



<p>European Network of Election Monitoring Organizations International Observation Mission Ukrainian Early Parliamentary Elections 2014</p>	<p>Європейська мережа організацій, що спостерігають за виборами Міжнародна місія спостереження Позачергові вибори в Україні 2014</p>
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Kyiv, October 27, 2014

Statement of Preliminary Findings and Conclusions Ukraine Early Parliamentary Elections 26 October, 2014

The European Network of Election Monitoring Organizations (ENEMO) began its election observation mission to Ukraine for the Early Parliamentary Elections 2014, on September 10, with the arrival of six core team members to Kyiv. On September 20, ENEMO deployed 50 long-term observers (LTOs) countrywide, becoming the first international observation mission to deploy observers for the elections on October 26, 2014.

For observing of Election Day, ENEMO deployed 206 observers focused on opening of PECs, process of casting the ballots, environment around polling stations, closing and votes counting in selected precincts as well as transfer of the materials to DEC, and evaluation of the DEC's work, in accordance with the international standards for election observation. On October 26, 2014 total number of 101 opening of PECs were observed, the voting procedures in 1250 polling stations and the counting of the votes in 99 polling stations.

Based on the reports and information received from the observers deployed countrywide on Election Day, the preliminary assessment of ENEMO is that the polling on October 26, was conducted in a transparent and efficient manner, generally in compliance with the international standards. Certain irregularities that did not have significant influence on the outcome of the results were observed, especially during the campaign period. Cases of physical violence against candidates and other stakeholders during pre-election period overshadowed mostly calm and moderate campaign. Election authorities, especially the Central Election Commission (CEC) made extraordinary efforts in order to conduct elections and to allow the voters to cast their votes in complex political and security environment, by meeting the shortened deadlines due to the character of this election. ENEMO welcomes the CEC decision to facilitate the registration



process of internally displaced persons (IDPs) from Donetsk and Luhansk regions by allowing them to temporarily change their voting location under simplified procedures, similar to the procedure for voters from Crimea. Moreover, substantial efforts to move centers of some DEC to nearby areas where security can be assured have been made to enable the conduct of elections in the threatened regions.

FINDINGS AND RECOMMENDATIONS

- Early parliamentary elections held on October 26, 2014 were competitive, by offering voters' choice between 3,125 candidates nominated by 29 political parties for the proportional nationwide ballot and 3,495 single mandate district candidates, including 2,094 self-nominated candidates. Compared to previous 2012 parliamentary elections in pre-election period ENEMO mission observed smaller number of campaign violations and abuse of administrative resources. On the other hand, cases of indirect vote bribery, unlawful agitation, posting of campaign materials without obligatory information and the like have been observed.
- Despite the recommendations of relevant international and domestic experts during previous elections, there was not enough political will to change the country's electoral framework before the elections. Even though limited amendments to the existing law were made in 2013 and 2014, they did not address all the previously noted shortcomings. Positive step forward was undertaken by adopting the amendments of Criminal Code, which allows solid base for prosecution and punishment of election fraud and vote buying. However, there is a further need to continue in open and inclusive electoral reform discussion with participation of various stakeholders, including civil society, in order to improve and harmonize electoral legislation.
- The work of the CEC as a collegial competent body is viewed and recognized as unbiased and effective. The CEC meetings were open to observers, party proxies and journalists. However, important issues are often discussed during closed pre-session meetings. Thus, election administration should take additional efforts to increase the transparency of its work.
- The large number of replacements of DEC members caused challenges for some commissions to operate efficiently. ENEMO recommends professionalization of district election administration, at least on management level, which will contribute towards raising institutional capacity of DEC and will enable conducted trainings to be more effective.

- The process of registration of candidates on party lists at Central Election Commission has been rather smooth and inclusive. Yet, cumbersome bureaucratic procedure had overwhelmed the registration procedure, preventing a number of potential candidates to join the race. Many contenders were rejected, mostly because of technical flaws in applications that caused burden to the process and basis for unequal enforcement of pre-election campaign.
- The system of centralized voter registration has proved to be accurate and reliable even under difficult circumstances. Both interlocutors and ENEMO observers reported such positive trend supported by the Election Day reports on quality of voter lists.

ELECTION DAY

On Election Day, 206 ENEMO observers were deployed to follow opening, voting and counting procedures. Observers in total made 1250 visits to polling stations and followed the counting in 99 polling stations and transfer of results to 99 DEC.

Opening

ENEMO observers monitored the opening procedure at 101 Precinct Election Commissions. 89 percent of PECs were opened on time, 10 percent were opened with minor delay up to 15 minutes and one PEC opened with delay of more than 15 minutes.

Observers registered several cases of improper filling of the protocol for opening. In the precincts 320069, DEC 92 (Kyiv oblast); 630190, DEC 180 (Kharkiv); 181411, DEC 62 (Zhytomyr), protocol was already filed out before the opening of the PEC. In PEC 321338, DEC 93 (Kyiv oblast); 510804, DEC 142 (Odesa); 800968, DEC 223 (Kyiv City); 210762, DEC 68 (Zakarpattia) the protocol was filled in secrecy without public announcement. On PEC 120064, DEC 34 (Dnipropetrovsk); PEC 480635, DEC 130 (Mykolaiv); PEC 800092, DEC 212 (Kyiv City); PEC 510403, DEC 143 (Odesa) the protocol was not filled out at all during the opening procedure.

In 99 of observed PECs, ballot boxes were properly sealed and signed controlled sheets were inserted in. In two PECs (800968, DEC 223 (Kyiv City) and 740265, DEC 210 (Chernihiv)) ballot boxes were not properly sealed.

The procedure of opening of the PECs was generally conducted in order and according to the procedures in 92 percent of the observed PECs. The work of the PECs during the opening was evaluated positively in 89 percent.

Voting Process

On Election Day ENEMO observers monitored the voting process in 1,250 Precinct Election Commissions (PECs). During the observation of the voting process, at the majority of the observed polling stations (94%) there were no obvious problems with Voter's List. Only on small percentage of the observed PECs (6%) some voters could not find their names on the voters list.

On 97% of the observed PECs secrecy of vote was respected, while the observers witnessed violation of the secrecy of voting in 3% of the PECs.

Complaints regarding the voting process were submitted on 3% of the observed PECs, only two PECs (121244, 121164, Dnipropetrovsk) received substantial complains.

Only at 8 PECs or 0.6% of the observed PECs ENEMO observers were denied access to some aspects of the voting procedure.

The work of the observed PECs was evaluated as good or very good in 96.6 percent. The setup of the precincts was evaluated as acceptable in 96.2%, while it was reported as unacceptable in 3.8%. ENEMO observers noticed presence of police inside PECs in 11% of the observed places.

Counting Process

As assessed by the observers, counting procedures were followed properly and in the right sequence on 99 percent of the monitored PECs, hence on 88% of the PS there were no complaints regarding the counting procedures. In 83% of the observed PECs, observers evaluated the counting process as positive.

Transfer of the material

The observers were following the transport of the election material from PECs to DEC. In 94% of the cases the transport was made in an orderly manner by required composition of PEC members. In five cases, DEC ordered re-counting on the votes submitted by PEC members. The work of the DEC was assessed positively in almost 87 percent of the cases.

ELECTION ADMINISTRATION

The parliamentary elections are being administered by a three-tier election administration consisting of the CEC, 213 District Election Commissions (DECs)¹, and almost 30,000² precinct election commissions (PECs). CEC reported that on the day of elections 198 District Election

¹ 12 DEC which were situated on the territories of Crimea and Sevastopol were not formed for this elections

² On the E-Day, the number of functioning PECs all around the country was 29,699

Commissions were able to operate, while 9 DEC in Donetsk oblast and 6 in Luhansk oblast were not functioning, due to the armed conflict.

Central Election Commission (CEC)

The CEC is the only permanent election administration body. It consists of 15 members, each appointed by the Verkhovna Rada of Ukraine upon the proposal of the president for a seven-year term.

The Central Election Commission holds official sessions on a daily basis and they are open to observers. The vast majority of the CEC decisions dealt mostly with candidate registration, proxy registration and replacements, withdrawal of candidates, approving budgets for DECs, registering official observers and replacements of DEC members. Usually, the CEC holds preparatory working meetings, '*naradas*,' prior to the regular public meetings. During the first week of observation, these *naradas* were open to observers, who witnessed real discussions on important issues regarding candidate registration. However, since then the preparatory meetings were closed to observers and the CEC continues holding closed meetings before and after the official sessions.

On October 7, the CEC adopted an important decision³ allowing voters from Luhansk and Donetsk oblasts, along with the voters from Crimea, to temporarily change their voting location at the State Voter Registry body under a simplified procedure. This measure enabled internally displaced persons to exercise their right to vote easily at another precinct⁴. However, if a citizen registered to vote at polling station outside of the single-mandate district of his or her residence, he or she was permitted to cast a vote only for the proportional race.

Based on requests from six DECs located in volatile areas in Donetsk oblast (DECs 45, 51, 53 and 59) and in Luhansk oblast (DECs 114 and 104), the CEC decided⁵ to move centers of those districts to more secure locations. The CEC gave special attention to cooperation with security forces to deal with safety and logistical arrangements for organizing voting in these conflict zones. In total 86 thousand law enforcement officers were deployed to assist delivery of election materials, ballot papers and ensure security and public order during polling countrywide.

CEC cooperated with international and domestic organizations to raise the capacities of DEC and PEC members to acquire technical skills by engaging a pool of experienced trainers.

³ CEC Resolution No. 1529

⁴ UNHCR statistics suggests that as of October 2, 2014, there were 379,059 IDPs in Ukraine, 18,289 of whom came from Crimea and the remainder from the country's East

⁵ CEC resolutions No. 1442, 1165, 1973, 2005, 1524 and 1396. DEC 45 and DEC 59 moved their centers even twice.

District and Precinct Election Commissions

From the beginning of the DEC's work, ENEMO observed a tendency of nominating parties to replace a number of its commissioners. As reported by MAG CIFRA, from 5 September 2014 to 21 October 2014, 42 percent of all DEC commissioners were changed. Replacements among managerial positions in all 213 DEC's are even more frequent⁶. The political parties with most frequent changes in the DEC's were members of the Green Planet, The Political Party the Greens, Our Ukraine, Right Sector, Ukraine of the Future. ENEMO recommends that possibility of frequent replacement of commissioners should be reconsidered in order to increase the effectiveness of trainings and efficiency of the DEC's.

Overall, the DEC's operated in compliance with the law and met all legal deadlines⁷. Though, trainings were provided for members of DEC's regarding their duties, still, shortcomings of DEC's functioning remained, due to inexperience of the members. ENEMO observers reported such cases in Mykolaiv (DEC 131), Kirovohrad (DEC 101) and Ternopil (DEC 166).

As of October 21, about 10 percent of PEC commissioners were replaced. The system of allocating PEC managerial positions using Vybory system ensured the balanced proportional representation in PEC managerial positions without taking into account experience of commissioners. For this reason more frequent changes in senior PEC positions were made by political parties and candidates. PEC heads were replaced in 21%, PEC deputy heads in 12% and PEC secretaries in 18% of precincts. Turnover rate of regular PEC members reached lower level at 7 per cent.

While the process of selection of PEC members by lottery was conducted in a transparent manner, their nomination remains the challenge. Cases of nominated commissioners being proposed by two or more political subjects were noted in DEC 90 and 91 (Kyiv oblast), 100 and 104 nominations respectively; DEC 127 (Mykolaiv), 63 nominations; DEC 84 and 89 (Ivano-Frankivsk), 56 and 60 nominations respectively; as well as in almost every other DEC to a smaller extend. Though, the number of double nominations is lesser than the one during the Parliamentary elections in 2012, yet it points out the fact that new procedure of nominating PEC members should be considered. Furthermore, in majority of these cases, the nominees were not informed that their data are submitted, which raises the question of possible abuse of citizens' personal data by political entities.

⁶ 51 % of DEC Heads changed, 48 % of DEC deputy heads and 55 % of DEC secretaries

⁷ DEC 98, Kyiv oblast and DEC 127, Mykolaiv faced certain difficulties in the very beginning of its working which were resolved afterwards

CANDIDATE REGISTRATION

The candidate registration process was supposed to be concluded by the Central Election Commission on September 30. The number of registered candidates by the CEC was: 3,125 candidates nominated by 29 political parties for the proportional nationwide ballot, and 3,495 candidates running in single-mandate districts, including 1,401 nominated by political parties and 2,094 self-nominated.

The CEC rejected the application of 809⁸ nominees, of which 22 successfully resubmitted their documents. More than 200 rejected applicants appealed the CEC decisions in courts and in 48 cases appellate courts overturned the CEC decisions and those 48 candidates were later registered by the CEC. In other cases the Kyiv Administrative Court of Appeal obliged the CEC to review again the submitted materials of complainants, but the CEC appealed to the High Administrative Court of Ukraine which upheld original CEC decisions.

The main reasons for refusal of submitted applications were technical omissions or mistakes such as missing information in the applicant's biography (address, information about residing in Ukraine for the past five years, nationality, civic and political activities, contacts, criminal record); missing acknowledgement of obligation to terminate activities or lay down a mandate which are incompatible with a legislative mandate; the date of application did not match the date of submission of the documents for registration at the CEC; missing the applicant's picture, or picture in a different format than required; or the applicant's program exceeded the allowed 3,900 characters. In less than 20 cases, the reason for refusal was an actual failure to meet the eligibility criteria such as absence of proof of financial deposit to the CEC bank account or an existing criminal record of the applicant. ENEMO considers the process to be very bureaucratic, thus recommends that changes in the procedure should be considered in order to simplify the process.

The two phenomena familiar from previous election processes, nomination of 'clone' and technical candidates reappeared. The nominated technical candidates became more visible during the last week before elections, when candidates withdrew their nominations in favor of other political parties or candidates. Such cases were reported in Kharkiv region in electoral districts 168, 169 and 170; Odesa region in ED 135, 137, 140, 141, 143; Dnipropetrovsk region in ED 31, 33, 37; Zaporizhzhia region in ED 81, 82; Sumy region in ED 157; Chernihiv region in ED 208 and Cherkasy ED 196.

⁸ As of September 30

VOTER REGISTRATION

The right to vote is granted to Ukrainian citizens that are at least 18 years old or reach that age on Election Day with the exception to those citizens declared legally incompetent by a court. Since 2010 presidential elections Ukraine has been using the centralized system of voter registration - the State Voter Registry. 756 SVR maintenance bodies review and update personal information of all eligible voters in local administration units based on information from government institutions and agencies. For the early October 26 parliamentary elections SVR bodies delivered preliminary voter lists to PECs and voters were given opportunity to check their data and request inclusion or corrections of errors during review period up to October 20. PECs were in charge for distribution of personal invitation to the voters with address of respective polling station they are assigned to vote in.

Voters may also request from SVR maintenance bodies to temporary change of place of voting to other locations without changing permanent voter address within the legal deadline by October 20 at latest. For voters residents of Crimea, Sevastopol, Luhansk and Donetsk oblasts CEC arranged a simplified procedure for requesting such temporary change voting place and this measure enabled internally displaced persons to exercise their right to vote in other location. However, if a voter registered to vote outside of the single-mandate district of his or her residence, he or she was permitted to cast a vote only for the proportional race.

By October 20, according to the CEC information 190,283 voters changed their voting address, of which 21,704 voters were residents of Donetsk oblast, 15,040 from Dnipropetrovsk, 114,715 from Lviv, 11,213 from Kyiv, 11,119 from Luhansk oblast, 2,804 from AR Crimea and 774 from Sevastopol. Compared to May presidential elections total number of such requests increased by 19,205 voters.

The system of centralized voter registration has proved to be accurate and reliable even under difficult circumstances. Both interlocutors and ENEMO observers reported such positive trend supported by the Election Day reports on quality of voter lists.

ELECTION CAMPAIGN

According to the law, a candidate may start campaigning the day after he or she is registered by the CEC. The campaign period ends at midnight of the Friday before Election Day (for this election, October 24). Due to the fact that this were snap elections, with preparation and conducting period less than two months, the campaign started late, and only intensified in most of the regions in the week prior to election day. However, signs of pre-term campaigning were evident since the beginning of September, when candidates and lists were not registered yet. Such cases have been reported in Kyiv oblast, Kirovohrad, Mykolaiv, Kharkiv and Dnipropetrovsk.

Overall, it can be said that ‘door to door’ campaign was the prominent tool used in these election campaign, while small gatherings and rallies were happening to a limited extent.⁹

ENEMO observers have noticed that many pre-election posted billboards and distributed leaflets in Kharkiv, Chernihiv, Kyiv City, Cherkasy and Ivano-Frankivsk did not contained basic data required by Electoral Law. Only ENEMO Team in Kyiv City has reported that political party People’s front have changed this after election campaign officially started, and printed all necessary data on its promotional materials.

Candidates were able to campaign freely and without restrictions. Nevertheless, candidates nominated by Communist Party of Ukraine and some self-nominated candidates- ex-members of Party of Regions were targets¹⁰ of so called ‘*people lustration*’ initiated by so called civic activists. Furthermore physical violence was reported against their party members, supporters and volunteers, party offices, and unwelcomed DEC and PEC members associated with previous regime.

In context of current situation in the country, happenings during the past period and armed conflict in the East, presence of weapons and armed people was evident during the campaigning period. ENEMO observers witnessed such cases at official meetings with party¹¹ candidates and representatives.

Widespread cases of goods and services being provided to voters by candidates have been reported. Many newly established charity organizations bearing the name of a registered candidate or his or her family were used as a channel for voter bribery. Moreover, candidates and parties were using different occasions and holidays to donate mainly to vulnerable groups or the army whilst promoting themselves. ENEMO observers have reported such activities and cases of indirect voter bribery in Electoral District (ED) 81, Zaporizhzhia region; Kharkiv region (ED 169, 171, 178); Sumy region (ED 158); Dnipropetrovsk region (ED 25, 27); Mykolaiv region (ED 131); Odesa region (ED 141, 143); Kirovohrad (ED 99, 100, 102); Chernihiv (ED 207, 210); Kyiv City (ED 211, 217, 223); Cherkasy (ED 196, 198, 200); Zhytomyr (ED 64, 65, 66); Volyn (ED 22, 23) and Kyiv region (ED 91).

ENEMO observers registered over 15 cases of election agitation in universities, schools, private companies, and even kindergartens. Public transportation was widely used for placing political advertisements. Likewise, several candidates have provided pro bono transportation branded with

⁹ ENEMO observers have monitored 52 small gathering and rallies

¹⁰ ENEMO Observers have reported such cases in Odesa, Dnipropetrovsk, Sumy, Kyiv City and region, Kharkiv, Cherkasy, and Vinnytsia.

¹¹ Radical party, Volja, Right sector. In case of self-nominated candidate Borislav Bereza, election district 213 physical violence was used as campaign tool, when militant and armed supporters of Borislav Bereza have attacked casino premises and illegal alcohol shops presenting these activities as “protection of moral values”.

the respective campaigning materials within their electoral constituencies, i.e. district 81 in Zaporizhzhia region and district 91 in Kyiv region.

During the campaign silence period, on October 25, ENEMO observers witnessed campaign events organized by the 5.10 and Internet Party in the center of Kyiv City. The Election law prohibits any kind of campaigning after the midnight of October 24.

THE MEDIA

The election law provided equal conditions to the candidates and political parties from both state and private media, regarding the campaign coverage. The vast majority of print, digital, television and other media have been carefully following the electoral process and campaigning throughout the pre-election period. Unlike the situation during the previous Parliamentary Elections in 2012, national and local media were not reported to face any substantial pressure from governmental authorities. Local media is traditionally more vulnerable to influences of various political forces mostly due to their ownership and financing.

ENEMO noted organizing series of televised candidate debates from all political parties¹² competing for proportional race as positive step forward, which created basic presentation of different views and programs of the parties.

Journalists emphasized that in comparison with the media situation during the 2012 elections, they were in a position to freely express criticism, even towards governmental officials and pro-governmental parties and candidates, not apprehending the consequences. The representatives of media have also claimed their eagerness to find and disclose the information on financing and functioning of active political entities running for this election race. In their strive to reveal the findings about electoral and political entities they employed their best efforts citing that they intend to disclose maximum information in public in order for citizens to be fully aware when making their decisions and voting. However, in some cases advisedly or undesignedly this intention was abused and the information appeared as *'black PR'* against the particular candidates. Black PR cases were widely noticed within this electoral campaign in Vinnytsia, Chernivtsi, Ternopil, Sumy, Zhytomyr, Khmelnytsky, Ivano-Frankivsk, Lviv, Kyiv City and Zaporizhzhia.

The appearance of politically ordered material also known as 'Jeansa' was observed in plenty media sources both nationwide and local throughout the country. Some political entities are reported to place more 'Jeansa' than others. 'Jeansa' articles were spotted in media sources in Sumy, Kyiv City, Ternopil, Volyn, and Zaporizhzhia.

¹² Only Communist Party of Ukraine did not participated in the debates

Notably, unlike ever before, media sources have shown a certain extent of political promiscuity in sharing both ‘black PR’ and ‘jeansa’ materials, meaning the traditional affiliation of media sources insignificantly influenced the range of their ordering customers.

During the Election Day media were thoroughly and precisely covering the polling. Some nationwide channels prepared special programs devoted to Election Day. The results of exit polls were announced and the first resume of Election Day was debated.

This report was written in English and remains the only official version

About ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international network of nongovernmental organizations founded on September 29, 2001 in Opatija, Croatia. It consists of 20 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including three European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all of its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 200 national elections and trained more than 200,000 observers. To date, ENEMO has organized 20 international election observation missions to seven countries: Albania (2005 Parliamentary Elections), Georgia (2008 Early Presidential Elections), Kazakhstan (2005 Presidential Elections), Moldova (2009 Parliamentary Elections), Kosovo (2009 Municipal Elections; 2010 Parliamentary Elections, 2013 Municipal Elections), Kyrgyzstan (2005 Presidential Elections; 2005 Parliamentary Elections; 2007 Early Parliamentary Elections; 2009 Presidential Elections and 2010 Parliamentary Elections), and Ukraine (2004 Presidential Elections; 2006 Parliamentary Elections; 2006 Mayoral Elections in Chernigiv, Kirovograd and Poltava; 2007 Parliamentary Elections; 2010 Presidential Elections, 2012 Parliamentary Elections, 2013 Parliamentary Repeat Elections in 5 Districts and 2014 Early Presidential Elections).

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