its vividness and turmoil reflects Ukraine's overall political climate. Television is the main source of political information, followed by on-line media and periodicals.⁶⁹ Despite a high number of broadcast outlets, pluralistic editorial policies remain in short supply. Vying for a larger audience share is not always a priority, due to the fact that advertising revenues are limited. The media sector is, *de facto*, sponsored by business interests of media owners, thus contributing to the politicization of the media sector at both national and regional levels. The business and political interests controlling the media often exert direct influence on editorial policy, inducing biased programming.⁷⁰ Editorial favouritism became more evident prior to the run-offs, while over-abundant reporting on the arrests of political figures and their alleged involvement in unlawful activities dominated election coverage.⁷¹ Overall, despite the numerous information sources available to the public, voters' ability to make an informed choice was limited.

Positively, as 2015 saw a marked decrease in cases of physical assault and intimidation of journalists, campaign took place in an environment where freedom of reporting could largely be enjoyed. From mid-September in 19 *oblasts* some 44 cases of local journalists being obstructed from professional duties were reported, mainly concerning access to candidates' nomination congresses and TEC sessions.⁷²

The NTRC is still being transformed from a state-owned broadcaster to a public service media provider. The halting and incomplete process created uncertainty among the staff members, including at the executive level, and has hampered the NTRC's independence and editorial freedom, as called for by international obligations.⁷³ It affected the NTRC regional branches most notably.⁷⁴ Sixteen out of 25 regional branches broadcast only candidates' paid-for election-related programmes. In Kremenchuk

⁶⁹ To date there are 29 national TV channels, 169 regional TV channels, 59 district TV channels, 10 local TV channels; 19 national radio channels, 127 regional radio channels, 48 district radio channels, 17 local radio channels. Internet penetration is 58 per cent. There are 6,517 national and 559 regional newspapers.

⁷⁰ OSCE/ODIHR EOM LTOs in Berdiansk, Chernivtsi, Chernihiv, Dniporpetrovsk, Hotyn, Ivano-Frankivsk, Iziium, Kyiv, Kharkiv, Khmelnytskyi, Kremenchuk, Kramatorsk, Kirovohrad, Kryvyi Rih, Lviv, Lozova, Melitopol, Mykolaiv, Mukachevo, Odesa, Poltava, Rivne, Romny, Sumy, Sloviansk, Ternopil, Uzhgorod, Vinnytsia, Zaporizhzhia, Zhytomyr, and Yahotyn reported on biased coverage and/or local media's direct affiliation with a particular political party or its sponsors.

⁷¹ Broadcasters devoted from 20 to 68 per cent of the political communication to those events.

⁷² The highest number of cases of obstruction (5 cases each) was reported from Dnipropetrovsk, Donetsk, Ternopil and Volyn.

⁷³ Paragraph 16 of the ICCPR General Comment 34 provides that "State parties should ensure that public broadcasting services operate in the independent manner. In this regard, State parties should guarantee independence and editorial freedom. They should provide funding in the manner that does not undermine their independence."

⁷⁴ The OSCE/ODIHR EOM visited 25 out of 26 NTRC's local branches to assess the effect of the transformation. In 18 cases, the management noted the persisting uncertainty, expected staff reductions and insufficient funding, 6 admitted self-censorship.

and Melitopol local broadcasters faced political pressure before the run-offs.⁷⁵

Some 550 newspapers are owned by local executive bodies. In rural areas they remain an important source of information. The blurring between mayors' and councillors' election campaigns and news was of particular concern. With 19 incumbents standing for election in the run-offs, the misuse of such outlets was accentuated.⁷⁶ Most notably in Chernihiv, the front page of the council's weekly and the NK party newspaper contained identical information and were both distributed by NK campaigners. Such practices contradict the 1990 OSCE Copenhagen Document that calls for a clear separation between political parties and State institutions.⁷⁷

Media owned or co-owned by local authorities and scheduled for privatization could be transformed into community media under public supervision, offering public services, including civic education and voter information at the grassroots level. The transformation should be completed prior to the next local elections.

B. THE LEGAL FRAMEWORK

The legal framework for media comprises the Constitution and a plethora of laws that are generally conducive to freedom of expression. However, important legislation, such as the law on privatization of state-owned print media and the law on transparency of media ownership, have still to be implemented. The election law governs the media's conduct throughout the electoral period.⁷⁸ It overregulates pre-election coverage, yet poorly defines provisions for it. Between the two rounds the CEC did not use its regulatory powers and did not address the ambiguities that raise concerns whether the legislation is fully in line with OSCE commitments and international standards.⁷⁹ The law does not foresee allocation of free airtime to candidates on public media.

The level playing field in the media was further compromised by the absence of comprehensive oversight or review of the media's compliance with legal provisions throughout the electoral period. The National Television and Radio Broadcasting Council (NTRBC) conducted media monitoring at the national and *oblast* levels. However, lacking the capacity and sanctioning powers, the NTRBC was not mandated and able to take timely and resolute measures when necessary.⁸⁰ Thus, equality of opportunity for candidates and guarantees of voters' rights were compromised.

The NTRBC should be granted an inclusive remit and effective sanctioning powers, enabling it as the regulatory body to take timely and effective measures to enforce media compliance with legally binding

⁷⁵ In Kremenchuk the administration suspended news; in Melitopol the newly elected councillors tried to dismiss the director of the local state-owned television station, thus the candidates' debate was cancelled and news department's work hindered. On election day, the head of the NTRC stated that the Lviv branch refused to work and would be dismissed, while Lviv branch representatives were stating the opposite.

⁷⁶ OSCE/ODIHR EOM LTOs in Berdiansk, Chernivtsi, Chernihiv, Khmelnytskyi, Kryvyi Rih, Lutsk, Melitopol, Nikopol, Poltava, Siverodonetsk and Zhytomyr reported misuse of media owned or co-owned by local administrations.

⁷⁷ Paragraph 5.4 of the 1990 OSCE Copenhagen Document.

⁷⁸ The election law forbids reporting on the campaign in the news, does not foresee any free air-time, envisages the possibility to pay for debates and at the same time stipulates equal allocation of time to all contestants.

⁷⁹ Paragraph 13 of the ICCPR General Comment No. 34 provides that "A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and enjoyment of other Covenant rights"; See also Paragraph 9.1. of the 1990 OSCE Copenhagen Document.

⁸⁰ The NTRBC reviewed 101 reportedly problematic broadcasts and news items; no resolute measures were taken in any of the cases. The OSCE/ODIHR EOM visited all 26 regional branches of NTRBC. The branches have, on average, two employees responsible for monitoring 56 media outlets daily.

provisions. In order to exercise comprehensive oversight of regional media the NTRBC's capacity at oblast level has to be improved.

The legal framework does not prescribe an efficient complaint resolution mechanism for media-related electoral disputes. Some 61 grievances were adjudicated in a two-level court system; out of them 21 were reviewed on merits. This did not provide for effective remedy as legal deadlines for the enforcement of court decisions extended beyond the campaign period.



C. OSCE/ODIHR EOM MEDIA MONITORING

The OSCE/ODIHR conducted media monitoring of 14 media outlets.⁸¹ In terms of programming, broadcast media devoted a reasonable amount of time to political coverage, reaching up to 46 per cent of prime time on the regional and 17 per cent on national media.

However, prior to the 25 October elections, the legally permitted unlimited purchase of paid-for airtime largely reduced national and regional broadcasters' prime time election coverage to parties' campaign advertisement, with the amount of time devoted to political advertisements often exceeding the time allotted to election-related news.⁸² The bulk of paid-for advertisement was purchased by the BPPS, the NK and the UKROP on national media, and by the BPPS, Renaissance and *Batktivshchina* regionally. The BPPS made ample use of the president's emblematic figure, while governors, appointed by the president, were also promoting the party in advertisements. Prior to the run-offs generic, countrywide political advertisement was reduced, with targeted smear campaigns appearing both on traditional and social media, as well as printed materials distributed to voters.⁸³

Of the 132 registered political parties, only 3 were granted meaningful editorial coverage across the media landscape, and provided with the ability to address voters directly within news and editorial programmes prior to the 25 October elections.⁸⁴ The same parties got most airtime prior to the run-offs.⁸⁵ Notably, all 16 political parties whose candidates were standing for the 15 November 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 by far the most quoted political actors within the news prior to both rounds.

The NTRC failed to comply with the equal coverage provision, with BPPS enjoying three times as much time as any other party on prime time election-related programming prior to the 25 October elections. Before the run-offs, however, the NTRC virtually excluded BPPS from its coverage, dividing prime time between *Svoboda*, *Samopomich*, UKROP and the PRC.

⁸¹ UA: *First*, *1+1*, *Channel 5*, *Inter TV*, *ICTV*, *TRK Ukraina*, *7th Channel* (Kharkiv), *34 TV Channel* (Dnipropetrovsk), *Glas TV* (Odesa), *Podillya* (state-owned Khmelnytskyi), *Zik TV* (Lviv). Newspapers: *Fakty i Kommentarii*, *Komsomolskaia Pravda v Ukraine*, and *Segodnia*.

⁸² News versus paid advertisement ratios: *1+1* 22 versus 38 per cent; *ICTV* 20 versus 47 per cent; *Inter TV* 40 versus 24 per cent; *34 TV Channel 5* versus 73 per cent; *Podillya* 3 versus 65 per cent; *7th Channel* 42 versus 34 per cent.

⁸³ OSCE/ODIHR EOM LTOs in Bila Tserkva, Berdiansk, Chernivtsi, Chernihiv, Dnipropetrovsk, Dniprodzerzhynsk, Kryvyi Rih, Kramatorsk, Lutsk, Lviv, Melitopol, Mykolaiv, Poltava, Rivne and Siverodonetsk reported on slanderous campaigns.

⁸⁴ The OB (19 per cent of the coverage devoted to political actors), the BPPS (18 per cent), and *Renaissance* (5 per cent).

⁸⁵ 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* the OB was granted 49 per cent and the 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* gave equal coverage to *Svoboda*, *Samopomich*, UKROP and the Party of Resolute Citizens (PRC).

Each of the commercial broadcasters with a nationwide reach monitored by the OSCE/ODIHR EOM predominantly featured two to three political parties within their prime time programming.⁸⁶ Prior to the run-offs, the OB was prominently present across the board, with a marked increase in exposure on *I+I*. Only ICTV gave equitable coverage to seven different parties prior to the 25 October elections, and to five parties before the run-offs.

Regional media monitoring highlighted the media sector's drawbacks. In Kharkiv *7th Channel* devoted 63 per cent of total coverage to incumbent mayor Gennadii Kernes's Renaissance party, and 87 per cent of the time granted to all mayoral candidates to the incumbent. On Odesa's *Glas TV* the incumbent could address voters directly during prime time news, and 76 per cent of total time allotted to political actors in the news went to his party. In Lviv, on the other hand, *ZIK* channel was distinctly used to campaign against the incumbent, Andrii Sadovyi, and his *Samopomich* party. The total negative coverage devoted to Andrii Sadovyi and *Samopomich* exceeded the time allotted to any other political actor featured by the channel. The BPPS was also portrayed in a negative light on the *ZIK. Podillya*, a publicly-owned local channel in Khmelnytskyi, devoted only 3 per cent of total air time to the news. The rest of the channel's political programming was divided between the Khmelnytskyi council's ruling coalition.

The parties with representatives in administrative positions enjoyed additional coverage on both national and regional broadcasters due to their institutional activities, which were mostly featured in a positive tone. Most notably, on *7th Channel*, 55 per cent of total time allocated to political actors was devoted to favourable coverage of the incumbent in his executive capacity. On national channels the president alone received an average of 13 per cent of the total time allotted to political actors prior to the 25 October elections.

In a positive development prior to the run-offs, NTRC endeavoured to engage candidates in debates focusing on policies and local issues, although only in Lviv did such a live face-off take place.⁸⁷ In eleven other cities local broadcasters conducted debates on their own initiative.⁸⁸ Despite the shortcomings, those programmes were broadly appreciated and perceived as a first step towards issue-oriented political campaigning. However, in three cases candidates had to pay the municipal channels which is at odds with public service broadcasters' obligations.⁸⁹

Essential safeguards for the public service broadcaster's editorial independence and financial autonomy should be established. Special attention should be paid to the financial sustainability and legal status of the NTRC's regional branches.

⁸⁶ *I+I*: Renaissance and UKROP, as well as BPPS predominantly in a negative tone; *5 Channel*: the president and the governor of Odesa, the BPPS, and the MR; *Inter TV*: the OB, the BPPS and the PRC; *TRK Ukraina*: the OB and the BPPS; *UA: First*: the BPPS, the OB and the government.

⁸⁷ In Dnipropetrovsk, Mykolaiv and Kyiv one of the candidates refused to participate.

⁸⁸ Chernihiv, Bila Tserkva, Ivano-Frankivsk, Khmelnytskyi, Kryvyi Rih, Kirovohrad, Melitopol, Rivne, Sumy, Uzhgorod and Zhytomyr local broadcasters televised recorded debates. Debates were paid for in Chernihiv, Kryvyi Rih and Ivano-Frankivsk.

⁸⁹ Code of Good Practice of the Venice Commission, point I.2.3. reads: "Equality of opportunity must be guaranteed for parties and candidates alike. This entails a neutral attitude by state authorities, in particular with regard to (...) ii. coverage by the media, in particular by the publicly owned media."

The pre-election coverage on print media did not provide for alternative independent or analytical editorial content. Newspapers devoted most of their space to the same parties as broadcasters.⁹⁰ Female candidates were present in some regional media, yet largely absent from the national media landscape.

The campaign silence in the media commences 24 hours prior to polling. While on the whole national media respected it, local broadcasters often broke the moratorium. In four out of five regional media monitored, the candidates in their administrative capacity repeatedly appeared on news or special programs on 24 October.⁹¹ In Lviv a pre-recorded item of the incumbent praising the council's achievements was aired by the *oblast* radio on election day. These violations were not addressed.⁹²

X. PARTICIPATION OF NATIONAL MINORITIES

According to the 2001 census, 77.8 per cent of citizens of Ukraine are ethnic Ukrainians, 17.3 per cent are ethnic Russians, and the remaining 5 per cent comprise Belarusians, Bulgarians, Crimean Tatars, Jews, Hungarians, Moldovans, Poles, Roma, Romanians, Germans and other small minority groups. Twenty-nine per cent of the population, or 14 million people, consider Russian as their native language.

The participation in the elections of a large number of these native Russian speakers, as well as the Crimean Tatar minority, was diminished severely by the crisis in the east and the illegal annexation of the Crimean peninsula, which prevented the organization of the elections in these parts of the country.⁹³ The absence of legal regulations enabling IDPs to vote further impeded the participation of these communities.⁹⁴

Several aspects of the electoral legislation presented obstacles to the representation of national minorities, especially in local councils. National minority candidates with a strong base of support in an area of compact minority settlement were disadvantaged by the fact that they could not run independently for councillors' seats.⁹⁵ At the same time, minority communities that were not able to meet the requirements to register a political party could not nominate candidates for proportional races

⁹⁰ Prior to the 25 October elections, *Fakty i Komentarii* devoted 50 per cent to the BPPS and 13 per cent to the NK; in *Segodnya* the BPPS and the government combined received 42 per cent, and the OB 12 per cent. *Komsomolskaya Pravda v Ukraine* allotted 15 per cent to the BPPS and the MR each and 17 per cent to the *Renaissance*. Prior to the run-offs *Fakty i Komentarii* devoted 67 per cent of its election related coverage to the BPPS; *Komsomolskaya Pravda v Ukraine* allotted 62 per cent to *Samopomich* and *Segodnia* allotted equitable space to parties with slightly preferential coverage of the OB - 27 per cent of election-related coverage.

⁹¹ On 24 October 7 negative announcements against Mr. Sadovyi and 6 negative announcements against Mr. Klitchko on *ZIK*; 6 positive news items about Mr. Truhanov on *Glas TV*; a news item on a BPPS candidate presenting the icon to the church on *Podillia*; 17 items promoting BPSS candidates for council elections on *7 Channel*.

⁹² The TEC received 9 complaints against this broadcast, yet no measures were taken. The CEC decided that it did not constitute a violation of campaign silence, as the broadcast referred to institutional, not electoral issues.

⁹³ Of these 14 million Russian speakers, approximately 5.4 million live in Donetsk and Luhansk *oblasts* and 1.9 million live on the Crimean peninsula, per 2001 census data. In addition to the temporarily occupied territories in Donetsk and Luhansk *oblasts*, elections did not take place for 122 local councils along the contact line for security reasons.

⁹⁴ [UNHCR reports](#) that there are 1.51 million IDPs in Ukraine as of 6 October, over three-quarters of whom live in the Russian-speaking eastern regions of Donetsk, Luhansk, Zaporizhzhia, Dnipropetrovsk and Kharkiv. While the ethnic background of IDPs is not recorded, civil society representatives estimate that about 50,000 IDPs are from Crimea, and that about half of these are Crimean Tatar.

⁹⁵ Roma representatives informed the OSCE/ODIHR EOM that they have sometimes faced discrimination when attempting to run on the lists of political parties, and that more of them would have participated as independents if that had been possible. Altogether there were 15 Roma candidates across the country, on party lists for local councils in the Odesa, Zakarpattia, Cherkasy and Kyiv regions.

for local councils.⁹⁶ Those that did manage to register political parties faced an increased threshold for party lists. If a party as a whole did not reach the threshold, candidates on the lists of these minority parties could have won a decisive majority in districts of compact minority settlement, yet not been elected.⁹⁷

In addition to these potential obstacles, some national minority candidates running on the lists of larger parties informed the OSCE/ODIHR EOM that electoral boundaries divided their communities and might prevent them from winning a large enough percentage of the vote to obtain a council seat. Representatives of the Hungarian and Roma communities in Zakarpattia informed OSCE/ODIHR EOM LTOs that the boundaries of electoral constituencies disadvantaged candidates from their communities. Finally, the results of the elections showed that the fragmentation of the vote across constituencies among candidates on party lists also resulted in districts with large numbers of national minorities where no candidate won a seat.⁹⁸ Overall, despite the election of some national minority candidates and parties in the elections, the election law does not promote national minority participation.⁹⁹

Amendments to the electoral legislation should be developed in consultation with national minorities with a view to enhance national minority representation at the local level.

Language policy and local or national minority issues generally did not feature as a topic in the election campaign, except in the platforms of national minority candidates or parties representing national minority interests. OSCE/ODIHR EOM observers also did not report the use of ballots in regional languages on election day.¹⁰⁰ While national minorities did not express concerns about this issue during the election period, the election law does not provide for the printing of ballots in regional languages, in conflict with the 2012 language law.

The discrepancy between the election law and the 2012 language law with respect to the permissible language(s) for ballots should be addressed.

Intolerant or xenophobic speech toward national minorities was not observed during the campaign.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

The election law provides for international and citizen election observation who enjoy broad rights, including the right to attend sessions of all election commissions and to receive documents, including

⁹⁶ Article 10 of the Law on Political Parties requires that parties demonstrate a base of support in two-thirds of the country's oblasts in order to register. The Party of Poles of Ukraine informed the OSCE/ODIHR EOM that the onerous process of collecting signatures was one reason it took the party three years to register.

⁹⁷ Prior to the elections, two parties representing the Hungarian minority in Zakarpattia told OSCE/ODIHR EOM LTOs that they feared they would not meet the 5 per cent threshold for party lists at the regional level and obtain no seats in the regional council even though they had combined their party lists and anticipated winning the majority of the vote in one entire district and other electoral constituencies.

⁹⁸ As an example, in Zakarpattia region there are 14 districts that will have no representatives in the regional council due to the fragmentation of the vote. Of these 14 districts, national minorities make up over 15 per cent of the population in 4 districts, and over 40 per cent in three districts.

⁹⁹ Despite concerns about meeting the threshold for party lists, the Hungarian parties slightly exceeded the threshold after combining their lists, and obtained one more regional council seat in Zakarpattia than they had in the previous local election cycle. Of the 15 known Roma candidates, 5 won council seats; however, none were elected to the Zakarpattia regional council, despite a large number of Roma in the region.

¹⁰⁰ Article 12, part 2 of the law On the Principles of State Language Policy (hereinafter 2012 language law), states that ballots for local races may be printed in a language other than Ukrainian in those regions, cities, towns, etc. where a regional language has been adopted.

results protocols. Citizen observers could be nominated by registered non-governmental organizations (NGOs) engaged in issues related to election process and its observation. In addition, local branches of political parties, mayoral candidates as well as candidates for council elections could also nominate observers. The CEC registered 83 NGOs, including *OPORA* and the Committee of Voters of Ukraine, and a total of 1,672 international observers. The accreditation of citizen, party, candidate and international observers was inclusive, which contributed to the transparency of the electoral process.

XII. COMPLAINTS AND APPEALS

All participants of the electoral process have the right to submit complaints and appeals; however, voters can only challenge violations of their personal electoral rights. The general deadline for filing complaints, either with courts or commissions, is five days, and the law generally provides for two days for the review of complaints.¹⁰¹ The election law and Code of Administrative Proceedings do not clearly define a single hierarchical structure of responsibility for the complaints and appeals process.¹⁰² Election commissions, first instance courts of general jurisdiction, as well as administrative courts all have jurisdiction to consider election-related complaints. If the same complaint is filed with both the election administration and the judiciary, the election commission is required to suspend consideration of the complaint and the relevant court is required to notify the respective commission and the CEC of its decision. In some 35 cases courts improperly assumed the jurisdiction and either considered the case on merits when they were not the body to do so or referred to a different court even when the case fell under their jurisdiction.¹⁰³ The law does not establish the procedure for challenging election results. The 2015 amendments to the Law on Court Fees institute relatively high costs for filing court cases applicable to all election related cases, excluding complaints regarding inaccuracies in the voter lists.¹⁰⁴

The law should establish clear hierarchical appellate procedure for the adjudication of election-related complaints and appeals and an effective mechanism to appeal election results. Costs of bringing an action to court should be kept to a minimum in order not to deter citizens from filing a complaint.

The CEC received 334 complaints from the start of the election process, including 131 in the post-election day period, which were mostly rejected on technical grounds. Only 24 of these were considered in session. All other complaints were considered individually with decisions communicated by letters signed by single CEC members, thereby impairing the transparency and collegiality of the process. These letters often lacked factual and legal reasoning and were not subject to appeal. This undermined the right of judicial appeal provided for by OSCE commitments.¹⁰⁵

Courts received a high number of complaints. Some 2,500 complaints were considered by the courts from the start of the election process; 562 of these concerned candidate registration. Complaints regarding candidate registration continued throughout the election process and were adjudicated shortly

¹⁰¹ The complaints filed with the CEC are considered within a three-day deadline.

¹⁰² Article 172.4 of the Code of Administrative Proceedings stipulates that the decisions, actions or inaction of certain election commissions and their members with respect to the preparation and conduct of certain types of elections, shall be challenged in district administrative courts, while Article 172.5 provides that cases not specified in part 4 are to be appealed to first-instance courts of general jurisdiction acting as administrative courts.

¹⁰³ Amongst these were Odesa, Dnipropetrovsk and Kharkiv District Administrative Courts, Novomoskovsk City District Court, Vasylykivskyi City District Court, Dnipropetrovsk Administrative Court.

¹⁰⁴ The fee for filing court cases is up to UAH 1,218 (EUR 50) for the first instance courts and UAH 1,339 (EUR 56) for the appeal courts.

¹⁰⁵ 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.”

before or in twelve cases even after election day.¹⁰⁶ Some 1,006 cases concerned voter list corrections, 44 of these were filed by IDPs. Other complaints referred to issues of formation of election commissions, district delimitation, violation of campaign regulations, media conduct, vote-buying, and access of observers.

Courts handled complaints and appeals within the established timelines respecting due process. However, decisions of cases considered on substance at times did not provide sound legal justification, which undermined the right to an effective remedy as required by OSCE commitments and other international obligations.¹⁰⁷ In some cases, courts provided inconsistent interpretation of the law, including on issues of previous work experience in election commission for the distribution of executive positions, gender quota requirements, candidate registration, and IDP voting rights. All court decisions were published on the website of the Unified State Register of Court Decisions, although often after the legally-prescribed deadline.¹⁰⁸

Both the CEC and the courts should give full and impartial consideration to the substance of complaints, respecting the right to effective remedy, and refrain from delivering inconsistent decisions. All complaints should be addressed in a timely manner with reasoned decisions made in writing and published.

According to information from the Ministry of Interior, as of 25 November law enforcement agencies received 7,433 cases of alleged criminal offences and opened 525 criminal cases related to the elections.¹⁰⁹ A large number of these concerned vote-buying, abuse of administrative resources, falsification of electoral documents and destruction of campaign material.

Some OSCE/ODIHR EOM interlocutors expressed a lack of confidence in the effectiveness of the legal remedy system and lack of trust in the courts and law enforcement bodies to handle complaints impartially.

XIII. ELECTION DAY

A. ELECTIONS ON 25 OCTOBER

In most of the country election day proceeded calmly. Elections were not held in Krasnoarmiisk, Svatove and Mariupol.¹¹⁰ Party and candidate agents were present in large numbers during all stages of the process, while citizen observers were noted less frequently. The CEC reported turnout at 46.6 per cent.

¹⁰⁶ Zdolbunivska TEC of Rivne *oblast* registered three OB local council candidates after closing of voting on election day in order to comply with the court decision.

¹⁰⁷ 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.”

¹⁰⁸ According to the Law On Access to Court Decisions, courts are obliged to submit copies of the decisions no later than one day after their adoption, which are then to be published within three days on the website of Unified State Register of Court Decisions.

¹⁰⁹ Out of the total number of cases, 5,983 were left without consideration on merits.

¹¹⁰ In Krasnoarmiisk city, ballots were not delivered to polling stations until election day. On election day the CEC adopted a resolution obliging the city TEC to distribute the ballots, which it failed to do and elections were not held. In Svatove the city TEC cancelled the elections on polling day, since the ballots were printed omitting parties that did not assign candidates to some districts. In Mariupol voting did not take place after ballots were distributed to only 8 out of 213 polling stations, following a challenge to their legality.

Printing and distribution of ballots proved problematic. In some areas, candidate names were either misspelled or printed in bold. In other instances, ballots were delivered to wrong districts.¹¹¹

Polling stations opened late in 30 per cent of cases observed, largely due to protracted preparation procedures or missing election materials. In 5 per cent of polling stations visited, International Election Observation Mission (IEOM) observers were restricted in their observation. Overall, opening procedures were negatively assessed in 7 per cent of precincts.

IEOM observers assessed voting positively in 98 per cent of polling stations throughout the country. Transparency of the process was ensured and observers could follow procedures without restrictions in almost all polling stations observed. More than half of polling stations observed were not accessible to people with disabilities.¹¹² Some isolated instances of tension, obstruction or intimidation were observed. Unauthorized people were present in 9 per cent of polling stations observed, and were seen interfering in 2 per cent. In 5 per cent of observations, not all voters marked their ballots in secrecy or folded them properly before depositing in the ballot box.

To further promote universal suffrage, authorities need to take necessary measures to facilitate unrestricted access of voters with reduced mobility to polling stations.

Despite overall positive assessment, some procedural problems were noted by the IEOM observers. Voter identification procedures were poorly conducted in 6 per cent of instances, mostly in small and rural communities. In 6 per cent of polling stations observed, the ballot boxes were not properly sealed. Few cases indicative of more serious procedural violations, such as proxy voting (9 per cent), instances of group voting (4 per cent), and instances of seemingly identical signatures on voter lists (1 per cent), were reported by the IEOM observers. An isolated case of carousel voting was observed in one instance in Vinnytsia *oblast*. Procedural violations were reported from some special polling stations where voters were provided with only a ballot for only one electoral contest contrary to the election legislation.¹¹³

IEOM observers positively assessed 88 per cent of the 238 vote counts observed. The problems reported during the closing and counting were mostly due to failure of commissions to adhere to established procedures. In 18 per cent of cases, PECs experienced difficulties in filling in the protocols. In 12 per cent of counts figures did not reconcile in the protocols and the PECs had to revise figures established earlier, prolonging the counting. Unauthorized persons were present in 12 per cent of the counts observed, and often interfered in the process.

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.¹¹⁴ Moreover, information on the 25 October

¹¹¹ In Khust, Zakarpattia, and Sumy.

¹¹² Article 29.a(i) of the UN Convention on Rights of Persons with Disabilities requires states to ensure “that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”

¹¹³ In Khmelnytskyi, Kharkiv and Chernivtsi.

¹¹⁴ 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*.

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.¹¹⁵

The performance of TECs varied in different regions. In general, city and city district TECs proved more capable to cope with the task.¹¹⁶ In order to enhance transparency, some TECs displayed the data entry in real time at their premises.¹¹⁷ Conversely, in other TECs poor organization led to overcrowding, long queues and tension. OSCE/ODIHR EOM observers reported isolated cases of violence at TECs and intimidation of commission members.¹¹⁸

Tabulation was protracted and many TECs failed to establish and publish results within the legal deadlines.¹¹⁹ TECs were not provided with uniform official software for calculation of results for councilor elections. In at least two identified cases, the tabulation means used proved fraudulent.¹²⁰ This contributed to allegations of fraud during the tabulation. The CEC should have taken steps to provide TECs with necessary support.

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.¹²¹ OSCE/ODIHR EOM observers reported that in some cases PEC members, contrary to the law, changed PEC protocols in TEC premises.¹²²

Some TECs ordered recounts because of inability to establish results.¹²³ In one instance a TEC used dubious grounds for recounts and later invalidated the PEC vote count protocol, which affected the results.¹²⁴ Problems with the tabulation process fostered distrust in the election administration among some stakeholders. By law, there are three grounds – different minimum percentage of abuse – by

¹¹⁵ 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”.

¹¹⁶ For instance in Lviv *oblast*, TECs organized PEC material intake at Lviv stadium allowing them to process handover of materials in an expedited manner.

¹¹⁷ For instance, Dniprodzerzhynsk city TEC and Ivano-Frankivsk city TEC used projectors to display the data entry process.

¹¹⁸ In Chkalovsk settlement of the Kharkiv *oblast*, the TEC chairperson physically assaulted a citizen who tried to stop TEC members from taking a break. In a polling station in Dnipropetrovsk city, the chairperson and the deputy got into a physical clash over the correction of a protocol. In Zatoka settlement of the Odesa *oblast*, the secretary of the TEC filed a complaint alleging intimidation and threats. Uzhgorod city TEC members reported intimidation allegedly by some political party representatives.

¹¹⁹ 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.

¹²⁰ 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 as votes for the incumbent mayor. A similar method was used in Babushkynskiy 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.

¹²¹ 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 protocols but one were returned.

¹²² 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.

¹²³ In Prydniprovskiy and Sosnevs'kiy city district TECs in Cherkasy city, Svaliava TEC in Zakarpattia *oblast*, and Rodynskiy city TEC in Donetsk *oblast*.

¹²⁴ In Sviatohorsk city TEC ordered recounts due to a seal on a ballot box being damaged at TEC premises and a missing PEC stamp on the counterfoils, none of which are envisaged by the law. As a result, self-nominated candidate V. Moroz lost the election. The candidate appealed to court, but lost.

which voting results in the polling station can be declared invalid.¹²⁵ Venice Commission and OSCE/ODIHR have previously noted that these arbitrary standards actually establish an acceptable level of fraud and are thus incompatible with the conduct of proper elections and should be reconsidered.

B. SECOND ROUND VOTING

Election day proceeded calmly and peaceful overall. 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 some localities, party observers were closely observing and noting who the voters voted for.

Secrecy of voting should be strengthened. Consideration could be given to introducing mandatory folding of ballot papers.

In Dnipropetrovsk city, OSCE/ODIHR EOM observers reported cases of voters having invitation cards with voter's names and home addresses, as well as bar codes with allegedly encoded personal details, which were distributed by post by the so-called civic initiative "Vote".¹²⁶ On 19 November, the CEC received some 600 appeals from citizens regarding a potential vote-buying scheme and an attempt to interfere in the secrecy of the vote. These cases were sent by the CEC to the Ministry of Interior for further investigation. The use of such schemes, possession of personal data without authorization to attempt to control the voting process, undermines public trust in the elections.¹²⁷

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.¹²⁸ 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 established earlier in the process. Unauthorized people were present in 6 per cent of counts 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

¹²⁵ See Article 81.1.1), 2), 3) and 83.12 which stipulate the cases in which voting results in polling station can be declared invalid.

¹²⁶ Similar cases were identified by OSCE/ODIHR EOM during 25 October elections in Berdiansk, Mykolayiv *oblast* conducted as part of exit poll by social organization "We are in favor of fair elections" and Chernihiv *oblast* by different charity organizations.

¹²⁷ Article 6 of the election law prohibits acts of bribery or any other actions which prevent free formation of the will of the voters or their free participation in the elections.

¹²⁸ Procedural irregularities included cases when PECs did not announce the 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.

relatively large number of so-called ‘journalists’ who at times could not name the media outlet they officially represented. These people in some cases interfered with the work of the commissions.

The 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 the 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 reconcile in 44 observations. In 10 cases, OSCE/ODIHR EOM observers reported that election material packs were tampered with.¹²⁹ The PECs were using paper packages to transport election materials.

Consideration could be given to simplifying closing, counting and reconciliation procedures. Computer facilitated protocol preparation could be introduced, thereby reducing the number of returned protocols, while consideration may be given to creating a protected electronic results tabulation system. Consideration could also be given to using sturdier, tamper-evident plastic packages in order to reduce the cases of tampering with the election material packs. The CEC should be legally mandated to ensure timely publication of preliminary polling station level results for each region, in line with international standards.

XIV. POST-ELECTION DAY DEVELOPMENTS

A. POLITICAL DEVELOPMENTS

The post-election period was marked by numerous withdrawals of elected councillors and subsequent changes in the composition of councils at *oblast*, city, and district levels across the country. This enabled candidates who had not reached the necessary number of votes to enter the councils substituting those who had been placed higher on the party lists.¹³⁰ Civil society representatives voiced concerns about this practice, which does not reflect the will of the voters.¹³¹ Some popular candidates and members of parliament contested the elections in more than one race. As a result, a number of candidates were elected for several positions, leaving them to make a choice.¹³² OSCE/ODIHR EOM interlocutors explained that even party list candidates who had failed to win council seats were nonetheless routinely required to invest in party campaigns and would expect a payback which could take several forms, such as a position in the administration or the purchase of municipal land at a favourable price. Some candidates had to sign an undated resignation letter when they registered.

The law requires that mayoral election results be established by the respective TECs no later than 20 November. In most cases, the TECs adhered to this legal requirement and established results before the deadline. However, in some cases vote tabulation and the establishment of election results were

¹²⁹ According to Article 83.7, in case of obvious evidence that the packages with the PEC documents were unsealed, the TEC is obligated to order recounts.

¹³⁰ In Kamyanyets-Podilski city of the Khmelnytskyi *oblast* four elected city councillors of *Ridno Misto* party list withdrew to vacate a council seat for a local businessman and former PoR members who had received only 68 votes. In Vinnytsia, 52 OB *oblast* councillors withdrew from their positions, enabling four candidates placed after to enter the council. In Kharkiv, 12 *Renaissance* city councillors withdrew in favour of former city council secretary. In Rivne, 6 out of 6 elected councillors from Concrete Actions withdrew from their positions.

¹³¹ General Comment No. 25 to Article 25 of the 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.”

¹³² In Rivne an elected Batkivshchyna *oblast* councilor withdrew to become mayor of Korets, while an elected RP *oblast* councilor withdrew to become the head of Tynne village. In Zakarpattia an elected *Renaissance oblast* councilor resigned to become mayor of Svalyava, and a member of the United Center withdrew to become mayor of Irshava. Several elected *oblast* councillors in Ternopil withdrew to enter the Ternopil city council.

delayed. In Kirovohrad, provisional results were overturned after BPPS mayoral candidate Andrei Raikovitch challenged the results of the ostensible winner, self-nominated mayoral candidate Artem Strizhakov. Recounts at three polling stations confirmed voting results of original protocols. However, the Kirovohrad city TEC later replaced eight BPPS PEC members and two others. The newly-formed PEC invalidated results in their polling station. The difference in the number of votes was sufficient to swing the election in favour of mayoral candidate Raikovitch. In a similar manner, results were invalidated in one of the polling stations in Kirovska city district in Kirovohrad city.

The law should establish clear grounds and procedures for the invalidation of results based on objective criteria and limited to cases of serious offences affecting election results, or circumstances making it impossible to establish the will of the voters. Provisions establishing arbitrary percentages of acceptable levels of fraud should be removed.

In Kryvyi Rih, *Samopomich* candidate Yuriy Myloboh challenged election results right after their announcement, alleging falsification in favour of the OB candidate Yuriy Vilkul. As per OSCE/ODIHR EOM observers, candidate Myloboh had not expressed any concerns regarding voting and counting prior to the establishment of results. However, 13 complaints, filed with the city TEC on 16 November by *Samopomich*, requesting recounts and invalidation of voting results, alleged serious violations, reportedly during voting.¹³³ On 18 November, the city TEC ordered a recount of voting results for polling station 121615 in Ingulets, which provided no grounds for the allegations. *Samopomich* then filed a complaint in Dnipropetrovsk District Administrative Court requesting the invalidation of results in 20 PECs and recounts in eight. On 21 November, the Court rejected the complaint as unsubstantiated. This decision was partly overturned by Dnipropetrovsk Administrative Appeal Court that ordered 6 TECs to conduct recounts in 19 PECs upon consideration of *Samopomich* complaints.

Following large protests promoted by *Samopomich* in Kryvyi Rih, on 26 November the parliament passed resolution No. 3529, establishing a temporary special commission to investigate the alleged violations said to have occurred during the second round elections in Kryvyi Rih. The commission was mandated to investigate the circumstances that led to alleged violations of the electoral process, including “decisions, actions and inactions” of the electoral administration. Specifically of the CEC, Krivyi Rih city, and seven city district TECs, as well as to prepare legislative proposals for improving formation procedures for the CEC and TECs. On 30 November the commission commenced its investigation in Kryvyi Rih.

According to the legislation, election administration bodies should be independent from interference by political interests and all other branches of power.¹³⁴ Thus, the establishment of the temporary special commission raised concerns. In a press statement published on the CEC website, its chairman, Mykhaylo Okhendovsky, expressed the hope that the temporary commission and its members would refrain from intervening in matters which by law lie within the exclusive authority of election commissions, “or to exert political or other forms of pressure on them”. On 23 December, following the recommendation of the temporary special commission, the parliament cancelled the results of elections in Kryvyi Rih and appointed elections for 27 March. Cancellation by parliament of the election result might create a dangerous precedent, whereby any local election results in the country could be cancelled upon the initiative of a party dissatisfied with the election results.

¹³³ By law PEC must review any complaints regarding the voting or the performance of the PEC before the counting starts.

¹³⁴ Article 3 of the Law on the CEC declares independence of the CEC and states that it should exercise its authority independently from state authorities and that such interference is prohibited.

B. 29 NOVEMBER ELECTIONS IN MARIUPOL AND KRASNOARMIISK

Ballots for the 29 November elections were printed in Kyiv, while the CEC was mandated to take the necessary measures for the conduct of the elections. The decision to print ballot papers in Kyiv was welcomed by most stakeholders in both cities.

The CEC adopted 10 resolutions for the conduct of elections in Mariupol and Krasnoarmiisk. However, according to Resolution No. 570 of 19 November, campaigning in Mariupol and Krasnoarmiisk was not allowed, which caused some controversy.¹³⁵ This resolution was challenged in the Kyiv Administrative Court of Appeal by a number of voters including four MPs and a councillor candidate for Mariupol city council. The Court ruled this point in the resolution as contrary to the law. The High Administrative Court of Appeal subsequently upheld this decision. This resulted in different interpretations of the rules among stakeholders, including candidates, media and law enforcement agencies. Some candidates refrained from campaigning for fear of incurring administrative fines for violating CEC instructions, others campaigned notwithstanding.

OSCE/ODIHR EOM observers described the political environment prior to the postponed elections in Mariupol and Krasnoarmiisk as tense. Business interests loomed large in both elections. There were numerous pre-election allegations of bribery, vote-buying and falsification.

Elections for city councils in both cities were contested by 16 political parties, with 671 registered candidates. In Mariupol, 22 registered mayoral candidates represented seven political parties while the rest were self-nominated. Similarly, in Krasnoarmiisk, most of the 20 registered mayoral candidates were self-nominated and only 5 represented political parties. Representatives of the OB told OSCE/ODIHR EOM observers that they did not nominate a mayoral candidate under their party name for fear of being targeted by their political opponents.

Overall, the preparations for elections were carried out effectively by the new TECs formed on 5 November. The ballot papers, with necessary security features, were handed over by the CEC representatives directly to the PECs by the legal deadline. Preliminary and final voter lists were delivered in timely manner allowing voters to verify their entries in the voter lists and seek corrections of their records if necessary. In Mariupol and Krasnoarmiisk, trainings for PEC members were conducted largely by the TECs themselves with the exception of Primorsky city district TEC in Mariupol, where PEC members were not trained. Replacements in PECs occurred both in Krasnoarmiisk and Mariupol; about 30 per cent of PEC members were replaced at their personal request.¹³⁶

Election day in Mariupol and Krasnoarmiisk took place in a calm and peaceful atmosphere overall. In the limited number of polling stations visited by the OSCE/ODIHR EOM, voting was smooth and orderly overall. The process was transparent; party and candidate representatives and citizen observers were present in all polling stations visited. Voting procedures were largely followed, with few exceptions; however, respective commissions addressed most shortcomings. Cases of group voting were observed in one of the polling stations in Mariupol.¹³⁷ OSCE/ODIHR EOM observers reported that most polling stations visited were either inaccessible for voters with disabilities or had poor access

¹³⁵ The CEC justified such decision by the fact the all stages of preparations took place before 25 October and therefore, there was no need to repeat entire process. Neither new law nor the election law provided for legal grounds to make such decisions.

¹³⁶ As conveyed by OSCE/ODIHR EOM interlocutors such requests stemmed from the fact that commissioners were not paid for the work they performed before 25 October.

¹³⁷ Poor organization, overcrowding and relatively high occurrence of group voting was observed in PS 142255.

for the elderly. In both cities, TEC ordered correction of submitted PEC protocols or recounts. Nevertheless, the process was managed well overall. The CEC announced voter turnout at 36.6 per cent.

C. POST-ELECTION DAY COMPLAINTS AND APPEALS

Following the 25 October and 15 November elections, courts adjudicated some 694 cases. The OSCE/ODIHR EOM was informed of some 116 requests for recounts related both to council and mayoral contests submitted to the courts. Courts ordered recounts in 16 cases and the rest were rejected as unsubstantiated or on procedural grounds.¹³⁸ Additionally, 247 cases related to requests to declare elections invalid or as not held were mostly rejected on procedural grounds.¹³⁹ The rest of the cases sought cancellation of results protocols; challenged the validity of the ballots, actions or inactions of election commissions and were mostly rejected on technical grounds. In some instances adjudication of post-election day complaints was protracted for weeks and results were announced before final decisions by the courts. In some cases TECs refused to comply with the court decisions, which further prolonged the process and left stakeholders without effective consideration of their claims.¹⁴⁰

XV. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of Ukraine, in further support of their efforts to conduct elections in line with OSCE commitments and other standards for democratic elections. These recommendations should be read in conjunction with other recommendations offered previously by the OSCE/ODIHR and with recommendations contained in the joint opinions on Ukrainian election legislation of the OSCE/ODIHR and the Venice Commission. The OSCE/ODIHR stands ready to assist the authorities and civil society of Ukraine to further improve the electoral process.¹⁴¹

A. PRIORITY RECOMMENDATIONS

1. The election law should be amended to address the gaps and ambiguities identified in this report as well as other recommendations of the OSCE/ODIHR and the Venice Commission. Consideration should be given to undertaking a comprehensive electoral reform with the aim to harmonize election legislation regulating all types of elections. The reform process should be inclusive and completed well in advance of the next elections.
2. The election law should be reviewed in order to ensure equality of the vote and bring it in line with OSCE commitments and other international obligations for democratic elections.

¹³⁸ These cases mostly concerned elections in various locations of Kherson, Kirovohrad, Kyiv, Odesa, Zhytomyr, Sumy, Zakarpattia, Vinnytsia, Dnipropetrovsk, Lviv, Ivano-Frankivsk *oblasts*.

¹³⁹ 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 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.

¹⁴⁰ Sviatohorsk city TEC announced results for mayoral elections on 30 October, refused to comply with the decisions of Donetsk Administrative Court of Appeal to conduct a recount of votes for PEC 141239. Subsequent court cases continued until 13 November. Cherkasy district TEC repeatedly failed to comply with the court decisions to consider a complaint by the candidate to Cherkasy local council.

¹⁴¹ In paragraph 24 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”

3. In order to ensure stability and safeguard the independence of the election administration, deadlines, as well as provisions on clear and restrictive grounds, could be introduced for replacements of TEC and PEC members.
4. In order to ensure independent and impartial performance of election administration the law should prohibit payments from candidates and parties to commissioners; remuneration of election commissioners should be commensurate to the workload. Authorities need to take necessary measures to adequately fund the costs associated with the organization of elections.
5. The law should establish clear grounds and procedures for the invalidation of results based on objective criteria and limited to cases of serious offences affecting election results, or circumstances making it impossible to establish the will of the voters. Provisions establishing arbitrary percentages of acceptable levels of fraud should be removed.
6. Independent candidates should be allowed to stand for elections at all levels of local councils in line with the OSCE commitments and other international obligations and standards, including those obliging participating States to facilitate the participation of national minorities.
7. Effective and proportional sanctions for all violations of the election laws, including the distribution of goods and services to voters in relation to election campaigning, must be unambiguously established by law and enforced. A public commitment by political parties and candidates not to resort to any form of vote-buying could be made.
8. Essential safeguards for the public service broadcaster's editorial independence and financial autonomy should be established. Special attention should be paid to the financial sustainability and legal status of the NTRC's regional branches.
9. Consideration should be given to establishing a mechanism to enforce the gender quota requirement. Additional special temporary measures to promote women candidates, including access to public funding and placing women in winnable positions, could also be considered. Political parties could consider ways to further increase gender balance on their party lists.

B. OTHER RECOMMENDATIONS

ELECTION ADMINISTRATION

10. Political parties and candidates should have equal opportunity for representation on election commissions. Preferential rules that put certain parties at an advantage could be reconsidered. The CEC may consider using random distribution and allocation of members to eligible nominating subjects, possibly with the use of special software developed for this purpose.
11. The CEC could enhance the transparency of its work by publishing election related documents, including dissenting opinions attached to resolutions and a log of annotated complaints, for public scrutiny on its website.

VOTER REGISTRATION

12. In order to further facilitate participation of voters in local elections, the law should consider an external passport as valid ID for voting.

13. The authorities should take measures to ensure equal suffrage and provide the right to vote in local elections to different groups of citizens, including IDPs, as well as non-citizens, after a certain period of residence.

CANDIDATE REGISTRATION

14. Rules on candidate registration should be clear and established sufficiently in advance of the elections to ensure consistency and legal certainty. Consideration could be given to restricting the information candidates are requested to provide at the time of registration to proof of their passive voting rights as defined by the law. Decisions related to candidate registration should be taken sufficiently in advance of the campaign to provide equal opportunity to stand for all prospective contestants.

ELECTION CAMPAIGN AND CAMPAIGN FINANCE

15. To ensure equality of opportunities in line with OSCE commitments, the law should establish an equal campaign period for all contestants.
16. The authorities, political parties and candidates should take further steps to safeguard against the misuse of administrative resources during the campaign.
17. Legal provisions governing campaign finance in the local election law should be harmonized with the new Political Finance Law. All expenses incurred during the electoral period should be considered campaign expenditures and disclosed accordingly. Consideration could be given to establishing reasonable ceilings on campaign expenditures.
18. Consideration could be given to vesting TECs with the obligation to publish party and candidate financial reports online, before and after election day, preferably using standard templates.

MEDIA

19. Media owned or co-owned by local authorities and scheduled for privatization could be transformed into community media under public supervision, offering public services, including civic education and voter information at the grassroots level. The transformation should be completed prior to the next local elections.
20. The NTRBC should be granted an inclusive remit and effective sanctioning powers, enabling it as the regulatory body to take timely and effective measures to enforce media compliance with legally binding provisions. In order to exercise comprehensive oversight of regional media the NTRBC's capacity at oblast level has to be improved.

PARTICIPATION OF NATIONAL MINORITIES

21. Amendments to the electoral legislation should be developed in consultation with national minorities with a view to enhance national minority representation at the local level.
22. The discrepancy between the election law and the 2012 language law with respect to the permissible language(s) for ballots should be addressed.

COMPLAINTS AND APPEALS

23. The law should establish clear hierarchical appellate procedure for the adjudication of election-related complaints and appeals and an effective mechanism to appeal election results. Costs of bringing an action to court should be kept to a minimum in order not to deter citizens from filing a complaint.
24. Both the CEC and the courts should give full and impartial consideration to the substance of all complaints, respecting the right to effective remedy, and refrain from delivering inconsistent decisions. All complaints should be addressed in a timely manner with reasoned decisions made in writing and published.

VOTING, COUNTING AND TABULATION

25. To further promote universal suffrage, authorities need to take necessary measures to facilitate unrestricted access of voters with reduced mobility to polling stations.
26. Secrecy of voting should be strengthened. Consideration could be given to introducing mandatory folding of ballot papers.
27. Consideration could be given to simplifying closing, counting and reconciliation procedures. Computer facilitated protocol preparation could be introduced, thereby reducing the number of returned protocols, while consideration may be given to creating a protected electronic results tabulation system. Consideration could also be given to using sturdier, tamper-evident plastic packages in order to reduce the cases of tampering with the election material packs. The CEC should be legally mandated to ensure timely publication of preliminary polling station level results for each region, in line with international standards.

ANNEX I – ELECTION RESULTS

25 October Elections

| No | Subject of nomination | Elections of Councillors | Mayoral Elections |
|----|--|-------------------------------|--------------------------|
| | | Number of elected Councillors | Number of elected Mayors |
| 1 | Non-partisan / Self-nomination | 112380 | 7981 |
| 2 | Bloc Petro Poroshenko <i>Solidarnist</i> | 8867 | 608 |
| 3 | Political party All-Ukrainian Union " <i>Batkivshchyna</i> " | 8079 | 367 |
| 4 | <i>Nash Kray</i> (Our Homeland) | 4516 | 157 |
| 5 | Political party "Opposition bloc" | 4030 | 80 |
| 6 | Agrarian party of Ukraine | 3339 | 186 |
| 7 | Radical party Oleh Lyashko | 2511 | 47 |
| 8 | Political party "Ukrainian Association of Patriots - UKROP" | 2247 | 49 |
| 9 | Party "Renaissance" | 1692 | 71 |
| 10 | Political party All-Ukrainian Union "Freedom" | 1664 | 53 |
| 11 | Political party "Union <i>Samopomich</i> " | 916 | 15 |
| 12 | People's party | 538 | 22 |
| 13 | Political party "Civic Position" | 505 | 23 |
| 14 | Political party "For concrete actions" | 401 | 54 |
| 15 | All-Ukrainian union "Cherkasians" | 393 | 23 |
| 16 | Political party "public movement" People's Control " | 381 | 16 |
| 17 | Political party "Will" | 371 | 26 |
| 18 | Political party "Sergey Kaplin party of ordinary people" | 295 | 8 |
| 19 | Political party "Hometown" | 275 | 17 |
| 20 | Political Party People's movement | 271 | 23 |
| 21 | Political party "Concrete actions" | 235 | 10 |
| 22 | Political party "United Center" | 233 | 17 |
| 23 | Political party "People's power" | 211 | 4 |
| 24 | Political party "New State" | 179 | 4 |
| 25 | Political party "Socialists" | 176 | 5 |
| 26 | Ukrainian People's Party | 158 | 17 |
| 27 | Political party "Will of People" | 125 | 12 |
| 28 | Political party "New Faces" | 117 | 8 |
| 29 | Party of Afghanistan Veterans | 108 | 5 |
| 30 | Political party Congress of Ukrainian Nationalists | 102 | 3 |
| 31 | Political party "All-Ukrainian union "Center" | 101 | 2 |
| | Other parties | 1,406 | 48 |

15 November, Second Round Elections

| No | Subject of nomination | Elections of Councillors | Mayoral Elections |
|----|---|-------------------------------|--------------------------|
| | | Number of elected Councillors | Number of elected Mayors |
| 1 | Non-partisan / Self-nomination | 493 | 24 |
| 2 | Political party All-Ukrainian Union "Batkivshchyna" | 33 | 8 |
| 3 | <i>Nash Kray</i> (Our Homeland) | 17 | 3 |
| 4 | Bloc Petro Poroshenko <i>Solidarnist</i> | 15 | 2 |
| 5 | Political party "Opposition bloc" | 6 | 2 |
| 6 | Political party "Ukrainian Association of Patriots - UKROP" | 5 | 1 |
| 7 | Party "Renaissance" | 3 | 1 |
| 8 | Political party All-Ukrainian Union "Freedom" | 3 | 1 |
| 9 | Political party "Will" | 2 | 1 |
| 10 | Political party " <i>Union Samopomich</i> " | 0 | 3 |
| | Other parties | 25 | 3 |

29 November elections in cities of Mariupol and Krasnoarmiisk of Donetsk Oblast

Krasnoarmiisk

| No | Subject of nomination | Elections of Councillors |
|----|-----------------------------------|-------------------------------|
| | | Number of elected Councillors |
| 1 | <i>Nash Kray</i> (Our Homeland) | 26 |
| 2 | Political party "Opposition bloc" | 6 |
| 3 | Youth party of Ukraine | 4 |

Mariupol

| No | Subject of nomination | Elections of Councillors |
|----|-----------------------------------|-------------------------------|
| | | Number of elected Councillors |
| 1 | Political party "Opposition bloc" | 45 |
| 2 | Political party "People's power" | 5 |
| 3 | <i>Nash Kray</i> (Our Homeland) | 4 |

| Subject of nomination | Mayoral Elections | |
|-----------------------|-------------------|---------------|
| | Mariupol | Krasnoarmiisk |
| Self-nomination | 1 | 1 |

[Source: CEC website; www.cvk.gov.ua]

ANNEX II – LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

Short-Term Observers

The Congress of Local and Regional Authorities of the Council of Europe

| | | | |
|-----------|------------------|-------------|--------------------|
| Gudrun | MOSLER-TÖRNSTRÖM | Austria | Head of Delegation |
| Jos | WIENEN | Netherlands | |
| Emanuelis | ZINGERIS | Lithuania | |
| Arnoldas | ABRAMAVIČIUS | Lithuania | |

Congress

| | | | |
|---------------|--------------|-----------------|----------------------|
| Liisa | ANSALA | Finland | |
| Gunnar | AXELSSON | Iceland | |
| Mehmet | AYDIN | Turkey | |
| Jean-Marie | BELLIARD | France | |
| Enzo | BROGI | Italy | |
| Andrée | BUCHMANN | France | |
| Xavier | CADORET | France | |
| Marc | COOLS | Belgium | |
| Stewart | DICKSON | United Kingdom | |
| Antonio | EROI | Italy | |
| Petros | FILIPPOU | Greece | |
| Mary | HEGARTY | Ireland | |
| Jaroslav | HLINKA | Slovak Republic | |
| Lelia | HUNZIKER | Switzerland | |
| Mihkel | JUHKAMI | Estonia | |
| Carmen | KIEFER | Austria | |
| Nigel | MERMAGEN | United Kingdom | |
| Dobrica | MILOVANOVIC | Serbia | |
| Randi | MONDORF | Denmark | |
| Muhrad | QURESHI | United Kingdom | |
| Raymond | TABONE | Malta | |
| Matteo | TOSCANI | Italy | |
| Sevdia | UGREKHELIDZE | Georgia | |
| Laurent | WEHRLI | Switzerland | |
| Petre | ZAMBAKHIDZE | Georgia | |
| Nino | ZURABISHVILI | Georgia | |
| Jean-Philippe | BOZOULS | | Congress Secretariat |
| Renate | ZIKMUND | | Congress Secretariat |
| Martine | ROUDOLFF | | Congress Secretariat |
| Ségolène | TAVEL | | Congress Secretariat |
| Leonard | CUSCOLECA | | Congress Secretariat |
| Arwen | THIERRY | | Congress Secretariat |
| Marco | MIRANDA | | Congress Secretariat |
| Amaya | UBEDA | | Venice Commission |
| Alain | DELCAMP | | Expert |
| Reto | STEINER | | Expert |

Parliamentary Assembly

| | | | |
|-----------|-------------|--|---------------------------------------|
| Claude | ADAM | Luxembourg | |
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| Andrej | HUNKO | Germany | |
| Kerstin | LUNDGREN | Sweden | |
| Marit | MAIJ | Netherlands | |
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| Menno | KRAAN | Dutch |
| Anssi Kristian | KULLBERG | Finland |
| Martti | LUTSAR | Estonia |
| Hidechika | NAKAMURA | Japan |
| Morten Larsen | NONBOE | Denmark |
| Marina Alexander | O'CONNELL | United States |
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| Daniel Patrick | RYAN | United States |
| Robert Allen | SCOTT | United States |
| Monica Maria | SENDOR | United States |
| Ekaterina | SHORUBALKA | Russian Federation |
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| Ryosuke | UENO | Japan |
| Barry | VAN SOEST | Netherlands |
| Adriaan Schalk | VERSLUIS | Dutch |
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| Erinda | TOSKA | Albania |
| Claire Antonia | POPPELWELL-SCEVAK | Australia |
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| Gunther | NEUMANN | Austria |
| Matthaeus | RADNER | Austria |
| Kirsten | SAXINGER | Austria |
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| Pol-Henry Patrick R. | DASSELEER | Belgium |
| Michel Joseph M. | FOURMAN | Belgium |
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| Ljubo Predrag | GRKOVIC RISTIC | Bosnia and Herzegovina Bosnia and Herzegovina |
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| Roslana Olenka | BASSINA BATRUCH | Canada Canada |
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| Viktor | DOLISTA | Czech Republic |
| Adam | DRNOVSKY | Czech Republic |
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| Frantisek | HAVLIN | Czech Republic |
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| Milan | KUKSA | Czech Republic |
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| David | MASEK | Czech Republic |
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| Valdemar | URUBA | Czech Republic |
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| Anna Maritta | PAKARINEN | Finland |
| Sari Aulikki | RAUTARINTA | Finland |
| Henrik Johan | VEIKANMAA | Finland |
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| Fritz | BIRNSTIEL | Germany |
| Ingo | BUETTNER | Germany |
| Jan | BUSCH | Germany |
| Regina | CORDES LARSON | Germany |
| Birgit Trude | DAIBER | Germany |
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| Peter Fritz | KOHLMEIER | Germany |
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| Jörg | LEHNERT | Germany |
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| Edith Maria | MUELLER | Germany |
| Eva Juliane | MUELLER | Germany |
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| Karin | PLUBERG | Germany |
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| Elisabeth Adele | SCHMITZ | Germany |
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| Juergen | WINTERMEIER | Germany |
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| Magor Attila | DR. ERNYEI | Hungary |
| Istvan | DR. GYEBNAR | Hungary |

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| Viktor László | GARAI | Hungary |
| György | GILYÁN | Hungary |
| Robert | KASZAB | Hungary |
| Szabina | KOZMA | Hungary |
| Gabriella | LAKATOS | Hungary |
| Szandra Zsuzsa | MISKÉDI | Hungary |
| László | PÓTI | Hungary |
| József | RÓZSA | Hungary |
| Tünde | SIMON | Hungary |
| Anna | SZLANYINKA | Hungary |
| László Marek | SZUBERT | Hungary |
| Adrienn | SZÜCS | Hungary |
| György | VASS | Hungary |
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| David Logi | SIGURDSSON | Iceland |
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| Terence Francis | FLEMING | Ireland |
| Mark Norman | LONG | Ireland |
| Roudhan Conall | MAC AODHAIN | Ireland |
| John | MULVIHILL | Ireland |
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| Eugenia | BENIGNI | Italy |
| Diletta | BERARDINELLI | Italy |
| Serena | BONATO | Italy |
| Maria Luisa | LOVICU | Italy |
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| Norito | KUNISUE | Japan |
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| Masaki | UMEBAYASHI | Japan |
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| Uldis | MIKUTS | Latvia |
| Edvins | SEVERS | Latvia |
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| Anna | VALTERE | Latvia |
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| Liudmila | BLINOVA | Lithuania |
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| Andrius | VAIVADA | Lithuania |
| Jurate | VAZGAUSKAITE | Lithuania |
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| Alain Jean | KOHL | Luxembourg |
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| Carolyn Averil | MILNE | Luxembourg |
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| Ivan | TOMIC | Montenegro |
| Nikoleta | TOMOVIC | Montenegro |
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| Astrid Elisabeth | MOEN | Norway |
| Espen | PETTERSEN | Norway |
| Eldrid | RØINE | Norway |
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| Per Norvald | SVARTEFOSS | Norway |
| Øystein | WIJK | Norway |
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| Elzbieta | BEZIUK | Poland |
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| Anna | WOZNIAK | Poland |
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| Karina Izabela | ZBOROWSKA | Poland |
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| Duarte | GRACA | Portugal |

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| Adrian Ionut | BRÎNCOVEANU | Romania |
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| Oleg | HAVASI | Slovakia |
| Peter | KOCVAR | Slovakia |
| Matúš | KORBA | Slovakia |
| Maria | NOVYSEDLAKOVA | Slovakia |
| Juraj | PETRUSKA | Slovakia |
| Attila | SZEP | Slovakia |
| Alenka | CERNE | Slovenia |
| Marko | LOGAR | Slovenia |
| Ziga | SUBIC | Slovenia |
| Filip | TUNJIC | Slovenia |
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| Hans-Jürg | PFAFF | Switzerland |
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| Ahmet Riza | DEMIRER | Turkey |
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| Harriet Lucy | BECKHAM | United Kingdom |
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| Adrian Francis | I'ANSON | United Kingdom |
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| Ben Graham | JONES | United Kingdom |
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| Alan | LLOYD | United Kingdom |
| Francis John | MCGINLEY | United Kingdom |
| Stephen | MCNAMARA | United Kingdom |
| Shailen | MEHTA | United Kingdom |
| Julian William | NUNDY | United Kingdom |
| Jeremy Craig | OLIPHANT | United Kingdom |
| Alexandra | PAJEVIC | United Kingdom |
| Leslie Ann | PAUL | United Kingdom |
| Stephen Spencer | PAUL | United Kingdom |
| Debbie | PAYNTER | United Kingdom |
| Kenneth Miles | PICKLES | United Kingdom |
| Catherine Mary Leddy | PIDCOCK | United Kingdom |
| Catherine Victoria Jane | POLLARD | United Kingdom |
| Lucinda Emily | POLLOCK | United Kingdom |
| Anthony | ROBINSON | United Kingdom |
| Paul Dominic | RUSHWORTH | United Kingdom |
| John Francis | SALTFORD | United Kingdom |
| Michael David | SANDER | United Kingdom |
| Paul Michael | SIMON | United Kingdom |
| Valerie Diana | SOLOMON | United Kingdom |
| Judith | STRACHAN | United Kingdom |
| Fredrick Nigel | SUMMERS | United Kingdom |
| Maureen Christie | TAYLOR | United Kingdom |
| David John Charles | TAYLOR | United Kingdom |

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| Lisa Catherine | THUMWOOD | United Kingdom |
| James Michael | WILSON | United Kingdom |
| Julie Ann | BARKER | United States |
| Charles Earl | BARNETT | United States |
| Pamela Lynne | BARRUS | United States |
| Lee Curtis | BAUER | United States |
| Joseph Stephen | BERNATH | United States |
| Clifford | BOND | United States |
| Stephen Matthew | BOUEY | United States |
| Kyle Lynn | BOWERS | United States |
| Adisa | BUSULADZIC | United States |
| Cheryl Lynn | COLLINS | United States |
| Robert Vernon | CRISP | United States |
| Beverly Jean | CURRY | United States |
| Barbara Ann | DAVIS | United States |
| Ellen Marie | DAVIS-ZAPATA | United States |
| Janet Collins | DEMIRAY | United States |
| Daniel R | DRIGOT | United States |
| John | DWYER | United States |
| Michael David | ELDRED | United States |
| Naomi Rose | FEIGENBAUM | United States |
| Alan Richard | FRIEDMAN | United States |
| Anslem Bullin | GENTLE | United States |
| Kathryn Waters | GEST | United States |
| Nicholas Adam | HASKO | United States |
| Jonathan Leif | HAYES | United States |
| June Jenkins | HOYE | United States |
| Robert David | IRISH | United States |
| Jeffrey Craig | JACOBS | United States |
| Nicholas David | JAHR | United States |
| Orly Rose | KEINER | United States |
| Genevra | KINGSLEY | United States |
| Helen Sen | KORNBLUM | United States |
| Kimberly Ann | KOWALCHIK | United States |
| Mary Anne | KRUGER | United States |
| Rodney Charles | LEFHOLZ | United States |
| Heidi Ann | LERNIHAN | United States |
| Jeffrey Beall | LILLEY | United States |
| Scott | LINK | United States |
| Imre | LIPPING | United States |
| Andrew Charles | LONG | United States |
| Richard Newman | LYONS II | United States |
| Stuart Keating | MACNEIL | United States |
| Charles Thomas | MAGEE | United States |
| Ronald Wayne | MARTIN, JR. | United States |

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| Darnelle Cheri | MASON | United States |
| Henry Wilcox | MCGOWEN | United States |
| John Thorsen | MCKANE | United States |
| Karen Linnea | MCKENNEY | United States |
| Michael Charles | MOZUR | United States |
| Sherry Suzanne | MURPHY | United States |
| Megan Killeen | NIEDERMEYER | United States |
| Michel Njang | NJANG | United States |
| Nancy Q. | OSBORNE | United States |
| Dwight Richard | PELZ | United States |
| Anne Terri | PESKOE | United States |
| Karl Freidrich | RAHDER | United States |
| Azita | RANJBAR | United States |
| Emily Ann | ROME | United States |
| Joseph Russell | RUDOLPH JR. | United States |
| John Benton | SHEPHERD | United States |
| Shannon Nicole | SIMRELL | United States |
| John Abraham | SUTHERLAND | United States |
| Jason Ben-Doon | TOY | United States |
| Rene | VALDIOSERA | United States |
| Jill Madeline | VENEZIAN | United States |
| Giulio Vitale | VENEZIAN | United States |
| Degee Diane | WILHELM | United States |

OSCE/ODIHR EOM Core Team

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|----------------------------|--------------------|------------------------|------------------------|
| Cayetana | DE ZULUETA OWTRAM | Italy | Head of Mission |
| Thomas Vilhelm | BOSERUP | Denmark | Deputy Head of Mission |
| Ingrid Angela | GÖSSINGER | Austria | |
| Kseniya | DASHUTSINA | Belarus | |
| Davor | ĆORLUKA | Bosnia and Herzegovina | |
| Dimitar | DIMITROV | Bulgaria | |
| Kakha | INAISHVILI | Georgia | |
| Lela | TSAAVA | Georgia | |
| Dimitra | IOANNOU | Greece | |
| Carlo | PAPPALARDO FISCHER | Italy | |
| Dimash | ALZHANOV | Kazakhstan | |
| Inta | LASE | Latvia | |
| Goran | PETROV | Macedonia | |
| Angela | CHILASCU | Moldova | |
| Johannes Josephus Gerardus | SCHMEETS | Netherlands | |
| Pawel Krzysztof | JURCZAK | Poland | |
| Malgorzata Anna | FALECKA | Poland | |
| Tomasz Dawid | JANCZY | Poland | |
| Maria | KRAUSE | Romania | |
| Roman | RAILEAN | Romania | |
| Ruslan | OVEZDURDYEV | Russian Federation | |
| Jelena | STEFANOVIC | Serbia | |
| Jacqueline Joann | CARPENTER | USA | |

OSCE/ODIHR EOM Long-Term Observers

| | | |
|-----------------------------|----------------|----------------|
| Zdzislaw | GWOZDZ | Austria |
| Christopher Evans | BASSEL | Canada |
| Roman | BAZIKALOV | Canada |
| Jane Clare | COOPER | Canada |
| Helen | FOTOPULOS | Canada |
| Ayad | KHILKHAL | Canada |
| Dennis David | KOWALSKY | Canada |
| Myron Peter | LAHOLA | Canada |
| Irene Mary | MARUSHKO | Canada |
| Fatima G | REMTULLA | Canada |
| Anne Stuart | WOOD | Canada |
| Milan | KUKSA | Czech Republic |
| Jonas Skovrup | CHRISTENSEN | Denmark |
| Ib Kok | HANSEN | Denmark |
| Fleming | HANSEN | Denmark |
| Lars Johan Helledie | JENSEN | Denmark |
| Poul Erik | LAURITSEN | Denmark |
| Niels Erik | NIELSEN | Denmark |
| Matti Tapio | HEINONEN | Finland |
| Helena Marja-Terttu | LAATIO | Finland |
| Erik Sigurd August | WERNER | Finland |
| Beatrix Françoise Elisabeth | BOONEKAMP | France |
| Julie Denise Sylvie | GODIGNON | France |
| Elodie Valerie | HERMANT | France |
| Loe Lea Marie Julie | LAGRANGE | France |
| Khatchig | SOUKIASSIAN | France |
| Annabelle | GAMBE DR | Germany |
| Brigitte Franziska | HEUER | Germany |
| Carola | KASBURG DR | Germany |
| Martin | KUNZE | Germany |
| Christa Friede | MUELLER | Germany |
| Reinhold | OSTERHUS | Germany |
| Jochen Michael | RINCK | Germany |
| Christoph | WIEDEMANN | Germany |
| Willy Romly | WIRANTAPRAWIRA | Germany |
| Maria Serena | ALBORGHETTI | Italy |
| Alessandro | BARTOLINI | Italy |
| Daan Willem | EVERTS | Netherlands |
| Monica Maria Antonia | REINTJES | Netherlands |
| Arezo | BANAFSHEH | Norway |
| Thomas Andreas | HUG | Norway |
| Jon Hallvard | KVAERNE | Norway |
| Cecilie Gulbraar | ORESTIS | Norway |
| Eva-Kristin Urestad | PEDERSEN | Norway |

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| Asgeir | RUSTAD | Norway |
| Gry Tina Marie | TINDE | Norway |
| Maria Fuglevaag | WARSINSKA-VARSI | Norway |
| Karol Pawel | BIJOS | Poland |
| Elzbieta Ewa | CIESIELSKA | Poland |
| Krystyna Anna | GALEZIA | Poland |
| Jakub Jozef | HEROLD | Poland |
| Pawel | KOST | Poland |
| Tomasz | LEWINSKI | Poland |
| Karolina Anna | MAZURCZAK | Poland |
| Nicolas Jules Henrik | HEYUM | Sweden |
| Tina Anna-Stina | LUND | Sweden |
| Bjoern Erik | LUNDQVIST | Sweden |
| Carl Christer Rutger | ROBSON | Sweden |
| Diana Franca | FERRARI | Switzerland |
| Martin Paul | MINDER | Switzerland |
| Peter Robert | DAVIES | United Kingdom |
| Norma Irene | DE LA CRUZ MAGANA | United Kingdom |
| Adam Hugh | FULTON | United Kingdom |
| Sandra | GALE | United Kingdom |
| Gillian Elizabeth | GLOYER | United Kingdom |
| Melanie Jane | LEATHERS | United Kingdom |
| Andrew | MCENTEE | United Kingdom |
| Kiron John Cuchulain | REID | United Kingdom |
| Paul Gerald | WESSON | United Kingdom |
| Joseph Lloyd | WORRAL | United Kingdom |
| Shane Kyung | AHN | United States |
| Robert Louis | BARRY | United States |
| Linda Flynn | BEEKMAN | United States |
| Joan Adele | BROWN | United States |
| Linda Ann | CHURMA SUMNER | United States |
| Max Eldon | GOUGH | United States |
| Brian Laurence | MARSHALL | United States |
| John Edward | MILLER | United States |
| Robert Iverson | PAULLIN JR. | United States |
| Karen Ann | REINHARDT | United States |

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).