



Doc. 12178

16 March 2010

Observation of the Presidential Election in Ukraine, second round (7 February 2010)

Election observation report

Bureau of the Assembly

Rapporteur: Mr Mátyás EÖRSI, Hungary, Alliance of Liberals and Democrats for Europe

Contents	Page
1. Introduction	1
2. Legal framework	3
3. Voter lists and election administration in the second round	4
4. The election campaign and the media	4
5. Election day – vote counting and determination of the results	6
6. Conclusions and recommendations	6
Appendix 1 – PROGRAMME	8
Appendix 2 – Run-off confirms that Ukraine's presidential election meets most international commitments	10

1. Introduction

1. At its meeting on 25 January 2010, the Bureau of the Assembly decided to extend the mandate of the ad hoc committee to enable it also to observe the second round of the Presidential election in Ukraine, on 7 February 2010.

2. On 4 October 2004, a co-operation agreement was signed by the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission). In accordance with Article 15 of this agreement, "when the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser." The same member of the Venice Commission as had accompanied the ad hoc committee during the first round of the Presidential election, on 17 January, joined the committee as legal adviser for the second round.

3. Drawing on the proposals put forward by the Assembly's political groups, the ad hoc committee for the second round was constituted as follows:

- Mátyás EÖRSI, Hungary, ALDE, Head of Delegation
- Group of the European People's Party (EPP/CD)
 - Renato FARINA, Italy
 - Denis JACQUAT, France
 - Anna LILLIEHÖÖK, Sweden
 - Krasimir MINCHEV, Bulgaria



- Marietta de POURBAIX-LUNDIN, Sweden
- Mustafa ÜNAL, Turkey
- Egidijus VAREIKIS, Lithuania
- Piotr WACH, Poland
- Renate WOHLWEND, Liechtenstein
- Socialist Group (SOC)
 - Anna ČURDOVÁ, Czech Republic
 - Andreas GROSS, Switzerland
 - Sabir HAJIYEV, Azerbaijan
 - Sinikka HURSKAINEN, Finland
 - Tadeusz IWŃSKI, Poland
 - René ROUQUET, France
 - Indrek SAAR, Estonia
- Alliance of Liberals and Democrats for Europe (ALDE)
 - Mátyás EÖRSI, Hungary
 - Bernard MARQUET, Monaco
 - Andrea RIGONI, Italy
 - Paul WILLE, Belgium
- European Democrat Group (EDG)
 - David WILSHIRE, United Kingdom
 - Davit HARUTYUNYAN, Armenia
 - Oleg LEBEDEV, Russian Federation
 - Sergey MARKOV, Russian Federation
 - Ganira PASHAYEVA, Azerbaijan
 - Alexander POCHINOK, Russian Federation
 - Tuğrul TÜRKEŞ, Turkey
- Unified European Left Group (UEL)
 - Jaakko LAAKSO, Finland
- Venice Commission
 - Srdjan DARMANOVIC, Montenegro
- Secretariat
 - Vladimir DRONOV, Head of Secretariat, Inter-parliamentary Co-operation and Election Observation Unit
 - Chemavon CHAHBAZIAN, Deputy Head of Secretariat, Inter-parliamentary Co-operation and Election Observation Unit
 - Sergey KUZNETZOV, Elections and Referendums Division, Venice Commission
 - Bastiaan KLEIN, Secretary, Monitoring Committee
 - Angus MACDONALD, Communication Unit
 - Christine WILLKOMM-PEREIRA, Parliamentary Assembly Secretariat
 - Franck DAESCHLER, Secretariat of the Inter-parliamentary Co-operation and Election Observation Unit

- Danièle GASTL, Secretariat of the Inter-parliamentary Co-operation and Election Observation Unit

4. The ad hoc committee was acting as part of the International Election Observation Mission (IEOM), which also comprised delegations from the OSCE Parliamentary Assembly (OSCE PA), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA), as well as the election observation mission of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR).

5. The ad hoc committee met in Kyiv from 5 to 8 February 2010 and had meetings, *inter alia*, with representatives of the two candidates for the presidential election, the Head of the OSCE/ODIHR election observation mission and her team, the Representative of the Secretary General of the Council of Europe in Ukraine, as well as representatives of civil society and the media. The programme of the ad hoc committee's meetings appears in Appendix 1.

6. The ad hoc committee wishes to underline that, despite repeated attempts, it was unable to meet either with the leaders or with the Chairman of Ukraine's Central Electoral Commission (CEC), Mr Shapoval. Since November, the Parliamentary Assembly's pre-electoral and election observation missions for the Presidential election have made three visits to Kyiv and, each time, the work programmes included meetings with the Chairman of the CEC, which were cancelled at the last minute. The ad hoc committee has received no plausible explanations as to why those meetings could not take place.

7. On election day, the ad hoc committee split up into 18 teams to observe the elections in and around the cities of Kyiv, Lviv, Odesa.

8. In a statement issued the day after the election, the IEOM unanimously concluded that "the second round of the Presidential election in Ukraine confirmed the international observation mission's assessment that the electoral process met most OSCE and Council of Europe commitments." The IEOM press release published after the election appears in Appendix 2.

9. The ad hoc committee would like to thank Ambassador Ake Peterson, the Representative of the Secretary General of the Council of Europe in Kyiv, and his team, as well as the OSCE/ODIHR election observation mission, for their co-operation and support.

2. Legal framework

10. The developments relating to electoral legislation during the election campaign are described in the Parliamentary Assembly's report on the first round of the Presidential election (Doc. 12132). Here we confine ourselves to setting out the changes made to the legal framework between the two rounds of the Presidential election.

11. On 25 January 2010, the CEC published the official results of the first round of the Presidential election. None of the candidates scored the 50% plus one vote required to be elected President of Ukraine in the first round. In accordance with the law, a second round was called on 7 February 2010 between the two candidates with the highest scores after the first round of voting: Mr Yanukovych – with 35.32%, and Ms Timoshenko – with 25.05%.

12. After the first round of the Presidential election, the Parliamentary Assembly's ad hoc committee concluded that "stable election legislation is an essential prerequisite for the holding of democratic elections. Although the 17 January 2010 vote showed the democratic nature of the elections, the ad hoc committee could not fail to note a dangerous trend among Ukrainian politicians, namely that of playing with the electoral rules rather than playing by those rules."

13. Unfortunately, this trend continued even between the two rounds of the Presidential election. Indeed, on 3 February 2010, only four days before the second round, the Verkhovna Rada adopted amendments to the electoral law, and the amended law entered into force the following day, when the incumbent President Yuschenko signed the implementing decree. These amendments introduced the following changes:

- Elimination of the quorum of 2/3 of members required for electoral commissions' decisions to have legal force;
- Should an electoral commission member fail to turn up on election day, or should a Presidential election candidate fail to appoint a substitute, municipal councils are now entitled to appoint substitutes so as to guarantee the electoral process;

- If an electoral commission fails to act, the higher-level electoral commission is now entitled to take decisions on questions of substance falling within the competence of the lower-level commission;
- On election day, questions falling within the competence of the electoral commission must be examined and resolved without delay.

14. The ad hoc committee regrets that the agitation and political speculation concerning the electoral legislation continued virtually until the day preceding the second round of voting. The ad hoc committee underlines, as it already did during the first round of election, that the election legislation should not be subject to never-ending modifications during an election campaign in full swing. Despite this situation, the IEOM underlined that the amendments did not have an impact on the electoral process on 7 February, voting day.

3. Voter lists and election administration in the second round

15. 36 518 290 persons were registered on the voter lists for the second round, representing an increase of 215 817 compared with the first round. This corresponds to the number of voters who were registered on the lists on the day of the first round of voting and those who were added to the lists between the two rounds by the State Register bodies. The total number of voters registered on the lists after the polling stations closed on 7 February was 36 612 254.

16. The second round of the Presidential election was administered by a three-tier election administration composed of the Central Electoral Commission (CEC), 225 district electoral commissions (DECs) and 32 087 precinct electoral commissions (PECs).

17. The CEC functioned in an efficient and generally transparent manner. Regular meetings were open to the media, the candidates' representatives and observers. However, certain meetings were held in camera. This mode of operation of the CEC was not in conformity with the electoral legislation and did not contribute to greater transparency of its proceedings. The CEC became polarised when the five members representing candidate Timoshenko issued a dissenting opinion concerning the official results of the first round, whereas the other eight members, representing the Party of the Regions, the Communist Party and the Socialist Party, accepted the official results.

18. On 25 January, the CEC declared that candidates Yanukovych and Timoshenko had won the first round. The two candidates then had only one day in which to appoint seven representatives to each of the 225 DECs and eight to the 32 087 PECs. However, the law does not stipulate the minimum number of members for forming an electoral commission, nor what happens if the two candidates fail to appoint members of an electoral commission.

4. The election campaign and the media

19. The second round election campaign began officially on 26 January 2010, the day following the publication by the CEC of the official results of the first round. However, in actual fact, the candidates began campaigning on 18 January, when the preliminary results of the first round were announced.

20. The campaign took place under conditions of free competition. Both candidates took an aggressive stance, with mutual allegations of planning fraud in regions which traditionally voted for the other candidate.

21. Throughout the election campaign, in particular between the two rounds, speculations about a possible third round in the election or a court decision to determine the final results were widespread. This idea of a third round is still very present in Ukrainian collective memory in the wake of the Presidential election in 2004. These allegations negatively affected the atmosphere of the campaign in general, although tensions were confined to verbal exchanges, primarily in the media. That said, these tensions did not influence the conduct of the candidates' supporters in the streets or the functioning of the various electoral commissions.

22. The candidates scarcely modified their strategies between the two rounds. Candidate Yanukovych continued to campaign with the slogan "Ukraine for the people", criticising the Prime Minister for her poor economic and social record. Candidate Timoshenko accused her adversary of preparing to use mass vote rigging in the second round and denounced the role played by the oligarchs and criminals who, she alleged, were backing him.

23. Both candidates focused their efforts, in particular, on the regions where candidates Tihipko and Yatsenyuk had received about 20% of the votes in the first round. These two candidates called on their supporters not to support both remaining candidates. Candidate Timoshenko declared that she would propose the office of Prime Minister to Mr Tihipko if she were to be elected President of Ukraine.

24. The overwhelming atmosphere of suspicion between the two candidates and the lack of confidence in electoral procedures became far more evident between the two rounds. One of the negative features of the election campaign was the heightened attempts to involve senior officials of the executive, including regional governors, in the campaign process. The same phenomenon could be observed with the amendment of the electoral legislation and the politicisation of the functioning of the courts.

25. On 25 January, an incident occurred between the two sides in the vicinity of the "Ukraine" printing works in Kyiv, where the ballot papers for the second round of the presidential election were printed. Special police forces had to intervene so as to put the situation under control. The two sides accused each other of having planned the printing of some 1.5 million illegal ballot papers. However, these allegations proved unsubstantiated according to the OSCE/ODIHR observers.

26. On 28 January, the Verkhovna Rada decided to dismiss Mr Lutsenko, the Minister of the Interior, and a close ally of Prime Minister Timoshenko. This decision was backed by MPs from the Party of the Regions, the Communist Party and the Socialist Party and by MPs supporting the incumbent President Yuschenko. The Minister of the Interior is responsible for keeping public order and has a not inconsiderable role to play during an election campaign. Ms Timoshenko's supporters alleged that his removal would facilitate vote rigging in the regions controlled by the Party of the Regions, whereas Mr Yanukovych's camp accused the minister of direct involvement in the pro-Timoshenko election campaign.

27. As 7 February approached, tensions mounted between the two sides. Mr Yanukovych's campaign leaders declared that their party would accept any outcome of the second round and had no intention of building barricades, although Mr Yanukovych's supporters had gathered on the Mikhaïlovskaya square in the centre of Kyiv. Candidate Timoshenko, for her part, declared that, if the results were rigged, she would call on her voters to organise a "new maydan", while her supporters gathered on the Sophiskaya square.

28. The ad hoc committee considered the politicisation of the functioning of the courts throughout the election campaign, a trend which was further exacerbated between the two rounds, as a not insignificant threat to democracy in Ukraine, especially as the country's judicial system does not excel for its public image of credibility. This problem of reform of the judicial system, in particular, the issue of independence, has been frequently raised in the Assembly Monitoring Committee's reports.¹

29. In this connection, the dispute over the Presidency of the High Administrative Court of Ukraine is fairly telling. The term of office of the incumbent President, Mr Pasenyuk, had expired and, on 25 January 2010, and the High Council of Justice of Ukraine re-confirmed him as the Court's legitimate head. However, in the meantime, the First Vice-President, Mr Syroch, had proclaimed himself to be acting President. In view of the High Administrative Court's competence for electoral disputes, this confusion surrounding the Court's functioning and the politicisation of the situation did not contribute to the justice system's credibility.

30. The mistrust between the two sides was behind the amendments to the electoral law adopted by the Verkhovna Rada on 3 February 2010. Mr Yanukovych's team suspected the camp of Ms Timoshenko of preparing to boycott the DEC and PECs on the voting day by withdrawing their members from the electoral commissions in the eastern and southern parts of the country, where Mr Yanukovych had a majority. According to the electoral legislation, in such a case, the commissions would not have the 2/3 quorum they needed to function. This made it necessary to cancel the provision concerning the quorum and to arrange for the replacement of members of an electoral commission that was failing to act. Ms Timoshenko's supporters claimed that this amendment of the electoral law paved the way for rigging of the election results and would enable decisions to be taken concerning the results without electoral commission members representing the other candidate being able to react. They further alleged that this change in the law failed to comply with the principle of a balanced political composition of electoral commissions.

31. Moreover, the OSCE/ODIHR mission observed cases of misuse of administrative resources, whereby certain candidates took advantage of their official functions for campaigning purposes, in breach of the electoral law. For example, candidate Timoshenko could use the government press centre for her campaign.

1. AS/MON(2009)39 rev.

On 27 January 2010, Mr Yanukovych lodged a complaint with the Kyiv Administrative Court against Ms Timoshenko for unlawful use of the government press centre. The court ruled that her action was illegal, a decision that was upheld by the High Administrative Court of Ukraine.

32. Media coverage of election campaigns is regulated by the electoral legislation, which guarantees all candidates direct access to the media. The election campaign took place in a positive media environment. The public media offered the candidates free advertising and airtime. In accordance with the law, the public television channel UT1 arranged for a debate between the two candidates to be broadcast live, but Mr Yanukovych chose not to participate. By law, if one of the candidates refuses to participate in the televised debate, the other candidate can use this adversary's speaking time, as Ms Timoshenko did.

33. The private television channels' coverage of the election campaign could be seen to be determined by their links with political parties supporting one of the two candidates and their ownership by a given oligarch or business group. In this connection, the ad hoc committee reiterates its concerns about the unprecedented influence of the world of finance and business on the work of the media. It should be noted that the amendment to the electoral law abolishing the limit on spending by candidates was criticised by the Venice Commission in its opinion of October 2009.

5. Election day – vote counting and determination of the results

34. Voting took place in a calm atmosphere and in an orderly, open and generally very efficient way. On election day, the ad hoc committee's 18 teams, which observed the election in and around the cities of Kyiv, Lviv and Odesa, noted the excellent organisation of voting and vote counting. The members of the ad hoc committee mentioned one technical problem: ballot papers were quite frequently not folded in two and the voter's choice could easily be seen inside the ballot boxes which compromised the secrecy of the vote. Based on the IEOM observers' assessments, in 98% of polling stations visited, the voting process was rated "good" or "very good".

35. On 14 February, the CEC declared that Mr Viktor Yanukovych had been elected President of Ukraine. According to the official results, Mr Yanukovych received 12,481,266 votes, representing 48.95% of the votes cast, and Ms Timoshenko 11,593,357 votes, representing 45.47% of the votes cast. Turnout was 69.07% and 4.36% of voters voted against both candidates.

36. On 16 February, Ms Timoshenko lodged a complaint with the High Administrative Court of Ukraine (HACU), challenging the results of the presidential election. On 17 February, the HACU took decision NP-28/10 to suspend the CEC decision on the official results of the 2nd round until the end of the enquiry into Ms Timoshenko's complaint. On 20 February, the HACU accepted Ms Timoshenko's request to withdraw her complaint challenging the results of the Presidential election. Thus, the inauguration ceremony of the new President of Ukraine took place on 25 February 2010, in compliance with the decision of the Verkhovna Rada of 16 February.

37. Under the procedure to monitor the honouring of Ukraine's commitments and obligations, the Assembly's Monitoring Committee will continue to monitor the situation and any post-electoral developments.

6. Conclusions and recommendations

38. The ad hoc committee of the Parliamentary Assembly concluded that the second round of the Presidential election in Ukraine, held on 7 February 2010, confirmed the assessment made by the observation mission after the first round that the electoral process met most Council of Europe standards. The election consolidated the progress made since 2004. Voting took place in a calm atmosphere and was transparent and well-organised.

39. The ad hoc committee notes that, despite popular disappointment in relation to the strong expectations of rapid, positive change after the Orange Revolution, it was also thanks to the Orange Revolution that the groundwork was laid for democratic elections to be a reality in Ukraine in 2010. The citizens of Ukraine were able to make their choice freely and in full knowledge of the facts, and were offered a real alternative, on which only they themselves would have the final say.

40. After the first round of the Presidential election, the Parliamentary Assembly's ad hoc committee concluded that "stable election legislation is an essential prerequisite for the holding of democratic elections." Following the second round, the ad hoc committee can but note the regrettable tendency of Ukrainian politicians constantly to change the electoral legislation. On 3 February, four days before the second round, the Verkhovna Rada amended the electoral law.

41. The ad hoc committee is confident that if the changes to the electoral legislation did not negatively affect the voting process on 7 February, this was first and foremost thanks to the excellent work of tens of thousands of electoral commission members throughout the country who, regardless of their political inclinations, showed their attachment to democratic values and ensured that the voting process went well despite the difficult weather conditions and the often substandard working conditions.

42. The ad hoc committee noted with regret that there was a climate of suspicion between the two candidates and lack of confidence in the electoral procedures. This led to agitation and speculation concerning the modifications of electoral legislation and the courts and, hence, to increased attempts to involve senior officials of the executive, including regional governors, in the election campaign.

43. The ad hoc committee is genuinely concerned about the place of money and oligarchs in politics in Ukraine in general and in the election process in particular. This aspect seems to have taken on a much more worrying dimension during this election campaign. The ad hoc committee feels that this political cynicism constitutes a real danger for democracy in Ukraine taking into consideration the serious socio-economic problems facing the country.

44. With regard to the media, the ad hoc committee notes to the positive media environment of the Presidential election. The public media offered all the candidates free advertising and airtime, in accordance with the law. Nonetheless, there remain concerns regarding the lack of transparency associated with private media shareholding and the unprecedented influence of the financial and business sector on the work of the media. In this connection, the amendment of the electoral law last October, abolishing the limit on expenditure by candidates during electoral campaigns, did not make matters more transparent.

45. The ad hoc committee again underlines the vital importance for political stability in Ukraine of drawing up and adopting a unified electoral code based on a broad consensus among the country's principal political forces. For this reason, the ad hoc committee calls on the Ukrainian authorities, in close co-operation with the Monitoring Committee and the Venice Commission, and well ahead of the next elections, to take practical measures to draw up and adopt a unified electoral code bringing together all the electoral legislation and fully in line with the European electoral heritage, as reflected in particular in the Code of Good Practice in Electoral Matters.

46. In this context, the ad hoc committee calls on the Ukrainian authorities to amend the legislation on Presidential elections on the basis of the joint opinion of the Venice Commission and the OSCE/ODIHR (CDL-AD(2009)040), and in particular to re-examine:

- Provisions concerning the right to stand as candidate, including the excessive amount of the electoral deposit;
- The provisions governing the determination of the final election results by the Central Electoral Commission;
- The arrangements for appointing the members of the electoral commissions and the provisions relating to the activities and voting procedures of those commissions;
- The changes to the voting procedures of electoral commissions that could lead to abuses;
- The possibility to make changes to voter lists up to one hour before the close of the poll;
- The restrictive media provisions that can be applied to limit the full exchange of political views and delivery of campaign messages from candidates to voters;
- The campaign finance provisions; the legislation on the funding of political parties should also be reviewed in order, in particular, to ensure the transparency of this funding;
- The failure of the law provide for non-partisan domestic observers;
- The provisions concerning the invalidation of results and recounting of votes, which should be clarified and amended.

47. The 2010 Presidential election in Ukraine led to the election of a new President, but the challenges the country has to confront are unchanged: a genuine need to fight corruption, the role of the oligarchs and money in politics, constitutional uncertainty and serious social and economic problems, to name just a few. The Parliamentary Assembly remains at the disposal of the Ukrainian authorities to assist them to deal with the problems facing the country.

Appendix 1 – PROGRAMME

Friday, 5 February 2010

- 11:30 Ad hoc Committee meeting (*venue: Hotel Dnipro*)
- Information following the first round by Mr M. Eorsi, Head of the Delegation
 - Ambassador A. Peterson, Representative of the Secretary General of the Council of Europe in Ukraine – Political situation between the two rounds
 - Mr S. Darmanovic, Member of the Venice Commission- Recent developments in electoral legislation
 - Practical information and logistical matters by the Secretariat
 - Any other business

Joint Parliamentary Briefing (*venue: Hotel Hyatt*)

- 14:20-14:30 Opening by the Heads of Parliamentary Delegations
- Mr J. Soares, Head of the OSCE PA delegation and Special Coordinator of the OSCE short-term observers
 - Mr M. Eörsi, Head of the PACE delegation
 - Mr M. Szczerba, NATO PA delegation
- 14:30-15:30 OSCE/ODIHR Election Observation Mission
- Welcome address by Ambassador H. Tagliavini, Head of OSCE/ODIHR EOM (10mn)
 - Political background and pre-electoral campaign: Mr V. Jacoby and Mr M. Staszewski, Political Analysts (7mn)
 - Media Monitoring: Ms E. Šehalić, Media Analyst (7mn)
 - Legal Lay of the Land: Mr D. Bisson, Legal Analyst (7mn)
 - Election administration: Mr R. Mureşan, Election Analyst (7mn)
 - Election day procedures, Observation forms and Voter Registration: Mr R. Mureşan, Election Analyst, Mr H. Jepsen, Deputy Head of the OSCE/ODIHR EOM and Mr D. Dimitrov, Voter Registration Analyst (15mn)
 - Statistics: Mr A. Eriksson and Mr H. Schmeets, Statistics experts (7mn)
- 15:30-16:30 Panel with representatives of mass media and NGOs
- Ms K. Stebelska, Chief Editor, National TV Company of Ukraine;
 - Mr T. Shevchenko, Member of the Expert Council on Mass Media and Director of the Institute of Media Law;
 - Mr I. Kucheriv, Director of the Democratic Initiative Fund;
 - Mr O. Chernenko, Chairperson of the Committee of Voters of Ukraine;
 - Ms O. Ajvazovska, Head of the Civic Network 'Opora';
- 17:00-18:00 Meeting with the Presidential candidates
- 17:00-17:30 Mr V. Pylypenko, on behalf of Ms Y. Timoshenko, All-Ukrainian Union 'Motherland'
 - 17:30-18:00 Mr N. Azarov, Chairman of Mr V. Yanukovich's Presidential Election campaign and Mr Y. Miroshnichenko, People's Deputy and Coordinator of the Party of Regions' Election Integrity Program on behalf of Mr V. Yanukovich, Party of Regions.
- 19:15 Pre-deployment meeting for the teams deployed outside Kyiv (*Hotel Dnipro*)

Saturday, 6 February 2010

- Deployment to the regions for the members deployed outside Kyiv
- 09:30-10:30 Meeting with Long Term Observers for Kyiv (*venue: Hotel Radisson*)
- Area specific briefings and distribution of regional briefings packs.
- 10:30 Meeting with drivers and interpreters for Kyiv

Sunday, 7 February 2010

Observation of the Presidential Election

Monday, 8 February 2010

08:00 Ad hoc Committee debriefing meeting (*venue: Hotel Dnipro*)

15:00 Joint Press Conference (*venue: Hotel Premier Palace*)

Departure of the members of the delegation

Appendix 2 – Run-off confirms that Ukraine's presidential election meets most international commitments

Strasbourg, 08.02.2010 - Ukraine's run-off presidential election confirmed the international election observation mission's assessment that the electoral process met most OSCE and Council of Europe commitments.

In a statement issued today, the observers noted that the election consolidated progress achieved since 2004. But they also concluded that the lack of mutual trust between the candidates and the deficient legal framework were at the root of the problems observed and constitute an immediate challenge for the new leadership. The professional, transparent and honest voting and counting should serve as a solid foundation for a peaceful transition of power.

"Yesterday's vote was an impressive display of democratic elections. For everyone in Ukraine, this election was a victory. It is now time for the country's political leaders to listen to the people's verdict and make sure that the transition of power is peaceful and constructive," said João Soares, President of the OSCE Parliamentary Assembly and Special Co-ordinator of the OSCE short-term observers.

"Some say the Orange Revolution has failed. I say no. Thanks to the Orange Revolution, democratic elections in Ukraine are now a reality," said Matyas Eörsi, Head of the delegation of the Council of Europe's Parliamentary Assembly.

"The pessimistic scenarios put forward before election day were proven wrong by the overwhelmingly efficient and non-partisan manner in which election commissions performed yesterday and by the high turnout. Ukraine is setting a pattern of democratic elections. The Ukrainian people, who have shown their commitment to a democratic electoral process, now deserve a peaceful transition of power," said Assen Agov, Head of the delegation of the NATO Parliamentary Assembly.

"Any functioning democracy needs not only to focus on the election day itself. What it also needs is a wider legal framework guaranteeing the transparency of the political process including the financing of political parties and candidates," said Pawel Kowal, Head of the delegation of the European Parliament.

"This has been a well-administered and truly competitive election offering voters a clear choice. It will now be crucial to establish unambiguous rules and close the gaps in the law well in advance of any new election in order to avoid the uncertainties that marked this election," said Heidi Tagliavini, Head of the election observation mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).