

**Ukrainian World Congress International Election Observation Mission
to the Early Presidential Election in Ukraine
25 May 2014**

FINAL REPORT

Background Information

23 July 2014 - The Presidential Election in Ukraine was scheduled to take place in March 2015. However, a chain of events that unfolded throughout the country beginning in November 2013 resulted in governing authorities calling an early Presidential Election on 25 May 2014.

The refusal of then President Viktor Yanukovich to sign the *EU-Ukraine Association Agreement* in November 2013 triggered peaceful demonstrations that spiraled into violent clashes in February 2014 following brutal attempts by then-governing authorities to disperse the protesters. On 21 February 2014 former President Viktor Yanukovich fled the country and on 22 February 2014 was voted out of office by the Verkhovna Rada. Prime Minister Mykola Azarov and the Cabinet of Ministers had previously resigned on 28 January 2014.

On 23 February 2014 the newly elected Speaker of the Verkhovna Rada Olexandr Turchynov was named acting President of Ukraine and the new composition of the Cabinet of Ministers took office on 27 February 2014. One of the first decisions of the new Cabinet was to set the new date for the Presidential Election – 25 May 2014.

On 28 February 2014 the Russian Federation invaded the Autonomous Republic of Crimea. On 16 March 2014, a so-called “referendum” on secession from Ukraine was staged on the Crimean peninsula following which the Russian Federation forcefully annexed the Autonomous Republic of Crimea and Sevastopol.

Since April, acts of aggression by Russia-backed terrorists have continued in the Donetsk and Luhansk oblasts of Ukraine. In response, the acting President of Ukraine launched a counter-insurgency operation that has been ongoing to this date.

Further challenges to the conduct of Presidential elections in Eastern Ukraine were also presented by the attempts of the Donetsk and Luhansk oblasts to self-proclaim independence according to the results of the so-called “referenda” held on 11 May 2014.

About the Ukrainian World Congress International Election Observation Mission

The Ukrainian World Congress (UWC) deployed 236 short-term international election observers, including representatives from the World Congress of Ukrainian Youth Organizations, from 22 countries to monitor the Presidential Elections and Municipal Elections that ran concurrently in Ukraine on 25 May 2014.

In addition, the UWC International Election Observation Mission (UWC Mission) cooperated with the mission deployed by yet another UWC member organization, the Ukrainian Congress Committee of America, which included 222 observers.

The UWC Mission was headed by Bohdan Futey, United States Federal Judge. The Chief Observer was Peter Sztyk, UWC Third Vice President, and the Manager was Miroslav Hochak, World Congress of Ukrainian Youth Organizations President.

The UWC Mission officially launched its work on 12 May 2014 and operated throughout the elections until the 30 May 2014.

Prior to Election Day representatives of the UWC Mission met with Ukrainian government officials including the Prime Minister, the Acting Minister of Foreign Affairs, the Minister of Justice, Chairman of the Security Service of Ukraine and the Chief Justice of the Supreme Court. Mission representatives also met with the Central Election Commission (CEC) of Ukraine, representatives of observer missions from the OSCE and CANEOM, and the non-governmental organizations Civil Network *Opora* and the Committee of Voters of Ukraine.

On Election Day, the UWC Mission monitored the vote in over 1700 electoral precincts in 39 Ukrainian cities. UWC observers also monitored the vote at several diplomatic representations around the world.

To properly examine whether the Presidential Elections in Ukraine demonstrated the will of the Ukrainian people, the UWC Mission examined the entire election process in the context of key international standards. These included universal and equal suffrage, a sound legal framework, a level playing field for all candidates in the campaign, impartial and transparent election administration, an election process free of pressure and coercion, independent media and balanced coverage, ability to remedy violations of electoral rights, and a voting process that is free of manipulation.

On 26 May 2014 the UWC Mission released its Preliminary Observations during a press conference held at the UNIAN Information Agency in Kyiv confirming that based upon the preliminary observations of the UWC Mission, the early 2014 Presidential Election held in Ukraine on 25 May 2014 had met international standards for the conduct of democratic elections.

“Monitoring the elections in Ukraine, and particularly, furthering the country’s democracy and transparency, have always been among the priorities of the UWC which has been regularly deploying large observation missions to Ukraine. This year’s early Presidential Elections are extremely important for Ukraine and the UWC has responded with a very impressive international observation mission,” stated UWC President Eugene Czolij.

Legal Framework for the Conduct of the Early 2014 Presidential Election in Ukraine

Elections in Ukraine are held in accordance with the Constitution of Ukraine, Law on Election of the President of Ukraine, Law on the Central Election Commission (CEC) and Law on the State Voter Register. The legal framework also includes provisions of the Code of Administrative Adjudication, the Code of Administrative Offenses, the Criminal Code and CEC resolutions adopted during elections and aimed at clarifying administrative procedures.

The most recent changes to the legislative framework concerning the conduct of elections were introduced in March 2014. In addition, the Law on Presidential Elections was amended by the Parliament in order to provide more clarity and consistency for the revision of voter lists, printing and distributing of ballots, voting procedure and results tabulation. For example, each registered presidential candidate was required to nominate one representative member to every Precinct Election Commission. This, however, proved to be impractical and, as a result, the Law was amended on 6 May 2014 to decrease the number of members required to form a Precinct Election Commission. The law was also amended on 15 May 2014 in order to enhance security measures and voters’ safety in Donetsk and Luhansk oblasts. Making changes to the voter registration lists on Election Day is no longer possible.

Due to the so-called “referendum” and the unlawful annexation of the Autonomous Republic of Crimea, the Verkhovna Rada of Ukraine passed on 15 April 2014 the Law “On Ensuring the Rights and Freedoms of Citizens and the Legal Order on the Temporary Occupied Territory of Ukraine.” This law provided for voting procedures for Crimean residents and displaced persons.

Campaign Background

Initially twenty three (23) persons were registered as presidential candidates, however, two (2) of them withdrew their applications before the 2 May 2014 deadline and another four (4) withdrew from campaigning altogether. According to the candidates, the Central Election Commission organized its work quite efficiently, thus, there were almost no complaints on the part of the candidates in respect of the application process.

Some candidates reported difficulty in gaining adequate access to media, particularly larger television networks.

Key campaigning activities included rallies, billboards, print, radio and television advertising and the distribution of handout materials, predominantly leaflets. Traditional campaigning issues such as economic growth and job security were sidelined by topics related to national security and territorial integrity of the country.

Election Security

The Ministry of Internal Affairs of Ukraine engaged almost 100 000 law enforcement officers to ensure security on Election Day.

Everywhere, except in the Donetsk and Luhansk oblasts and the Autonomous Republic of Crimea, the level of security was estimated as satisfactory on Election Day. The presence of Russia-backed armed militants in the above stated regions, as well as intimidation and abduction of elections officials by such militants, compromised voting for almost 15% of Ukraine's electorate.

Pre-election period

On the eve of Election Day the overwhelming majority of the polling stations visited by UWC observers were reported as duly prepared for the elections. Some polling stations, however, were not operational at the required time set for the opening of the station, and certain stations had not received ballots in time to begin their work. Almost all of the commission members at both the district and precinct levels cooperated with the UWC observers. Notwithstanding this fact, frequent changes to the composition of election commissions were difficult to manage, but caused no serious disruptions to the voting process on Election Day.

Election Day

Upon compiling the observer reports, the UWC Mission documented the following observations:

- UWC election observers reported minimal problems or irregularities during the opening of polling stations.
- In 95% of the cases reported voting took place according to the prescribed legal procedures and in compliance with international standards. Ballot boxes were visible and accessible to the observers. In all but two cases, ballot boxes were visible to commission members at all times. In 97% of the cases ballot boxes were properly sealed and based upon reports of UWC's election observers, all but three polling stations had sufficient and correct ballot materials. Isolated incidents of the distribution of ballots without appropriate documentation were noted.

- UWC observers witnessed very few instances where voting booths did not provide adequate privacy to the voter due to technical reasons. In one instance, a commission member from a political party was reported to have violated voting secrecy by entering a voting booth while voting was taking place.
- The UWC Mission received (eleven) 11 complaints about voters not being able to find their names on voter lists. Though the complaints were registered, amendments to the election law prevented the voter lists from being updated on Election Day. These voters were, therefore, not permitted to vote. UWC observers also witnessed some people being turned away at the polling station because of technical errors, particularly related to the spelling of voter names.
- UWC observers did not report any intimidation or bribing of voters, misuse of administrative resources or carrousels.
- Disturbances and confusion were generally confined to electoral districts where both presidential and municipal elections were being held. Waiting times at some of the polling stations were reported at up to five hours. Long lines and limited space at times caused minor tensions and discontent among voters and eventually resulted in a lower turnout of the population. The decision to close polling stations after 20.00 so as to allow all voters who came to vote no later than 19.30 was perceived positively.
- Mobile voting (voting at home) was not always carried out in a timely manner or fully operational. This was due mostly to the fact that local voting commissions were short staffed and had increased workloads.
- At two polling stations, UWC observers reported seeing unauthorized people trying if not to intervene then at least to closely observe the process.
- At a few polling stations election posters and materials were not fully visible.
- Isolated incidents of campaigning at the polling stations and outside them were noted.
- Isolated reports of obstacles to the work of observers and mass media were reported.

It must be emphasized that the above observations were made at a handful of polling stations, were not systemic by any means and did not jeopardize overall voting procedures or the outcome of the elections in any material way.

Conclusions and recommendations

On the basis of the monitoring results of the UWC Mission the 2014 Early Presidential Election in Ukraine has met international standards for the conduct of democratic elections.

Although UWC observers noted isolated infractions during their mission, these shortcomings did not impact the election results. Most voters were able to express their will on Election Day, despite the complicated situation in Eastern and Southern Ukraine. Voter turnout surpassing 60% (excluding those regions not under government control) signified that a majority of Ukraine's population was able to fully participate in the political processes of the country.

The UWC Mission highlights that in cities where mayoral races were being run concurrently, including in the cities of Kyiv, Mykolayiv, Kherson, Odesa, Cherkasy and Sumy, the voting process was considerably slower and long lines were experienced resulting in extended hours in some polling stations. Higher incidents of infractions were observed in cities where mayors and municipal representatives were being elected as opposed to cities in which there was only a Presidential vote, however, these infractions had no material impact on the results of the vote.

The UWC Mission expresses its support for the Ukrainian people and wishes to make the following recommendations regarding the conduct of future elections:

- Presidential elections should be held separately from municipal elections in order to avoid complicated administrative procedures and long waiting times for voters.
- Voters should be granted the right to submit their complaints and be added to the voters' lists on Election Day provided their claims are substantiated.
- Ukrainian citizens residing abroad should be provided with opportunities to exercise their voting right not only at the Embassies/Consulates, but also at polling stations organized beyond the diplomatic representations of Ukraine.
- Ukrainian citizens residing abroad should be provided with a right to vote by regular or electronic mail.
- Voting stations should be located on the main level of buildings (i.e., without stairs) since access to polling stations for older and disabled voters was often very challenging.
- Busier polling stations should have better administration to avoid disturbances and incidents during the election process.

The 25 May 2014 Early Presidential Election was held according to international democratic standards despite some hindrances. Regardless of disturbances for the conduct of elections in the Donetsk and Luhansk oblasts and the inability to administer the election process in the Autonomous Republic of Crimea due to its unlawful annexation, the 2014 Presidential Election reflected the will of the Ukrainian people.

A number of improvements, including the amendment of the electoral law, the relative insignificance of electoral violations and the absence of abuse of administrative resources give grounds for the conclusion that Ukraine is progressing in its democratic development despite the significant challenges that still lie ahead.

“As with former UWC election observation missions, the UWC deployed a mission comprised of volunteers who monitored and reported on these crucial elections in Ukraine. I believe that this is a testament to the quality of our mission and the dedication of our observers from 22 countries who observed democracy in action during the Early Presidential Election on 25 May 2014,” stated UWC Head of Mission Judge Bohdan Futey.

Bohdan Futey
Head of UWC Mission

Peter Szytk
Chief Observer of UWC Mission

Contact information in Kyiv:

Maryna Yaroshevych
6 Muzeinyi provulok, Room 106
Kyiv, Ukraine
Tel: +38 (044) 495 85 45
E-mail: SKUobservers@gmail.com

The Ukrainian World Congress (UWC) is the international coordinating body for Ukrainian communities in the diaspora representing the interests of over 20 million Ukrainians. The UWC has member organizations in 33 countries and ties with Ukrainians in 14 additional countries. Founded in 1967, the UWC was recognized in 2003 by the United Nations Economic and Social Council as a non-governmental organization (NGO) with special consultative status.