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| <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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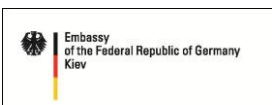
Interim report
September 10- October 10, 2014
Kyiv, October 16, 2014

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 that will be held on October 26, 2014.

ENEMO consists of 20 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including three European Union countries. This is the ninth ENEMO mission to Ukraine. Member organizations have been requested to nominate 150 short-term observers to observe the voting process on Election Day, as well as the counting and tabulation of the results.

This interim report is based on the ENEMO observers' findings from the field, where they focused on the registration of party lists and candidates, the conduct of the election campaign, the formation and work of election administration bodies, and election-related complaints and appeals.

During the reporting period, ENEMO observers held more than 1,159 meetings including 453 meetings with political parties' representatives and self-nominated candidates, 508 meetings with election commissions and administrative officials, and 203 meetings with NGOs and other stakeholders. They have also monitored 51 small gatherings and rallies during the campaigning period.



SUMMARY OF FINDINGS AND RECOMMENDATIONS

- The early parliamentary elections were called after the dissolution of parliament by President Petro Poroshenko on August 26, after no governing coalition emerged for more than 30 days. The elections are scheduled for October 26, 2014 and will be held under a mixed system, where half of the members of parliament (MPs) are elected through a proportional system with closed party lists and the other half is elected by a first-past-the-post system in single-mandate electoral districts.
- 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.
- The current elections are being held in a complex political and security environment dominated by an armed conflict in the Eastern regions (*oblasts*) of Luhansk and Donetsk. Therefore, the elections are unlikely to be conducted in more than half of the election districts in these regions. Evidently, the electoral process is unachievable on the Crimean peninsula, both for a capacity and legal issues¹.
- The Central Election Commission (CEC) formed 213 District Election Commissions (DECs) on September 5, in accordance with the law, based on nominations from the four party parliamentary factions (Party of Regions, Svoboda, UDAR and Batkivshchyna) and 21 political parties that had candidates in the 2012 nation-wide constituency.
- The CEC needs to be commended on its efforts 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 in reallocating some DECs to nearby areas where security can be assured are being made to enable the conduct of elections in the threatened regions.
- The work of the CEC as a collegial body is viewed and recognized as unbiased and professional. The CEC meetings are open to observers, the media and the public. However, important issues are still being discussed behind closed doors.
- The composition of the DECs is constantly being changed. The significant amount of changes may cause obstacles for the smooth performance of the commissions' operation.

¹ Law of Ukraine on Securing the Rights and Freedoms of Citizens and the Legal Regime on the Temporarily Occupied Territory of Ukraine (article 8) forbids conducting the elections in AR Crimea and the city of Sevastopol

The large number of replacements of DEC members highlights the need for the professionalization of least the managerial positions in the commission.

- The election campaign in all parts of the country appears calm and moderate. Nonetheless, the cases of voter bribery, misuse of administrative resources, unlawful agitation, posting of campaign materials without obligatory information and the like have been reported.
- In comparison with the previous parliamentary elections, there is an observed improvement in media operation and coverage. The freedom of speech is respected for the most part, journalists are free to report on the campaign, and candidates in most cases are free to share their message and to access voters through various media sources.

BACKGROUND

On October 26, 2014, Ukrainian voters shall elect deputies to the Verkhovna Rada (Parliament) of Ukraine through a mixed electoral system. According to the Parliamentary Election Law, 225 mandates should be elected proportionally from closed party lists and 225 in single mandate districts, with a simple majority of votes. However, a maximum of 213 single mandate MPs can be elected in these elections due to the fact that no voting will take place in twelve districts on the Crimean peninsula. The threshold for political parties to get mandates is at least 5 percent of votes cast in the nationwide constituency. The Parliament is elected for a five-year term.

The political landscape in the country has changed significantly, even comparing it with the early presidential election held in May. Two years after the last parliamentary elections in 2012, the Party of Regions (PoR), which used to be the strongest political force in the country, has lost much of its strength. It is evident that many former influential members of the party are running as self-nominated candidates in single-mandate electoral districts where they previously had a majority. However, the remaining part of the PoR has decided to abstain from taking part in the electoral race. Also, the Communist Party of Ukraine (CPU) is currently under investigation by the Ministry of Justice and could potentially be banned. Because of this, in many regions the CPU is abstaining from conducting a wide and open campaign.

These elections are distinguished by tight deadlines with a shortened timeframe for campaigning.

ELECTION ADMINISTRATION

The parliamentary elections are being administered by a three-tier election administration consisting of the CEC, 213 DECs, and over 32,000 precinct election commissions (PECs).

Central Election Commission

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. DEC and PEC are temporary bodies created to administer each election process. DECs are established by the CEC, while PECs are established by the respective DECs, except for the PECs for the out-of-country precincts which are established by the CEC. DECs have between 12 and 18 members. The number of PEC members depends on the type of election precinct: in small precincts of up to 500 voters, the PEC must be formed by 10 to 14 members; in medium precincts of 500 to 1,500 voters, the number of PEC members must range from 12 to 16; and in large precincts with more than 1,500 voters, PECs consist of 14 to 18 persons.

The CEC works as competent body in an impartial and professional manner even under challenging conditions due to the volatile security situation in the Donbas region and tight deadlines due to the shortened timeframe for pre-term elections. The Central Election Commission holds official sessions on a daily basis and they are open to observers. The vast majority of the CEC decisions dealing mostly with candidate registration, proxy registration and replacements of DEC members were approved unanimously without debate. 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 decision² 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 will enable internally displaced persons to exercise their right to vote easily at another precinct³. However, if a citizen registers to vote outside of the single-mandate district of his or her residence, he or she will be permitted to cast a vote only for the proportional race.

Based on requests from DECs located in conflict zones in Luhansk oblast (DECs 114 and 104) and Donetsk oblast (DECs 53 and DEC 59), the CEC decided⁴ to allow the change of place for DEC meetings to a more secure location. The CEC is paying a special attention to cooperation with security forces to deal with safety and logistical arrangements for organizing polling in these conflict zones. In addition the CEC had to raise its security level due to bomb threats. The CEC

² CEC Resolution No. 1529

³ 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

⁴ CEC resolutions No. 1442 (October, 3), No. 1165 (September, 25) and No. 1396 (September, 30)

adopted a resolution⁵ on measures to be taken by the DEC's to strengthen the security of the "Vybory" (Elections) information system, which is used to transmit data to the CEC on precinct-level voting results and decisions made by the DEC's and other important information on the elections.

Since the beginning of October, the CEC and IFES are providing cascade trainings for DEC and PEC members by engaging a pool of experienced trainers. The CEC briefed DEC heads and secretaries on various aspects of organization and technical procedures, including on how to effectively and transparently organize the PEC formation and lotteries to ensure a balanced representation of political parties and candidates in the PECs.

District Election Commissions

To organize the 2014 early parliamentary elections, the Central Election Commission formed 213 district election commissions and 113 out-of-country precinct election commissions. DEC's shall form around 32,000 precinct election commissions countrywide. District election commissions, except of 12 on the occupied territories of Crimea and Sevastopol, were formed on September 5, in accordance with the law. The four party parliamentary factions (Party of Regions, Svoboda, UDAR and Batkivshchyna) were each guaranteed one seat in every DEC. In addition, 21 political parties that fielded candidates for the nationwide constituency during the 2012 parliamentary elections, including the parliamentary parties, participated in a lottery to fill the remaining DEC seats. UDAR received the largest number of DEC members, 363, followed by the Party of Regions with 355 and Svoboda with 352. The Right Sector got the smallest number of commissioners, 59. The lottery enabled the balanced representation of political forces represented in the outgoing parliament and entities that competed in the 2012 proportional part of elections. However, several new political parties contesting the October elections (e.g. People's Front and Civic Position) could not participate in the DEC lottery and will not have any representation in the DEC's.

From the beginning of the DEC's' work, ENEMO observed a tendency of nominating parties to replace some of its commissioners. As reported by MAG CIFRA, from September 5 to September 30 more than 25 percent of the 3,800 DEC commissioners were changed. Replacements among managerial positions in all 213 DEC's are even more frequent.⁶ The leading regions with high DEC turnover are Donetsk, Odesa, Kherson, Kirovograd, Lviv and Dnipropetrovsk, ranging from 30 to 35 percent. The lowest is Ternopil oblast, with just 8 percent of changes. The political parties with most frequent changes in the DEC's, ranging from 50 to 99 percent of DEC members, are Political Party the Greens, Our Ukraine, Party of Greens of Ukraine, Ukrainian Platform Sobor, Radical Party and Ukrainian Party Green Planet. On the

⁵ CEC resolution No.1493 (October, 6)

⁶ OPORA reports 79 DEC Heads changed, 66 DEC deputy heads and 77 DEC secretaries –31 to 37 percent

other hand, the lowest proportion of DEC changes was made by the Communist Party of Ukraine (less than 1 percent).

The great majority of DECs are functioning in good manner without any significant problems, largely in line with the CEC electoral calendar. At least 14 DECs in Donetsk and Luhansk oblasts are not able to perform their duties because of the armed conflict in the region (DECs 41-44, 51, 54-56, 61 in Donetsk oblast, and DECs 104, 108 and 109-111 in Lugansk oblast).⁷ Due to the unwillingness of the majority of commissioners to participate in the sessions, DEC 127 in Mykolaiv oblast struggled to reach quorum for a period of time, but was able to begin working recently.

ENEMO observers reported cases of commissioners changing their party affiliation in order to stay in the commission. In DEC 188 in Khmelnytsky region, the head nominated by the Political Party Pan-Ukrainian Union Hromada returned to the DEC as a member of the Party of Pensioners after being dismissed. In DEC 86 in Ivano-Frankivsk and DEC 96 in Kyiv oblast, the heads also changed their party affiliation to remain on their positions.

Establishing of Precinct Election Commissions

The Law on Parliamentary Elections required DECs to establish precinct election commissions no later than October 10, 2014. By October 8, candidates registered in single-mandate districts, political parties that have factions in the parliament (Party of Regions, UDAR, Batkivshchyna and Svoboda), and political parties whose candidates have been registered by the CEC in the national district were allowed to submit one name for each PEC in a district. Similarly to the principle of DECs' formation, parliamentary factions had guaranteed a seat in every PEC in case of nomination. According to the law, if the overall number of proposed names exceeds the maximum number of members that can be appointed to the respective PEC depending on the size of a precinct, the DEC was to select PEC commissioners by lottery. The system used to select PEC members ensured a balanced representation of running contestants.

ENEMO LTOs observed the lotteries in 55 DECs. Based on the reports, the process of selecting PEC members was mainly conducted in accordance with the legislation. However, cases of nominees submitted by two or more entities were noticed. For instance, in DEC 127 in Mykolaiv region, 63 persons were found to be nominated by two political entities. A similar situation occurred in DEC 223 (Kyiv City) and DEC 98 (Kyiv oblast), where 98 and 41 persons respectively were nominated multiple times. ENEMO recognizes an improvement since the previous parliamentary elections, when identical cases were reported in a significantly larger scale. However, further measures need to be taken to prevent such a behavior by political entities in future elections.

⁷<http://www.ifes.org/~media/Files/Publications/White%20PaperReport/2014/IFES%202014%20Parliamentary%20Election%20bulletin%205%20Eng%202.pdf>

CANDIDATE REGISTRATION

The right to stand for elections to the Ukrainian parliament is granted to citizens of Ukraine with the right to vote who are at least 21 years old and have resided in Ukraine for the last five years. Citizens convicted of deliberate crimes are not eligible as candidates unless their criminal record has been cleared or cancelled. Candidates for deputies are nominated either by political parties or through self-nomination. Parties and self-nominated candidates were required to deliver a set of various documents and a financial deposit to the CEC before September 25.

The candidate registration process was concluded by the Central Election Commission on September 30, in accordance with the electoral calendar. 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. An additional 48 rejected applicants successfully appealed the CEC decision in the courts. However, final number of rejected nominees for candidates in 2014 parliamentary elections (739) is much higher than in the previous 2012 parliamentary elections (441). 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.

Twenty two refused applicants re-submitted their documents within the candidate registration period and the CEC decided to register them after the missing information was provided or mistakes were corrected. Political party Volya, on behalf of its 21 rejected candidates and a number of 27 MP candidates, appealed the CEC refusal at the Kyiv Administrative Appeal Court or Higher Administrative Court of Ukraine; based on the court rulings, the candidates were

⁸ As of September 30

subsequently registered by the Central Election Commission. However, some of these decisions to register candidates came with significant delay.⁹

The number of women candidates on the party nationwide lists reached 25.8 percent, which is a noteworthy increase compared to the 2012 and 2007 elections (19.8 percent and 17.8 percent respectively).

ELECTION CAMPAIGN

The election campaign in all parts of the country can be described as calm and moderate. It can be said that ‘door to door’ campaign is the prominent tool used in these election campaign, while small gatherings and rallies are happening to a limited extent.¹⁰ Promotional billboards and promotional tents, mainly representing leading parties in the regions, were visible; pamphlet delivering was noticed. Generally, promotional activities from self-nominated candidates contesting single mandate districts are less noticeable. All political entities intend to mobilise a significant number of volunteers for campaign purposes as well as to train them to be official observers during Election Day. Political parties are emphasizing that they are conducting campaigns with the support of individual donors and volunteers.

The law prescribes that an election campaign can start after the candidate or the list of candidates is registered by the CEC. 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, Kirovograd, Mykolaiv, Kharkiv and Dnipropetrovsk. In most of the reported cases, current local administration officials misused celebration occasions in order to promote themselves.

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 are being used as a channel for voter bribery. Moreover, candidates and parties are using different occasions and holidays to donate mainly to vulnerable groups or the army whilst promoting themselves. Cases of voter bribery have been reported in Zaporozhie, Kharkiv, Dnipropetrovsk, Mykolaiv, Odesa, Sumy, Kirovograd, Chernigiv, Kyiv City, Cherkassy, Zhytomir, Volyn and Kyiv oblast.

Even though it is noticeable in lesser extent compared to previous parliamentary elections, the trend of misusing administrative resources has not been eradicated yet. Such cases were pointed

⁹ CEC decisions from October 10-13

¹⁰ ENEMO observers have monitored 51 small gathering and rallies

out by observers in Zaporozhie, Kharkiv, Dnipropetrovsk, Mykolaiv, Odesa, Sumy, Kyiv, Rivne and Ivano-Frankivsk.

ENEMO observers registered over 15 cases of election agitation in universities, schools, private companies, and even kindergartens. Public transportation is widely used for placing political advertisements. Likewise, several candidates have provided pro bono transportation branded with the respective campaigning materials within their electoral constituencies, i.e. district 81 in Zaporozhie region and district 91 in Kyiv region.

Two cases of political pressure have been reported to ENEMO observers. In both cases, members of Batkivshchyna have been fired from their local administration positions after registering as candidates in district 180 in Kharkiv region and district 95 in Kyiv region respectively.

The familiar ‘clones’ scenario reappeared countrywide.¹¹ Also, potential for nepotism within candidates is gradually growing during these elections. Close family members¹² are on the lists of different political parties and as candidates in single-mandate races. These cases are registered in all the regions. Even though the law allows every eligible citizen to exercise their right to run the elections such common practice might lead to distortion of the results.

Simultaneously with the start of the election campaign, few cases of physical attacks on individuals related to the previous regime were reported. An assault on MP Viktor Pylypishin occurred on September 25 at the CEC entrance. Likewise, the head of the territorial election commission in Irpin’ was forced to sign his resignation and thrown in the trash. Other election stakeholders are reported in the media among the targets. The wave of evoked violence spread far beyond the individuals related to the previous regime and resulted in acts of hostility in Odesa, Dnipropetrovsk, Sumy, Kyiv City and region, Kharkiv, and Cherkassy.

MEDIA

The election law provides that both state and private media shall cover the campaign by providing equal conditions to the candidates and political parties. The media are mostly following the ongoing electoral campaign and, according to preliminary data, parties and candidates don’t have evident obstacles accessing local and national media.

¹¹ For ex. DEC 168- Valeriy Volodimirovich Pisarenko; DEC 169- Stanislav Anatolievich Kosinov; DEC 170- Anatoliy Anatolievich Rodyynski; DEC 135- Volodimir Rondin; DEC 141- four candidates with the last name Dubovoy; DEC 92- Gudzenko & Efimenko; DEC 93- Onyshenko etc.

¹² For ex. Onul (husband and wife) in DEC 99 and DEC 100; Berezkin (father and son) in DEC 99 and DEC100; Solovchuk (brothers) in DEC 100 etc.

Journalists are emphasizing that in comparison with the media situation during the 2012 elections, now they are in a position to freely express criticism, even towards governmental officials, without fearing the consequences.

Observers reported the usage of so-called ‘black PR’ against candidates, and so called ‘*jeansa*’, candidate paid promotion disguised as news articles. For instance, cases of ‘black PR’ against candidates were reported in Vinnytsia, Chernivtsi, Ternopil, Sumy, Zhytomyr, Khmelnytsky, Ivano-Frankivsk, Lviv, Kyiv City, and Zaporozhie. ‘Jeansa’ articles were spotted in media sources in Sumy, Kyiv City, Ternopil, Volyn, and Zaporozhie.

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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