



## Ukraine 2014 Early Parliamentary Elections

### POLITICAL BACKGROUND

The Early Parliamentary Elections in Ukraine are taking place as the country faces existential threats to its sovereignty and territorial integrity at the hands of aggression by the Russian Federation and illegal armed extremist elements, and a myriad of economic and social challenges. The November 2013 *Euromaidan* movement, in which thousands of people peacefully took to the streets to protest against then-President Viktor Yanukovich's refusal to sign the EU-Ukraine Association Agreement transformed into the "*Revolution of Human Dignity*" in response to brutal state violence and anti-democratic measures to suppress the protests. The movement empowered the Ukrainian people and galvanized society, returning to the citizenry the leading role in deciding the future course of the country's development.

After President Yanukovich fled Kyiv on February 21, 2014, Parliament, in accord with the Constitution of Ukraine, appointed Parliamentary speaker Oleskandr Turchynov acting president, and early presidential elections were announced by Ukraine's parliament for May 25, 2014.

In March, the Russian Federation illegally invaded and occupied the Autonomous Republic of Crimea, violating international law and agreements. An illegitimate referendum was held in Crimea on March 16, 2014, after which the Russian Federation illegally annexed Crimea, directly violating Ukraine's sovereignty and territorial integrity. In April and May, increasing violence took place in Donetsk and Luhansk oblasts. There was evidence of Russian Federation involvement in fomenting, supporting and coordinating extremist, criminal and separatist elements. In April, Ukraine's military, law enforcement and security agencies launched an anti-terrorism operation.

The May 25, 2014 presidential election was a pivotal moment in Ukraine's democratic development and was judged by the international community to have met international democratic standards and reflected the will of the Ukrainian people.<sup>1</sup> Petro Poroshenko was elected President, receiving a majority of the vote in the first round of the election.

After the dissolution of the majority coalition in Parliament<sup>2</sup>, President Poroshenko, on 26 August, called early parliamentary elections for October 26, 2014.

In the months following the presidential elections, Ukrainian military and volunteer forces in Donetsk and Luhansk regained considerable territory from Russian-backed extremist elements. In late August, there was an incursion of regular Russian military and heavy weaponry into the region. Agreements<sup>3</sup> signed by representatives of Ukraine, the Organization of Security and Cooperation in Europe, the

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<sup>1</sup> The CANEOM Mission to the Early Presidential Election concluded that "The Early Presidential Election was held, and in the overwhelming majority of Ukrainian territory met international democratic standards for free and fair elections. Notwithstanding the troubling violence in Luhansk and Donetsk oblasts, and the illegal annexation of sovereign Ukrainian territory in Crimea by the Russian Federation, the election was a clear and unambiguous reflection of the democratic will of the Ukrainian people."

<sup>2</sup> On July 24, the majority coalition in parliament dissolved. According to Ukraine's Constitution, if no new coalition is formed within 30 days, the President has the right to dissolve Parliament.

<sup>3</sup> A ceasefire agreement was signed on 5 September in Minsk and an implementation memorandum was signed on September 19



Russian Federation, have led to a decrease in the violence in the region, but the ceasefire continues to be violated by Russian-backed extremist elements on a daily basis.<sup>4</sup>

The violence in Donetsk and Luhansk oblasts has led to a humanitarian crisis. Hundreds of thousands of residents of Donetsk and Luhansk oblasts have been displaced, and the economy of Ukraine has been disrupted. This disruption is particularly severe in the conflict areas. Over 3600 people have lost their lives as a result of the conflict.<sup>5</sup>

As Ukraine faces external aggression from the Russian Federation and illegal armed extremist elements, the country also faces internal challenges that must be addressed. Economic, legal, political and social reforms must be undertaken if the country can move forward in the development of a democratic and prosperous future.

The Ukrainian people have responded with stoicism, bravery and fortitude during the months of protracted crisis that the country has faced. Citizen engagement, voluntarism and a commitment to national unity all underscore the potential and promise of Ukraine's future democratic development.

## **LEGAL FRAMEWORK FOR ELECTION**

The legal framework for parliamentary elections in Ukraine is comprised of the Ukrainian Constitution, Law on the Election of the People's Deputies of Ukraine (Parliamentary Election Law), Law on the Central Election Commission and Law on the State Voter Register, as well as provisions of the Code of Administrative Adjudication, the Code of Administrative Offenses, the Criminal Code, resolutions of the Central Election Commission, and the Law on Equal Opportunities for Women and Men which is intended to guarantee equal electoral and political rights.

The principles of democracy are outlined in the Constitution with the right to vote and the right to be elected as the center of Ukrainian democracy. As with most state constitutions and international standards, the Ukrainian Constitution mandates suffrage that is universal and equal, direct and secret.

## **International Standards**

International standards related to the exercise of democracy are found in the 2002 Venice Commission's Code of Good Practice on Electoral Matters<sup>6</sup> and are upheld in decisions of the Council of Europe through the European Court of Human Rights. These standards and principles are recognized most clearly in Ukraine through the Constitution and through the adoption of the ECHR decisions.<sup>7</sup>

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<sup>4</sup> On 16 October, President Poroshenko signed the Law *On the special procedure for local self-government in specific regions of Donetsk and Luhansk oblast*, which had been passed by Parliament on 16 September. The law assigns special status to certain regions of Donetsk and Luhansk oblasts for three years; local elections in those regions to be held on 7 December.

<sup>5</sup> The UN High Commissioner on Human Rights stated on 8 October that "from mid-April to 6 October, at least 3,660 people were killed and 8,756 wounded in eastern Ukraine."

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15143&LangID=E>

<sup>6</sup> The Venice Commission's Code of Good Practice in Electoral Matters can be found here:

[http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2002\)023-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2002)023-e).

<sup>7</sup> The Ukraine law "On the enforcement and application of practice of the European Court of Human Rights" at Article of 17 requires courts to apply the Convention for the Protection of Human Rights and Fundamental Freedoms and practice of ECHR as source of law. Further Article 3 states that decisions of the Court are binding for Ukraine in accordance with article 46 of the Convention.



## THE ELECTION SYSTEM

Ukraine's electoral system is set out through its Parliamentary Election Law. Ukraine uses a mixed proportional-majoritarian electoral system, whereby 225 MPs are elected on a proportional basis through closed party lists in a multi-member nation-wide electoral district, and 225 MPs are elected in single-member districts by attaining a plurality of votes. Elections were not held in 12 Single Member Districts (SMDs) due to the illegal occupation of the Autonomous Republic of Crimea and City of Sevastopol by the Russian Federation.<sup>8</sup> A maximum of 213 MPs could therefore be elected under the SMD component of the electoral system for parliamentary elections. A 5 per cent threshold is applied for the distribution of seats under the proportional component of this electoral system.

There were amendments to the Criminal Code on October 14, 2014, to increase penalties under Article 157 for interfering with the election process, Article 159 for violation of election financing rules and Article 160 regarding bribery of voters. The law came into effect on October 23, 2014 when it was published.<sup>9</sup>

Despite numerous efforts, there was insufficient political will amongst parliamentarians to overhaul the electoral system.<sup>10</sup> The Verkhovna Rada also failed to consider draft bills containing technical amendments to facilitate electoral management and maximize opportunities for voting in the context of the Anti-Terrorist Operation in parts of the Donetsk and Luhansk oblasts. As a result, important deficiencies in the electoral legal framework were left unresolved in the final days of the parliamentary election<sup>11</sup> such as the need for a simplified mechanism to enfranchise military personnel deployed in the Anti-Terrorism Operation.<sup>12</sup>

## ELECTION ADMINISTRATION

Parliamentary elections in Ukraine are administered by three levels of commissions. The Central Election Commission (CEC) is a permanent legal body composed of 15 members appointed for a seven-year term by the Verkhovna Rada on the nomination of the President.<sup>13</sup> The CEC regulates all technical aspects of elections, including the registration of candidates, political parties and related proxies, the operation of the State Voter Register, and the formation of District Election Commissions (DECs) in single-member election districts. DECs are regulatory bodies that form, support, and tabulate vote count protocols of

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<sup>8</sup> Section 1 of Article 8 of the Law on Ensuring the Rights and Freedoms of Citizens and the Legal Order on the Temporary Occupied Territory of Ukraine (15.04.2014).

<sup>9</sup> The changes only apply to offences occurring after October 23, 2014, with only three days left in the campaign period and these amendments are most relevant for future elections.

<sup>10</sup> The following draft bills to amend the parliamentary election law were considered during this period: 4429a (05.08.2014); 4429a-1 (11.08.2014); 4445a (08.08.2014); 4470, 4471a, 4472a, 4473a (12.08.2014); 4503a (14.08.2014); 4550a (28.08.2014); 4567a (01.09.2014); 5121, 5123 (01.10.2014); 5157 (13.10.2014); 5157-1 (14.10.2014).

<sup>11</sup> CEC Resolution No 2006 (22.10.2014) clarified procedures for invalidating ballot papers printed for districts in which it was determined that elections could not be administered.

<sup>12</sup> On October 20, the Verkhovna Rada failed to vote to include on the Parliamentary agenda draft bill No 5157-1 intended to facilitate inclusion of military personnel on the voter lists of regular polling stations in precincts where they were deployed on the submission of respective voter lists by their commanders.

<sup>13</sup> An amendment to Article 1 of Section 1 of the Law on the CEC, adopted on 13 March, enables CEC members to continue to fulfill their functions after the seventh year of their appointment. 12 out of 17 current members of the CEC would have otherwise seen their term expire in June 2014.



Precinct Election Commissions (PECs), which are the bodies that administer voting and ballot counting at polling stations.

The CEC organized the Early Parliamentary Elections according to legal deadlines and procedures despite reduced budgets and a shortened electoral timeframe.<sup>14</sup> Resolutions intended to clarify procedures or provide guidance to lower-level commissions were reviewed prior to the election.<sup>15</sup> This enhanced conditions for standardized training and implementation of the election law after the elections were called.

Several hundred resolutions were adopted in a near-unanimous fashion through regular sessions of the CEC. These were attended by election observers, media and representatives of political parties and candidates.

### **DISTRICT AND PRECINCT ELECTORAL COMMISSIONS**

On September 5, the CEC initiated formal preparations for the conduct of elections in 213 out of 225 election districts, excluding 12 districts under illegal occupation in the Autonomous Republic of Crimea and the City of Sevastopol. DEC were formed according to unique provisions for pre-term parliamentary elections that limit nominations to political factions in the Verkhovna Rada – these are entitled to one position on each DEC – and political parties that registered candidate lists for the nationwide constituency in the *previous* parliamentary election – whose positions on DECs are determined by a single-round lottery procedure.

Twenty-one parties participated in this lottery which resulted in DECs that excluded representatives from newly-formed but electorally competitive political parties and allocated regulatory powers to parties that did not otherwise compete in the Early Parliamentary Elections.<sup>16</sup> The lottery procedure also favoured “technical parties” – a term applied by domestic observer groups to describe little-known parties that are inactive between election cycles and alleged to function as tactical fronts for control of election commissions by larger competitive parties. This practice was regularly cited in meetings with election management, civil society and political party officials to account for changes in DEC composition.

As of October 20, the CEC adopted resolutions to replace 1602 out of 3814 DEC commissioners (42%). Turnover was even more pronounced amongst commissioners assigned to executive positions who bear unique legal responsibilities for the conduct and oversight of DEC meetings, adoption of DEC resolutions, training and support of PEC commissioners, and tabulation of vote count protocols.

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<sup>14</sup> On September 8, the Cabinet of Ministers adopted Resolution # 415 to directly provide UAH 957 million for the parliamentary elections, following weeks of parliamentary sessions that either failed to provide consideration or produce sufficient votes to pass a budget allocation bill.

<sup>15</sup> The CEC brought its resolutions in line with amendments to the Parliamentary Election Law in March 2014 to prepare for the conduct of a by-election in single-member election district 83 held in parallel with the Early Presidential Election.

<sup>16</sup> UDAR and the Party of Regions did not field candidates in the 2014 early parliamentary election but still submitted nominations and got allocated hundreds of DEC positions. In contrast, recently established parties headed by President Petro Poroshenko (Bloc Poroshenko Party) or Prime Minister Arseniy Yatsenyuk (People’s Front Party) were not eligible to nominate members.



CANEOM LTOs monitored preparations for the administration of elections through visits to 185 DECs in every oblast across Ukraine except occupied Crimea.<sup>17</sup> DECs were generally observed to function in a transparent and cohesive manner and to meet deadlines despite a shortened electoral calendar. Few DECs outside the Donetsk and Luhansk oblasts had difficulties achieving quorum in spite of frequent changes to their membership.

On October 9 and 10, DECs held meetings to form PECs inside of their district boundaries. As in the case of procedures to establish DECs, political factions in the Verkhovna Rada were entitled to one position on each PEC. A single round lottery was then applied to determine the allocation of commissioners to PECs that receive more nominations than available positions. In contrast to lotteries at the DEC level, nominations are drawn from MP candidates registered in the district where PECs are being formed, and political parties competing for proportional seats in present-day rather than past elections.

PECs had less than two weeks to be formed, provide opportunities for public review of preliminary voter lists,<sup>18</sup> deliver voter information cards, receive and ensure secure storage of ballot papers, and prepare polling station premises for administration of voting.<sup>19</sup> Concerns about this timeframe were compounded by high rates of absenteeism, withdrawal and replacement of commissioners.

Despite these challenges, a majority of PECs visited by CANEOM observers functioned effectively and in compliance with legal deadlines.

The CEC made periodic and measured use of its regulatory powers to maximize opportunities for electoral participation without jeopardizing the security or integrity of election processes in the Luhansk and Donetsk Oblasts. Despite a ceasefire agreement, continued hostilities and public concerns over security complicated preparations for the conduct of elections in areas bordering on the conflict.

The administration of elections in the Donetsk and Luhansk oblasts was further complicated by the territorial fragmentation of election districts with boundaries across either side of the combat zone. Revisions to electoral boundaries cannot be made within 175 days of an election.<sup>20</sup> As a result, many precincts in territories under the protection of Ukraine's national forces were separated from administrative buildings containing their respective district election commissions and State Voter Register Maintenance Bodies at the outset of the election period.

Between September 25 and October 20, the CEC moved 6 DEC premises to safer locations in response to applications received from oblast authorities.<sup>21</sup> On October 6, the CEC addressed the problematic location of certain State Voter Register Maintenance Bodies (SVRMB) across the buffer line of districts that still contained PECs where elections could be securely administered. A list of alternate SVRMBs was

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<sup>17</sup> CANEOM deployed 37 Long-Term Observers over a three-week period between September 30 and October 20, 2014.

<sup>18</sup> In the case of special election precincts (e.g. formed to administer voting in penitentiaries, in-patient care institutions or military stations) PECs are also responsible for compiling preliminary voter lists.

<sup>19</sup> In contrast, PECs were provided 31 days to administer these procedures during Ukraine's 2012 parliamentary elections.

<sup>20</sup> Part 4 of Article 18 of the Parliamentary Election Law.

<sup>21</sup> CEC Resolution No 1165 (25.09.2014) moved the locations of DEC 53 and DEC 59 (Donetsk Oblast); CEC Resolution No 1396 (20.09.2014) moved the location of DEC 114 (Luhansk Oblast); CEC Resolution No 1442 (3.10.2014) moved the location of DEC 1442 (Luhansk Oblast) and CEC Resolution No 1524 (10.10.2014) moved the locations of DC 45 and DEC 51 (Donestk Oblast). CEC Resolution No 1973 (21.10.2014) and CEC Resolution No 2005 (22.10.2014) moved the locations of DEC 45 and 59 for a second time just prior to the election.



designated to assume responsibility for the preparation and secure transportation of voter information cards and preliminary and final voter lists to affected PECs.<sup>22</sup> On October 7, the CEC also adopted a simplified procedure allowing voters registered in the Donetsk or Luhansk oblast to temporarily change their place of voting without changing their registered electoral address.<sup>23</sup>

The CANEOM Mission deployed LTOs to areas of the Donetsk and Luhansk oblasts under control of the Ukrainian National Forces to gather information and observe efforts by election commissions, security agencies, and regional administrators to establish conditions for the conduct of secure elections.<sup>24</sup> LTOs assessed the security environment of the areas they visited to have normalized in comparison to the May 2014 Presidential Election when armed militants were observed to forcibly shut down administrative buildings and engage in violence against election commissioners.

Some PECs nonetheless had difficulty managing high turnover of commissioners. This was attributed to safety concerns and an assignment of commissioners to precincts that require distant travel across non contiguous district boundaries. In several instances, procedures for the distribution of voter invitations and revision of preliminary voter lists were interrupted or conducted by PECs that lacked quorum as a result of absent or withdrawn and non-replaced commissioners.<sup>25</sup>

## **CANDIDATE REGISTRATION**

The CEC is responsible for registering candidates in the nationwide and single-member districts on receipt and review of completed nomination documents and financial deposits.<sup>26</sup> The right to stand for parliamentary elections in Ukraine is provided to any citizen above the age of 21 who does not have prior criminal convictions and has resided in Ukraine for the 5 preceding years. The candidate registration period for the Early Parliamentary Election spanned from August 28 to September 25. A total of 6684 candidates registered with the CEC, including 3556 candidates in single member districts and 3128 candidates nominated by 29 political parties in the nationwide proportional district. Registrations of numerous candidates were either cancelled, withdrawn or appealed. 220 appeals of denial of registration or of registration were filed at the Court of Appeal or the High Administrative Court. Appeals were still being heard by appellate bodies as late as October 17. 69 were returned to the CEC for either registration or reconsideration.

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<sup>22</sup> CEC Resolution No 1494 and 1495 (6.10.2014)

<sup>23</sup> CEC Resolution No 1529 (7.10.2014)

<sup>24</sup> CANEOM LTOs met with interlocutors and observed election commissions located in parts of single-member districts № 46 to 50 in the Donetsk oblast, and parts of single-member districts № 106, 107, 112, 113 and 114 in the Luhansk oblast.

<sup>25</sup> As of October 16, the Chairman for DEC 50 (Donetsk) reported that only 10 of 116 PECs in that district held an inaugural meeting and picked up their preliminary voter lists. As of October 17, the Chairman of DEC 49 (Donetsk) also reported that preliminary voters lists had not been picked-up by 58 of 128 PECs in that district. In Luhansk Oblast, PECs with difficulties achieving quorum were reported by Chairpersons of all observed DEC (106, 107, 112, 113 and 114) due to frequent changes in composition. LTOs in Luhansk Oblast observed that 22 closed PECs were closed when conducting observations in DEC (106 and 113) on October 15-18.

<sup>26</sup> Sections 1 and 2 of Article 54 of the Parliamentary Election Law sets out documents required for consideration of candidate nominations.



## VOTER REGISTRATION

The CEC maintains an automated State Voter Register (SVR) that is continuously updated with information received from relevant state authorities.<sup>27</sup> This register is managed through 27 Regional Administration Bodies and 756 Maintenance Bodies.<sup>28</sup> Over 36 million citizens were registered to vote in these Early Parliamentary Elections.

Voter lists are extracted from the SVR and prepared for PECs no later than 11 days before an election. Voters who cannot be present at their registered voting address on Election Day are entitled to apply for a temporary change of place of voting up until 5 days before an election.

CANEOM monitored conditions for electoral participation by populations displaced through the illegal annexation of Crimea and the conflict in the Donetsk and Luhansk oblasts. SVR Maintenance Bodies were generally aware of changes to the number of internally-displaced peoples (IDPs) in their surrounding areas. They tracked IDPs who applied to temporarily change their place of voting.

According to CEC data, a total of 190,283 voters temporarily changed their place of voting for the Early Parliamentary Elections.

## CAMPAIGN ENVIRONMENT

The campaign environment was characterized by a wide range of political parties and electoral actors. The current crisis facing the country had a material impact on the campaign, increasing both its intensity and importance, and the intensity of the rhetoric of campaign participants. The campaign environment was both competitive and pluralistic.

Of the 5 parties who passed the 5% threshold in 2012, *Batkivshchyna (Fatherland)*, *All-Ukrainian Union Svoboda (Freedom)*, and the *Communist Party of Ukraine*<sup>29</sup> featured prominently in the 2014 campaign.<sup>30</sup> The *Petro Poroshenko Bloc*,<sup>31</sup> *Radical Party of Oleh Lyashko*, *Hromadyanska Posytsia (Civic Position)*, *Opposition Bloc*, *Sylna Ukraina (Strong Ukraine)*, *Narodnyi Front (Peoples' Front)*, *Samopomich (Self-Reliance)*, and *Praviy Sektor (Right Sector)* also featured prominently in the campaign.

The main campaign issues upon which both parties and SMD candidates focused were national sovereignty; unity and territorial integrity; national security; how to achieve peace in Donetsk and Luhansk; reforms, particularly in the economic, military, social and electoral spheres; decentralization of government; and the battle against corruption; and the process of lustration. Other issues of

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<sup>27</sup> Information on voters and their registered place of residence is retrieved from the Ministry of Internal Affairs, Ministry of Justice, State Migration Service, military units, regional courts, and local agencies working with homeless populations. This information is normally updated on a monthly basis. According to the Head of the State Voter Register, an additional update of this information was to be made between revisions of preliminary voter lists and the distribution of revised voter list during the parliamentary election period to ensure maximal inclusion of voters.

<sup>28</sup> Article 1 of the Law of Ukraine on the State Voter Register.

<sup>29</sup> The Ministry of Justice of Ukraine has initiated proceedings to ban the CPU. The case is pending.

<sup>30</sup> The *Party of Regions*, which gained the highest percentage of the vote in 2012, did not field a party list or SMD candidates. Those Party of Regions MPs who again sought election did so either as self-nominated SMD candidates, SMD candidates nominated by other parties, or as part of the party lists of other parties, in the main the *Opposition Bloc* or *Sylna Ukraina (Strong Ukraine)*

<sup>31</sup> *UDAR (United Democratic Alliance for Reform)*, which passed the 5% threshold in the 2012 election, is running its candidates as part of this party.





prominence in the campaign was the geopolitical direction of the country, particularly with regard to EU and/or NATO membership and Ukraine's relationship with the Russian Federation.

To a lesser extent, regional issues played a role in local SMD campaigns throughout the country.

Campaigning centered mainly around billboards, posters, television, radio, and newspaper advertisement, and, for some parties, social media. Parties set up campaign tents in public places (mostly in urban areas) to hand out campaign literature. Public rallies were also a popular form of campaigning. CANEOM LTOs heard from several party and candidate interlocutors that door-to-door campaigning was being undertaken.

A series of national debates were held between representatives of parties who registered proportional party list on First National TV channel. CANEOM LTOs also noted that regional debates were set up for local SMD candidates throughout the oblasts.

One of the features of the election campaign was the presence of civil society activists as candidates. Particularly prominent on party lists were former *Euromaidan* activists, journalists and those associated with volunteer battalions. These interlocutors, who joined several of the parties, stated that their goal was to advance the reforms that they believed the country needs through the political process.<sup>32</sup>

In general, relevant party and candidate interlocutors reported to CANEOM LTOs that they were satisfied with their ability to gain access to media. Concerns were raised by several party representatives and candidates about perceived biases in the media as well as the high cost of political advertising, which was seen by interlocutors from smaller parties as a barrier to access to media. Overall, however, the vast majority of campaign interlocutors with whom LTOs spoke assessed their ability to access media generally positively.

Allegations of vote-buying were present throughout the campaign, and CANEOM LTOs consistently heard claims from various interlocutors that bribery of voters and indirect and direct vote buying were impacting the election campaign. On 24 October, the Ministry of Internal Affairs stated that they have opened 85 criminal procedures into allegations of vote buying throughout the country.<sup>33</sup> Interlocutors consistently pointed to the single-mandate district component of the election as an impetus for candidates attempting vote buying, which was cited as a reason for the relatively low trust among society for the SMD component of the election.

CANEOM LTOs noted several allegations of the misuse of administrative resources during the campaign. However, it must be noted that these allegations and the incidents that occurred were less prevalent than in the 2012 parliamentary elections, and that they generally referred to localized violations such as campaigning by local government officials during working hours, etc. There was a general absence of administrative pressure on voters in attempts to influence for whom they will vote.

In general, the right to free assembly was respected throughout the campaign. CANEOM LTOs attended 23 campaign rallies during their observation, and noted that rallies were peaceful and calm.

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<sup>32</sup> *Euromaidan* activists and journalists mainly joined the party lists of the *Petro Poroshenko Bloc*, *National Front*, *Batkivshchyna*, *Hromadyanska Posytsia*, *Samopomich*. Several candidates associated with volunteer battalions also ran as SMD candidates.

<sup>33</sup> As stated by the Ministry of Internal Affairs. <http://mvs.gov.ua/mvs/control/main/uk/publish/article/1196755>





CANEOM observers reported several instances of damage to party and candidate signage, billboards and tents, including damage by arson, gunfire and paint.

In addition, there were several incidents of violence against candidates noted. In the main, these were so-called “street lustration” where candidates and officials, often representatives of the previous authorities, were either thrown into trash bins or beaten by crowds.<sup>34</sup>

The motivation for these attacks seemed to be a frustration among a segment of the population with what they perceived to be the slow progress of the battle against corruption, the lustration process, and little progress in holding to account those who are thought to be implicated in both.

## **MEDIA ENVIRONMENT**

The media environment surrounding the 2014 parliamentary elections was largely reflective of that observed for the May presidential vote. Consequently, for purposes of analysis, the two elections can largely be taken together as a single set, with significant contrasts drawn between both 2014 elections and other recent elections in Ukraine – notably, the 2010 presidential and 2012 parliamentary campaigns.

Ukraine is a pluralistic and open media market with a large number of media organizations – mostly private – and which has a significant number of players utilizing each media platform. In short, the more troublesome issues observed during pre-2014 election campaigns have largely disappeared. Media intimidation and beatings of journalists are largely nonexistent. Self-censorship by media – a pronounced phenomenon in the 2012 campaign environment, does not appear to exist, with the possible exception of low-level self-censorship based on individual journalists’ conformity with the editorial line of their employer.

Television is by far the most widely-consumed news medium, with market research suggesting that 90% of voters obtain their news through television<sup>1</sup>. Therefore, this single platform stands apart from all others in a position of clear dominance within Ukraine’s media market. This fact is noted for purposes of scoping the significance of circumstances surrounding the respective media platforms.

Television news is a pluralistic medium, with more than a half-dozen channels serving as major news sources, each offering different original content. *First National* (Перший Національний), a state-owned entity, is currently in the process of transition to an editorially-independent public broadcaster.

Telejournalism watchdog *Telekritika* reports ownership of television channels remains an issue in Ukraine. While the vast majority of news channels are privately owned, broadcasters’ coverage of news and politics tends towards bias in favour of candidates linked to the oligarchs owning the channels – or ignores positive stories about the preferred candidate’s opponents. To cite an example, a TV channel is alleged to have been airing a significant amount of “black PR” (defined as anything ranging from “opposition research” or outright defamatory disinformation) against a particular party leader who fell out of favour with the channel owner.

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<sup>34</sup> For example, on 16 September, current MP and candidate Zhuravskiy was thrown in a trash bin near Parliament; on 25 September, current MP and candidate Pylypyshyn was thrown in a trash bin and had paint spilled on him in front of the CEC premises as he tried to register as a candidate; on 30 September in Odessa, current MP and candidate Shufrich was attacked and beaten.



Ukraine's president, Petro Poroshenko, personally owns a news channel – Channel 5 – and has stated that it is one of few assets he does not intend to divest. Channel 5's ownership has been an ongoing issue of contention during campaign. Recently adopted anticorruption laws require disclosure of the ultimate ownership of news organizations<sup>35</sup>.

Another media-related issue that continues to be present in Ukraine's election campaigns is the phenomenon known as *jeansa*. Also called “pay-to-play” journalism, *jeansa* is media content posing as objective news stories, but paid for by a particular sponsor with the intention of putting their own editorial perspective on the news. It is a “news” equivalent of an advertorial, but without the explicit markings required for advertorials in Canada.

According to journalism watchdog *Telekritika*, pay-to-play journalism levels are down by 30% compared to the 2012 elections, but it is still present in not-insignificant volumes. Regional television channels are popular among the local regional populations outside of major metropolitan areas, contributing to the plurality of sources and choice in news.<sup>36</sup>

Newspapers in Ukraine tend to be local or regional papers, rather than national news sources. That said, there is a handful of national news-oriented publications that are readily available nationwide, but these tend to be weeklies or magazines rather than daily newspapers. There is no “national newspaper” in the same way that the *Globe and Mail* or *National Post* brand themselves in Canada. This means that there is a high degree of plurality in the news content contained in print sources. As with broadcasting, *jeansa* and owner-directed editorial bias are the greatest areas for improvement in the print news platform.

Another form of *jeansa* mentioned by *Telekritika* is the proliferation of newly created free “newspapers” which are duly registered several weeks before the election campaign and issue virtual duplication of particular parties' campaign content. Based on past observations, these new newspapers typically disappear immediately after the election.

As is the case in most modern media markets, most news organizations are back-stopped by an Internet based hub. Consumption of internet news is higher in urban areas, while Ukrainians living in the regions tend to watch proportionally more TV and read proportionally more print.

A notable phenomenon in Ukraine's evolving media ecosystem is the emergence of two maverick internet-based broadcasters: *Hromadske TV* and *Espresso TV*. These two organizations are independent, not owned by or affiliated with oligarchs, and tend to be staffed by a young and pro-democratic demographic.

*Hromadske TV* organized from the bottom up as a civil society initiative of journalists, and *Espresso TV* was founded under parliamentary immunity by a previously-dissident MP. Both launched on-line to circumvent restricted access to broadcasting under the previous presidential administration. Currently *Hromadske TV* is the only channel funded by donations and grants. The fact that they are independent of both the state and business conglomerates suggests a strong contribution to freedom of the press.

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<sup>35</sup> <http://www.5.ua/ukrajina/ekonomika/item/392055-uriad-skhvalyv-paket-antykoruptionsiynkh-zakonoproektiv>

<sup>36</sup> <http://www.umedial.kiev.ua/english/media-research/595-internews-survey-reveals-large-majority-in-donetsk-still-watching-ukrainian-tv-but-just-24-trust-the-veracity-of-the-information-provided.html#.VE0YbfmUeLw>



Whether these two entities succeed in the longer term, however, given the highly competitive media business market against oligarchs' abilities to cross-subsidize, remains to be seen.

New collaborative cross-pollinating projects are also emerging between media organizations. For example, internet-based Hromadske TV is launching a new creative public affairs project with state-owned *First National* – in theory, leveraging the creative dynamism of the independent upstart with the cable penetration of Ukraine's largest television organization.

Following the Russian military occupation of Crimea and the occupation of parts of the Donbas by Russian-backed militias, residents have reportedly lost access to balanced and pluralistic news information, and Ukrainian broadcasts have been cut off from these areas of Ukraine by occupying forces and replaced by pro-Russian content. However, whereas voting did not occur in occupied regions of Ukraine, it is difficult to quantify a net effect of this information war on electoral results.<sup>ii</sup>

Collective citizen journalism has emerged as a significant presence in Ukraine's media ecosystem, with a number of new journalist resources proliferating from an increasingly strengthening civil society culture. The websites *rada2014.com.ua* and *opir.org* are showing corruption levels of all party candidates. Civil society organizations such as OPORA, Committee of Voters of Ukraine, Telekritika, the Institute of Mass Information, and Chesno have provided detailed analyses of parties, campaign and pre-election processes, and real-time election law violations. Such material has been used widely by journalists as raw data, has provided journalists with leads, and has also served as alternative data and analysis for the public at large – thus enriching the overall media environment.

Civil society groups have also had a much increased access to punditry avenues in this campaign than in the past, thus adding to the diversity of opinion in the media commentary environment. This improvement conforms with the overall improvement in media freedom compared with the 2012 parliamentary election campaign environment.

## **CAMPAIGN AND ELECTION SECURITY**

The provision of security for the election was coordinated between the Ministry of Internal Affairs, State Security Service of Ukraine (SBU), the Ministry of Defense and the Office of the General Prosecutor.

In the vast majority of the territory of Ukraine, except in parts of Donetsk and Luhansk oblasts, and the occupied territory of the Autonomous Republic of Crimea, CANEOM observers reported that the security situation during the campaign period was largely satisfactory. Similarly, in those parts of Donetsk and Luhansk oblasts under control of government forces, CANEOM long-term observers reported a generally satisfactory, though notably more tense, security situation. CANEOM observers noted that in those territories in close proximity to the ATO zone, a climate of fear and intimidation largely absent in the remainder of the country was prevalent. For example in Severodonetsk, Luhansk Oblast, on October 24, in DEC 106 CANEOM observers observed posters with the names and faces of several members of the District Electoral Commission posted in their home villages, and alleged that they were manipulating commissions and offered a 100,000 Hryvnia reward or bounty for their capture. The individuals were intimidated and frightened to return home. It is alleged that the "wanted posters" originated from a candidate.



In 9 DECs in Donetsk, 6 in Luhansk, 12 in Crimea and Sevastopol, for a total 27 the situation was such that DECs could not be opened and over 4 million Ukrainian voters could not exercise their franchise. This disenfranchisement was not the result of actions taken by the Government of Ukraine or the election commissions and other bodies responsible for the administration of the election. Rather, these Ukrainian citizens were deprived of their democratic right to vote as a result of Russian military aggression and occupation of the Autonomous Republic of Crimea and Sevastopol; and, in Donetsk and Luhansk oblasts, by the continued illegal actions of armed militants influenced and supported by a foreign aggressor.

According to the Central Electoral Commission there were 3,262,494 voters in Donetsk and 1,756,934 in Luhansk oblasts respectively. The number of voters who have lived in districts where voting did not take place at all and not received ballots is 1,351,421 in Donetsk oblast and another 988,356 in Luhansk oblast. This is in addition to the 1,799,762 who cannot vote in occupied Crimea.

### **Discrimination and Gender**

The Constitution Law of Ukraine prohibits unequal rights or privileges on the basis of sex and at Article 24, goes on to detail equal rights for Ukrainian women. In addition, as it relates to political access, the Law on Political Parties, Article 8.10 requires parties to have a minimum of 30% women candidates on their electoral list. In an analysis of the 11 parties contesting the national race expected to be close to the 5% cut-off, six reached the 30 percent quota – Batkivshchyna, Opposition Bloc, People’s Force, People’s Front, Radical Party and Strong Ukraine.<sup>37</sup> CANEOM observers interviewed party representatives across the country about compliance with this provision. Most were unaware of the provision and indicated that women held 10 to 15% of candidate positions in their parties.

On October 24, 2014, the UNHCR identified 430,000 internally displaced persons registered in Ukraine. In their September report they reported that the Ukraine IDP population is disproportionately made up of women and children. Among the adult IDP population, two-thirds are reported to be women.

In discussions with our observers Ternopil Deputy Head of the Oblast Administration indicated that most of the IDPs were from the Donbas region, composed of mainly women, children and seniors. In Sumy, the City administration advised that women have difficulty registering as it is difficult to find child care to go to SVU and then to go back to vote.

Five of the 15 CEC members are women, including one deputy chairperson and the secretary. Men and women were almost equally represented on DECs, including as chairpersons similar to previous elections. From our observer reports on 60 District Election Commissions, women hold 56% of the membership consistent with reports from 2012.

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<sup>37</sup> Data on the participation of Ukrainian women on a national scale was generously shared by National Democratic Institute, October 20, 2014.



## LEGAL FRAMEWORK

### Conduct of Legal Proceedings

The basis for all law and legal proceedings in the Ukraine is derived from the Constitution, and detailed in the various other pieces of domestic election laws, as noted above.<sup>38</sup> The universal principles for legal proceedings of impartiality, rule of law, transparency, and fairness are found in first instance, in the Ukraine Constitution.<sup>39</sup>

The enforcement of electoral rights is a substantive and important part of the achievement of these rights. Most decisions can be taken to one of two forums. In addition, various violations of the election law can be heard through a civil procedure or a criminal procedure. The process of enforcement and appeal under Ukrainian election law is complex.

Observers also attended appeals held at the Kyiv Court of Appeal and the High Administrative Court of Ukraine. The names of complainants, applicants or defendants are not published. This makes it difficult to assess the consistency or arbitrariness of decision-making.

Observers reported that parties are able to present their positions in all venues – election commissions and courts. However, from both direct observation and a review of the case law, there does not seem to be clear procedure for due process, particularly on the introduction of evidence and evidentiary proof.

However, in preparation for hearing election decisions, training has been offered to judges on the application of the decisions of the European Court of Human Rights<sup>40</sup> and the application of these principles of interpretation for Ukrainian judges.

The remedies permitted under the election laws are limited to rectification or warnings. Given the lack of remedies in the commissions, administrative or civil courts, violations of the law are effectively without penalty. However, the increase in penalties for criminal violations positively affects the ability to discourage electoral malfeasance.

In summary, the courts and election commissions at all levels demonstrate a wide variance in the understanding and application of the principles of impartiality, rule of law, transparency, and fairness. Without the application of these judicial principles and without basing decisions soundly on the constitutionally protected rights and freedoms, decisions may appear arbitrary, inconsistent and unfair.

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<sup>38</sup> The Law on the Election of Deputies to the Parliament and other provisions in the Law on Political Parties, the Code of Administrative Proceedings, Code of Administrative Offenses and the Criminal Code, as well as regulations adopted by the CEC.

<sup>39</sup> Article 6 of the Constitution requires that judicial power be exercised within the constitution and specifically under Article 8 that effect the principle of rule of law. Regarding the rule of law and judicial independence, Article 129 outlines the principles of judicial proceedings include legality, equality before the law, adversarial procedure, and openness. Articles 147 and 150 states that the Constitutional court has sole jurisdiction to provide the interpretation of the constitution and to declare the conformity unconstitutionality of Ukraine laws.

<sup>40</sup> The OSCE and Council of Europe led trainings of judges in 8 venues with attendance of approximately 20 to 25 judges at each training. Presentation included a review of the election related decisions of the European Court of Human Rights and a review of Ukrainian law related to these principles. Observers attended the training held in Kyiv on October 7, 2014. This session included attendance by judges of the High Administrative Court of Ukraine, the district Administrative Courts of Appeal, and the district Administrative Courts.



## Complaints and Appeals

Complaints and appeals were filed at all levels of the election commissions and courts. 262 complaints were filed with the Central Election Commission with 139 complaints about campaign violations, 79 on DEC and PEC work and lotteries and 13 on vote buying. As of October 24, 2014, the Ministry of Internal Affairs advises that 244 investigation files were opened - 135 alleged violations under articles 157 and 159, related to interference with election processes and election campaign funding violations and 81 files opened on vote buying.<sup>41</sup>

In addition, law enforcement representatives throughout the country were clearly comfortable with security related support, but have expressed a mixed response on their responsibilities to enforce election law violations.

Ukrainian higher court decisions are not considered binding or leading for interpretation. Lower courts and election commission decisions are, for the most part, still formalistic.<sup>42</sup> Several decisions regarding the 5-year residency requirement were appealed to the Courts of Appeal and to the High Administrative Court of Ukraine. A number of the decisions refer to the ECHR decisions in attempting to balance substantive and technical requirements under the law and weigh the factual errors or omissions regarding residency.

The denial of registration of candidates continued to be the largest area of registration concern and in some cases, effectively decimated a party's participation.

Some DEC lottery decisions were challenged in court and notably, the Odessa Administrative Court of Appeal upheld DEC decisions where the lottery was conducted through the Vybory system. While this was not required, it resulted in an example of best practices that stood the test of court review.<sup>43</sup>

## THE IMMEDIATE PRE-ELECTION PERIOD (OCTOBER 22-25)

From October 22 to 25, CANEOM observers visited over 2300 polling stations in every oblast outside Crimea to monitor the preparedness of election commissioners, accessibility of polling stations, delivery of ballots and the finalization of voter lists.

More than 85% of CANEOM observers assessed preparations and conditions for the conduct of elections at polling stations to be "good" or "very good." No tension or unrest was reported in the vicinity of any polling station including those that were visited in the Luhansk and Donetsk oblasts. 9 out of 10 polling stations were clearly indicated by outdoor signs, though nearly half were not adapted with ramps or

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<sup>41</sup> As of October 25, 2014, one case was being investigated in Cherkasy, Chernivtsi, Donetsk, Kherson, Khmelnytsky, Ternopil and Zakarpattya. Two cases were being investigated in Kyiv, 3 in Dnepropetrovsk, 4 in Vinnytsya, Sumy and Zhytomyr, 5 in Mykolaiv, 7 in Kirovograd, 13 in Zaporizhzhya, 14 in Kharkiv, 17 in Odessa, 20 in Rivne, 25 in Kyiv City and 26 in Chernihiv.

<sup>42</sup> Observers attended the OSCE COE training of 20 judges on October 7, 2014. Between October 7th and October 25th, 7 of these judges wrote electoral decisions, in which 2 of these judges referred to European human rights principles. See case Nos. 875/215/14 and 815/5858/14.

<sup>43</sup> See decisions of the Odessa District Administrative Court No. 81/5827/14 and No. 815/5891/14. See also decision No. 815/5874/14.



situated in accessible premises for voters with reduced mobility.<sup>44</sup> Polling stations and their immediate surroundings were properly cleared of campaign materials, and open in general accordance with the experience of past election observation missions.<sup>45</sup> The number of polling stations that were open when visited by observers varied in accordance to the delivery of election materials, which occurred within prescribed deadlines in most visited polling stations.<sup>46</sup>

Observers were generally granted cooperation and allowed to observe proceedings and activities of PEC commissioners in more than 95% of polling station visits. A few exceptional and isolated cases were nonetheless reported in which observers were not allowed to enter polling stations by a commissioner or by an attendant police officer in the presence of commissioners.<sup>47</sup>

Another issue reported by CANEOM observers that had been consistent since the formation of PECs related to substitutions of commissioners. These were reported to have occurred within a week of the elections in nearly half of visited PECs.<sup>48</sup> Close to 90% of commissioners present at visited polling stations nonetheless claimed to have received formal training about the election procedures that they were responsible for administering.

CANEOM observers made over 75 visits to polling stations in territories under the protection of Ukraine's National Forces during the immediate pre-election period in the Donetsk and Luhansk oblasts. Conditions at the premises of operational polling stations were reported to be less tense than observed at this period during the May 2014 Early Presidential Election. Commissioners nonetheless remained exposed to threats of violence.<sup>49</sup> This contributed to high and constant turnover in nearly every visited PEC.<sup>50</sup> Despite these challenges, ballots and voter lists were received within prescribed legal deadlines

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<sup>44</sup> CEC Resolution 5 (19.01.2012) "On requirements for PEC premises and polling stations" states that polling stations must be adapted to the needs of citizens with disabilities. This includes provision of a ramp and unobstructed access to entrance/exit areas.

<sup>45</sup> The law does not stipulate opening times for polling stations during the immediate pre-election period, but some commissioners should be present throughout the immediate pre-election period to receive and count ballots and setup materials for Election Day.

<sup>46</sup> 35 visited polling stations did not receive a revised voter list by the prescribed legal deadline. One instance was observed in which a homebound ballot box was already sealed and contained a protocol in PEC 462151, DEC 118 (Lviv) in violation of procedure.

<sup>47</sup> CANEOM observers were prohibited from observing the receipt and counting of ballots in PEC 611108, DEC 163 (Sumy). Observer access to polling stations during periods at which commissioners were present was also denied or initially restricted in PEC 121112, DEC 26 (Dnepropetrovsk), PEC 180743, DEC 64, (Zhytomyr) PEC 630916, DEC 177 (Kharkiv), PEC 900622, DEC 221 (Kyiv City), PEC 800977, and DEC 223 (Kyiv City). In Special PEC 176, DEC 168 (Ternopil), observers were also obliged to sign a document declaring that they did not witness any violations after observing preparations for elections at a prison.

<sup>48</sup> Substitutions were made to 3 or less commissioners in 85% of visited PECs, but observers also reported cases in which the entire compositions of PECs was nearly overhauled within a week of the parliamentary elections. These included PEC 511300 in Odessa (18 substitutions), PECs 800891 and 801981 in Kyiv City (14 substitutions) and PEC 460815 in Lviv (13 substitutions).

<sup>49</sup> In DEC 106, observers were provided propaganda that was allegedly being distributed in territories under militant occupation, which contained personal information and threats against commissioners.

<sup>50</sup> Substitutions were made to 3 or less commissioners in 70% of visited PECs, but observers also reported cases in which the entire composition of PECs was nearly overhauled within a week of the parliamentary elections.





in visited PECs,<sup>51</sup> which were generally considered cooperative and transparent in their preparations for the election.<sup>52</sup>

## **VOTING DAY**

### **OPENING OF POLLS**

CANEOM observers were present for opening procedures at 101 polling stations. PEC commissioners were reported to be cooperative and to possess a clear understanding of opening procedures, whose administration was evaluated as being “very good” or “good” in over 97% of cases. Election materials necessary for the conduct of voting were present in all but 2 polling stations and were handled transparently in accordance with procedures. All ballots were pre-stamped and stored in a safe or metal strong box with a seal bearing the signatures of respective PEC commissioners. These seals remained intact until ballots were removed under inspection of commissioners and observers at meetings held immediately before the opening of polling stations.<sup>53</sup> Nearly a quarter of visited PECs did not appear to enter their number of received ballots to Vote Count Protocols, but were able to indicate this number when questioned by CANEOM observers. 8 out of 10 visited polling stations opened on time at 8:00 AM. The remainder opened earlier or by 8:15 AM.<sup>54</sup>

At PEC 141121 in Artemivsk in DEC 46 over 1000 ballots were spoiled as a candidate's name was stamped out on all the ballots. The incident is under investigation and this poll only distributed national party ballots. The CEC will investigate this violation.

### **VOTING PERIOD**

CANEOM observers visited more than 800 polling stations during voting processes, which were described to be conducted in a professional and orderly manner and evaluated to be “good” or “very good” in over 97% of cases. Virtually no tension or unrest was observed at visited polling stations. Procedures were broadly understood and appropriately regulated by PEC commissioners who granted full cooperation to observers and demonstrated a high degree of transparency.

In terms of accessibility, the location of polling stations was clearly indicated by directional signs in more than 97% of cases. 57% of polling station premises featured ramps or ground floor access for voters with limited mobility, representing an improvement to observations in the immediate pre-election period.

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<sup>51</sup> The delivery of updated voter lists was delayed at PEC 141211 in DEC 47 (Donetsk) and PEC 461942 in DEC 115 (Luhansk). Ballot protocols were received within prescribed legal deadlines in 34 polling stations across these oblasts visited on October 25.

<sup>52</sup> One important exception was reported in DEC 112. Observers were present at a confrontational meeting during which the DEC Chair was removed through a vote of commissioners and recorded minutes that did not reflect the actual number of votes cast on several decisions.

<sup>53</sup> Political party or candidate observers were present at 9 out of 10 polling stations during opening procedures. Observers from other international missions and from domestic civil society organizations were encountered in 4 out of 10 polling stations.

<sup>54</sup> Polling stations opened to voters before 8:00 AM in 5 visited polling stations; and by 8:15 AM in 13 visited polling stations.



Observers noted long voter lineups and overcrowding at 4 per cent of oblasts.<sup>55</sup> This rendered management of voting processes challenging in a small proportion of insufficiently sized polling stations but was not observed to impact the secrecy of voting.<sup>56</sup>

Regular PECs were observed to be thorough and consistent in applying procedures for verification of voters and issuing of ballots.<sup>57</sup> CANEOM observers nonetheless reported irregularities and confusion that disrupted the conduct of voting in a number of special polling stations. PECs are to be provided with a number of ballots that exceeds the number of voters on their respective voter list by 0.5%.<sup>58</sup> Nearly every special polling station visited by CANEOM observers received a number ballots that exceeded this margin by as much as 10:1.<sup>59</sup> Some confusion also occurred over whether to issue single-member district ballots to voters at special polling stations.

40 polling stations were visited by CANEOM observers in the Luhansk and Donetsk oblasts during the conduct of voting. For the most part, elections in these oblasts were consistent with positive observations made elsewhere in the country. Proceedings in some precincts were nonetheless hampered by Election Day substitutions of commissioners by candidates and political parties.<sup>60</sup>

## **CLOSING OF POLLS AND COUNT**

CANEOM observers were present for closing procedures and counting of ballots at more than 70 polling stations, which were evaluated to be orderly and transparent – in sharp contrast to irregularities observed during this phase of the 2012 parliamentary elections.<sup>61</sup> No significant violations were reported. Rather, commissioners were described to make earnest efforts at implementing lengthy and technically complicated procedures. Polling stations closed on time or shortly after 8:00 PM. PECs then proceeded with consideration of complaints and a series of steps to calculate signatures on voter lists, unused ballots, and counterfoils before opening ballot boxes. An aspect of this procedure was misapplied or overlooked in 1 out of 10 polling stations but it never affected control sums designed to verify the accuracy of vote counts.<sup>62</sup>

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<sup>55</sup> Voter lineups exceeding this national average were observed in Ivano-Frankivsk (11%), Zhytomyr (9%), Kyiv City and Volyn (7%), and Mykolaiv and Ternopil (6%).

<sup>56</sup> Ballot booths were observed to be appropriately placed and sufficiently supplied to ensure secrecy of voting in 98% of visited polling stations.

<sup>57</sup> PEC commissioners always checked voter IDs and signed ballot counterfoils, while voters verified and signed their names on voter lists, and underneath the signatures of PEC commissioners on ballot counterfoils.

<sup>58</sup> Section 8 of Article 80 of the Parliamentary Election Law.

<sup>59</sup> This deviation was 10:1 in PEC 511058, DEC 137 (Odessa), 8:1 in PEC 230834, DEC 74 (Zaporizhia) and PEC 740979, DEC 210 (Chernihiv); and 5:1 in PEC 590750, DEC 159 (Sumy), PEC 631088, DEC 177 (Kharkiv), PEC 630995, DEC 177 (Kharkiv), PEC 181455, DEC 62 (Zhytomyr), and PEC 071100, DEC 22 (Volyn)

<sup>60</sup> These substitutions were observed in PECs 440558 /440559, DEC 113; and PEC 441167, DEC 106.

<sup>61</sup> According to the Final Report of the Canadian Bilateral Mission, the 2012 Ukraine 2012 Parliamentary Election was characterized by significant irregularities, tension and expulsion of PEC members and observers during ballot count procedures.

<sup>62</sup> The number of unused ballots and number of ballots that were issued to voters was always equal to the number of ballots received by PEC from their respective DECs.



## **TABULATION OF RESULTS**

### **HANDOVER AND TABULATION OF RESULTS**

The handover of results from the PECs to the DEC's was described as good or very good by over 80 % of observers. The DEC's understanding of the procedure of the handover was assessed positively in over 90% of cases. The most common problem described by observers in the handover was long lines of PEC commissioners waiting to submit their results at the DEC – in over 40% of DEC's observed.

The tabulation of results at the DEC was assessed as good or very good in over 80% of cases. CANEOM observers will continue to monitor the process of tabulation of results over the coming days.

### **CONCLUSION**

Despite the Russian occupation of Crimea and continuing destabilization in parts of Ukraine, a majority of the Ukrainian people have freely exercised their democratic right to vote in Sunday's election.

The main conclusions of CANEOM's preliminary report are as follows:

- 1) Our preliminary assessment concludes that the democratic will of the people is reflected in these results, in accordance with the laws of Ukraine, international laws and standards.
- 2) There were new challenges in this election, as compared to the last parliamentary election in 2012, such as access to voting in military occupied parts of the country, a large number of Internally Displaced People, and safety and security concerns.
- 3) The authorities generally enforced the law when faced with violations of the electoral law.

CANEOM commends the commitment of the Ukrainian people to exercise their democratic rights and commends the election administration for ensuring this crucial election took place. We applaud the Ukrainian people who worked hard under difficult circumstances in order to ensure that the outcome of this election was a genuine reflection of the will of the Ukrainian people.

Our mission will continue its observation in Ukraine until official results are announced and will publish a full and final report in the near future.

CANEOM deployed almost 200 observers to all regions of Ukraine, except Crimea where no elections were taking place. We thank observers for their diligence, dedication, expertise and hard work under uncertain security conditions.



## ABOUT CANEOM

CANEOM is organized by the Forum of Federations. Cuso International and the Ukrainian Canadian Congress have partnered with CANEOM to support the observation mission for Ukraine's 2014 Early Parliamentary election. The mission is entirely funded by the Government of Canada, and managed at arm's length. CANEOM's mandate is to organize and execute election observation and monitoring missions internationally. The mission is not an advocacy mission for federalism or any other kind of governing structure. It is not the role of the election observer mission to advocate, promote or oppose change in Ukraine's constitutional order. The mission's objectives are to observe, record and report on the electoral exercise, and to aggregate findings into a final report on whether the election results may be deemed to reflect the genuine democratic expression of the Ukrainian people.

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<sup>i</sup> Internews: <http://www.umedial.kiev.ua/english/media-research/595-internews-survey-reveals-large-majority-in-donetsk-still-watching-ukrainian-tv-but-just-24-trust-the-veracity-of-the-information-provided.html#.VE0QpfmUeLw>

<sup>ii</sup> <http://www.unian.ua/politics/953167-ukrajina-zaboronila-movlennya-14-rosiyskih-kanaliv.html>