



STATEMENT OF THE NDI DELEGATION TO UKRAINE'S 2014 PARLIAMENTARY ELECTIONS

Kyiv, October 27, 2014

This preliminary statement is offered by the National Democratic Institute (NDI) delegation assessing Ukraine's October 26, 2014, parliamentary elections. Former U.S. Representative Karan English and Janusz Onyszkiewicz, former defense minister of Poland and deputy vice president of the European Parliament, co-chaired the delegation. Other members of the delegation's leadership group were Robin Carnahan, former secretary of state of Missouri who is also a member of the NDI board of directors; Per Eklund, former Swedish ambassador and head of the European Union Delegation to Georgia; Mátyás Eörsi, former Hungarian Member of Parliament (MP) and leader of the Alliance of Liberals and Democrats for Europe in the Parliamentary Assembly of the Council of Europe; and Liia Hänni, former MP of Estonia and former minister of property reform.

This preliminary statement is offered as votes are being tabulated and any electoral complaints that may be lodged are yet to be processed. NDI therefore does not seek to offer its final analysis of the elections, and it recognizes that ultimately the people of Ukraine will determine the meaning of the election as they exercise their sovereignty.

NDI's mission operated in conformance with the Declaration of Principles for International Election Observation and Ukrainian law, and it cooperated with other international missions that endorse the Declaration and with nonpartisan citizen election monitoring organizations that endorse the Declaration of Global Principles for citizen election monitoring.

The delegation wishes to express its appreciation to the United States Agency for International Development (USAID), which has funded the work of this delegation and, along with the National Endowment for Democracy (NED), the State Department Bureau of Democracy, Human Rights and Labor (DRL) and the Swedish International Development Cooperation Agency (SIDA), is supporting NDI democracy assistance programs in Ukraine.

SUMMARY

Ukraine's October 26 parliamentary elections marked a major achievement for a country facing fighting and foreign intervention. For the second time in less than six months, the Ukrainian people have conducted elections that meet international democratic standards, in

spite of the Russian occupation of Crimea and Russian-backed separatist conflicts in the East. The credibility of these elections will help the *Verkhovna Rada*, or parliament, advance Ukrainians' aspirations for democracy, independence and sovereignty.

The process involved some shortcomings, none of which appeared to undermine electoral credibility. The delegation was concerned about problems in the legal framework, sporadic incidents of violence, intimidation and attempts to disrupt voting, some instances of voter bribery and smear campaigns in the media, insufficient promotion of women, and inadequate campaign finance regulations. Concerted efforts should be made to prevent recurrence of these problems in the future. While troubling, however, these issues were less pervasive than in the 2012 parliamentary elections, and they did not appear to be centrally orchestrated or directed against a particular political target.

The new parliament, together with the President and his administration, will face a series of complex tasks in the months to come, including reshaping the economy, decentralizing the government, fighting corruption and establishing an independent judiciary. The extent to which Ukrainians will feel that the new parliament reflects their aspirations is not yet clear. Also, patience and restraint may be required as the results are finalized. The tabulation and any complaint processes merit careful scrutiny and should be pursued peacefully and through established legal channels. Nonetheless, the election process to date has provided the basis for a more representative legislature and a solid endorsement for reform. It will be critical for the parliament to use the full extent of its new mandate to meet the challenges ahead.

Ukrainians should feel proud of the progress they have made in promoting electoral accountability, new entrants and grassroots campaigning as key features of the political landscape. The May presidential and October parliamentary elections have laid a foundation for further improvements to the process. Furthermore, the next elections are expected to be at the local level, and these will give new faces another chance to earn support and exercise leadership.

The parliament will need to form a stable governing coalition as quickly as possible. The majority will then in turn need to make extraordinary efforts to ensure representation of the interests of all Ukrainians in pursuit of a renewed reform agenda. Building popular support for the difficult reform process will be essential for its success. The international community has a responsibility to support these goals to the fullest extent possible.

I. POLITICAL CONTEXT

The significance of these elections is greater than the composition of the new *Verkhovna Rada*. Ukraine is facing an imposing set of challenges -- some new and others longstanding, some domestic and others external. The response to these issues will impact Ukraine's sovereignty, independence, stability, prosperity, and democracy, and will have reverberations well beyond the country's borders.

Russia has occupied Crimea and is supporting separatist forces in the Donetsk and Luhansk *oblasts*, or regions. The fundamental right of Ukrainians to form their own opinion about the future of their country lies at the core of this struggle. Although a fragile ceasefire came into effect in early September, the conflict nonetheless continues to threaten Ukraine's sovereignty and independence while placing extreme burdens on its economy and political institutions. Since the start of the conflict, at least 3,700 people have lost their lives and 1.3 million have been displaced. The economy of the entire country has been disrupted, with particularly intense effects in the areas where the conflict is concentrated.

Pursuant to an agreement reached in Minsk on September 5 and a law passed by the *Rada* on September 16, the conflict areas of the Donetsk and Luhansk *oblasts* have been assigned "special status" for three years. This status provides greater autonomy to the conflict areas and calls for early local elections on December 7. The "special status" arrangement has been represented as a condition of avoiding the loss of additional Ukrainian territory to a late-August Russian military surge. However, many civil society and political party representatives raised concerns that this arrangement will codify a conspicuously undemocratic situation and create an enduring "frozen conflict" in those areas. Moreover, violations of the Minsk agreements have been extensive.

Ukraine is also facing complex internal challenges. The economy is in crisis: energy is in short supply as winter approaches, and corruption at all levels remains endemic. Although the military conflict has united Ukrainians in many ways, divisions remain among those who are impatient for reform, those who wish to preserve the status quo and those who now feel left out of the process. In addition to ratification of an Association Agreement with the European Union, 18 major legislative reforms put forward by civil society have been enacted so far, including laws on lustration (barring certain tainted officials from public office), freedom of information, and public broadcasting, as well as various anti-corruption measures and reform of the education sector and the office of the prosecutor's office. Reflecting current levels of polarization, these initiatives are alienating some allies of the previous regime while failing to keep pace with the expectations of those impatient for reform. Frustration is feeding support for extremist groups, many of which are armed. One of the most striking aspects of these elections was the prevalence of volunteer battalions and self-defense groups across the country.

The new government will be confronted right away with a series of urgent and difficult decisions. These will include renegotiation of the International Monetary Fund program, stabilization of the currency, development of an economic reform strategy and implementation of the EU Association Agreement. Many of these decisions, while necessary, will prove painful for Ukrainians. Unless the President, parliament and government can quickly demonstrate their capacity to work together to reform the country, more instability may be in store. In the wake of the Euromaidan movement, civil society is more active and vigilant than ever. This energy represents a valuable resource to policymakers but it brings with it the need to solicit citizen input and manage expectations. The new parliament and government will need to make particular efforts to reach out to those Ukrainians who did not

participate in the elections or who supported parties that will not be represented in the majority coalition.

Expected constitutional reforms, particularly decentralization, will provide opportunities to bridge historic regional divisions. The success of this process, too, will depend on broad public engagement as well as active participation in the 2015 local elections. The government will also need to regain the confidence of those now resorting to self-defense or vigilante strategies and reinvigorate a sense of partnership with those committed to reform. These steps will in turn require a comprehensive campaign against corruption. The best legacy of Euromaidan would be a politically active and engaged citizenry, combined with responsive and accountable institutions, that together preclude the need for future Maidans and deter external aggression.

The international community has a critical responsibility to be engaged over the long term with assistance -- financial, diplomatic, and technical. This support must be set in the context of respect for Ukraine's territorial integrity, promotion of fundamental rights, and a commitment to the country's democratic and economic development. Several interlocutors stressed the importance of making such assistance conditional on concrete progress with reforms.

II. ELECTION DAY

The *Verkhovna Rada* has 450 seats, a maximum of 423 of which will be allocated through the October 26 elections. Constitutionally, a minimum of two-thirds of the Rada's seats must be awarded (i.e., 300) for the *Rada* to be properly constituted.

Half of the Rada's seats are allocated through a nationwide proportional system (with a 5 percent electoral threshold and closed party lists). Half of the seats are awarded through majoritarian elections in single-mandate districts. None of the 12 districts in Crimea participated in the elections due to the Russian occupation. An additional 15 districts in Donetsk and Luhansk (of their combined 32 districts) did not conduct elections because of the active conflicts there with illegal armed groups that are receiving Russian support. According to CEC estimates provided to the delegation, approximately 4.6 million Ukrainians were denied an opportunity to participate in the 27 districts where voting was prevented by foreign occupation and fighting by the illegal groups (1.8 million in Crimea and 2.8 million in Donetsk and Luhansk). The CEC reiterated to the delegation the government's commitment to conduct elections in those districts as soon as security conditions permit free and informed voting.

Not all polling stations were able to open in the districts that conducted polling in Donetsk and Luhansk. In accordance with the law, elections in those districts will be settled based on the votes cast in polling stations that opened. MPs thus elected will need to make efforts to reach out to constituents in areas that were blocked from voting because of fighting. Prior to these elections, the CEC issued a special decision to better enfranchise internally displaced

persons (IDPs) in parts of Donetsk and Luhansk that are affected by fighting. Also, according to information provided to the delegation by the CEC, of the approximately 50,000 Ukrainian combatants who relocated to fight in the contested areas, approximately 9,000 registered to cast proportional election ballots away from their home districts. Efforts to extend the franchise as far as possible to eligible Ukrainian citizens affected by occupation and fighting is commendable, though the safety of voters, election officials and observers were at times at risk in areas near the fighting.

The delegation deeply regrets any violations of voters' rights to exercise their franchise, including those that occurred in Crimea and the Donetsk and Luhansk *oblasts*. Universal and equal suffrage for eligible citizens is fundamental to democratic elections. It is important to note the source of voter disenfranchisement. In most countries where NDI has observed disenfranchisement, it has been caused by authorities or political contestants interfering with the process. In most of Ukraine, the elections were generally well run and proceeded without major incidents. In Crimea and Donetsk and Luhansk *oblasts*, the responsibility lies with the foreign forces occupying Ukrainian territory and armed groups seeking to derail the electoral process, despite good faith efforts of election officials. Those actions did not delegitimize the parliamentary elections. Unfortunately, disenfranchisement has occurred in Cyprus, Moldova and Georgia in recent elections due to loss of control of territories by the central government. Nevertheless, the credibility of those elections was not questioned on this basis.

In addition to parliamentary elections, 177 regional and local polls were also held. The delegation's primary focus was on the parliamentary elections, though the process in regional and local elections was noted where appropriate.

Voting Process. Voting in Sunday's parliamentary elections was largely peaceful and orderly, which is a major achievement in a country facing fighting and foreign intervention. Though not without problems, the delegation did not witness irregularities that would appear to undermine the credibility of the process. Approximately 52.4 percent of voters turned out, which is six percent less than in the last three parliamentary elections and seven percent less than in May's presidential election.

Precinct Election Commissions (PECs) generally followed voting procedures in a transparent and organized manner in polling stations observed by the delegation. There were some examples of confusion around opening the polls, including beginning before the appointed time for preparations in a few places and minor late openings in some others. The delegation noted positively the lack of unauthorized persons present in polling stations and interference in the voting process, while police were generally seen outside and not acting in an intimidating fashion. The delegation also noted that the Ministry of Interior reported at least 19 bomb threats at PECs in the country, with no explosives found and voting resumed after brief delays. In Kharkiv, district 169, PEC 31242, the NDI team observed elderly voters brought to a polling station on a private bus accompanied by four men, who escorted them to the PEC's door, and a single individual appeared to assist many of them to vote. In Odessa, the NDI team conferred with the PEC chair, at district 133, PEC 511098, that four persons

were seen taking photos of their marked ballots in the voting booths, and the PEC chair called the police. Three of them were detained, and police opened an investigation. No other incidents of note were reported by NDI's teams.

Counting Process. The counting process observed was generally conducted in a professional manner. At some PECs the counting was quite slow, though procedures were followed. The slowness appeared to be caused by a lack of training of officials, which could have been the result of the high incidence of substitutions of PEC members by their political parties.

Tabulation and Announcement of Official Results. At the time of this statement, some of the large PECs had not completed their work, the tabulation of votes was still underway, and preliminary official results were yet to be completed. In addition, any challenges before electoral authorities and the courts that might be lodged were not reported. The delegation emphasizes that those processes merit carefully scrutiny. The delegation notes with appreciation that voting results are provided at the PEC level, which is vital for parties, observers, and others to verify their observations.

Election Observation. Large numbers of nonpartisan citizen election observers mobilized across all of Ukraine to safeguard the integrity of the election process and promote public confidence. The Civic Network Opora mobilized 213 long-term and 2,000 election-day observers and the Committee of Voters of Ukraine (CVU) mobilized 190 long-term and 3,000 election-day observers in all regions of the country where elections were taking place.

Opora also mounted systematic election-day observation of the voting, counting and tabulation processes by deploying monitors to a representative statistical sample of polling stations nationwide, which allowed it to issue reports on the quality of the opening of polls, turnout and critical aspects of the processes. This monitoring effort (often referred to in its entirety as a parallel vote tabulation or PVT) included timely presentation of data analysis in easy to understand "infographics" relayed through press releases and social media.

These citizen observers had full access to the processes under the law, the authority to lodge official electoral complaints and witness the entry of results at the district election commissions (DECs) into the CEC's computerized results tabulation system. This level of transparency added to confidence in election day procedures. Ukrainian citizen observers courageously deployed to all parts of the country except Crimea, and at times they faced difficult circumstances.

International observers included the OSCE, the Canadian Election Observation Mission (CANEOM), the European Network of Election Monitoring Organizations (ENEMO), and the International Republican Institute (IRI). NDI worked in co-operation with IRI and both Institutes cooperated with other endorsers of the Declaration of Principles for International Election Observation. All of these missions reported that they received cooperation from election authorities at all levels.

III. PRE-ELECTION ENVIRONMENT

Electoral Framework and Administration

The parliamentary election law was controversial when it was adopted in 2011. One of the key demands emerging from the Euromaidan movement was reform of this legislation. Among other things, civil society groups advocated for eliminating single-mandate constituencies, which have been disproportionately vulnerable to fraud in Ukraine, and switching to “open” rather than “closed” lists for the proportional races, which would make parties more accountable to voters. However, the outgoing parliament did not pass the corresponding amendments. Representatives of civil society, political parties, election commissions and the government noted that the system gives disproportionate advantages to established parties and incumbents and makes it difficult for new entrants to translate legitimate electoral support into representation.

The delegation noted with appreciation the October 23 enactment of amendments to the criminal code that strengthened sanctions for vote buying, falsification of electoral documents, multiple voting, campaign finance fraud, and interference by government officials in the work of election commissions. These gave law enforcement authorities more tools to prosecute offenses, although they went into effect late in the process. The Interfax news service quoted the Minister of Internal Affairs as saying on October 24 that 227 criminal cases relating to the election process had been opened.

The delegation also commended the Central Election Commission for passing resolutions, in the absence of changes to the law, to address problems arising from the conflict in eastern *oblasts*. These steps included allowing district election commission addresses to be moved to safer locations and simplifying procedures for voters from insecure areas in Donetsk and Luhansk *oblasts* to temporarily change their voting locations. The Commission also appropriately took the position that elections would not be conducted in precincts where a credible, secure and transparent process could not be provided. The delegation noted that the CEC will apply the same conditions to early local elections in the “special status” areas.

All of the delegation’s interlocutors reported that the Central Election Commission performed with competence and professionalism. The majority of DEC and PECs -- except those in the conflict zones of Donetsk and Luhansk that were not able to form or function -- fulfilled their pre-election responsibilities. The delegation heard reports of problems due to inexperience, and concerns were raised about the volume of turnover among the members of district and precinct commissions in the lead up to election day. However, these problems did not call into question the credibility of the process. The quality of the voter lists, an issue that has prompted criticism in some previous elections, did not raise significant concerns this time, suggesting that confidence in their accuracy has improved.

Recommendations

- The new parliament should undertake reform of the legal framework for elections as a matter of priority as early as possible before the next elections. This reform process should be transparent and consultative to yield a consensus framework, minimize the need for future revisions and reduce uncertainty before each election.
- Renewed consideration should be given to adopting a unified election code that would govern elections at all levels.
- Consideration should be given to dividing large PECs, particularly those with over 1000 voters, into smaller units so that the counting process can be completed expeditiously.
- Consideration should be given to providing in the electoral law and regulations that replacing party members of the DEC and PECs be frozen several days before elections.
- While progress has been made in providing access to PECs for voters with disabilities, concerted efforts should be developed to address this issue effectively throughout the country.
- Policymakers should consider limiting the immunity from criminal prosecution of members of parliament to activities conducted in the course of their parliamentary duties.
- The parliament should revise the electoral legislation to ensure that the subjects of elections are equitably represented on DECs and address the recurrent problem of late substitution of DEC members by political parties.
- The parliament should consider the inclusion of some nonpartisan members in the composition of district and precinct election commissions.
- Revisions to the electoral code should include measures to inhibit the registration of frivolous (“technical”) parties and candidates while being careful to minimize barriers to parties and candidates with legitimate public support.

Campaigns and Candidates

Twenty-nine political parties registered party lists in the nationwide election district and more than 3,300 candidates were registered in the 213 single-mandate election districts. In total, the Central Election Commission registered more than 6,600 candidates for these elections.

The delegation heard from many interlocutors that the campaign environment was more open and competitive than in previous elections. Although the campaign was overshadowed by the ongoing conflict and disruption of the economy, street campaigning, outdoor and media advertising picked up in the second half of October. Candidates from parties that opposed the Yanukovich regime said they had opportunities to hold campaign events in universities and enterprises that were denied to them in previous parliamentary elections. With the exception of reports from Opposition Bloc, there was consensus among most parties, candidates and civic groups that these elections were “better than 2012.” In particular, reports of centrally-orchestrated abuses of state resources for partisan purposes were greatly reduced. However, on the eve of the election President Poroshenko gave a televised address to the nation, parts of which could have been interpreted as campaigning.

Approximately 600 candidate registration applications were denied, mostly on formal or administrative grounds. No party complained to the delegation that its candidates were excluded systematically from the ballots, and approximately 60 were registered after lodging successful appeals. However, the delegation heard that in some cases these decisions appeared arbitrary.

In its October 24 report, Opora noted 502 violations committed by candidates and political parties. These included 212 cases of violations of campaigning rules, 117 cases of voter bribery, 84 cases of abuse of administrative resources and 74 instances of interference with the electoral process through the use of force. Opora assessed that these violations would not independently or collectively alter the outcome of election processes.

Both in Kyiv and in the regions, political parties and civic groups frequently raised with NDI the problem of voter bribery. This was seen as a device used primarily by single mandate candidates, rather than political parties. The Committee of Voters of Ukraine described to NDI a number of civic education initiatives designed to raise awareness of voter bribery. Some candidates and political leaders expressed the hope that Ukraine's voters are now less willing to allow either bribery or coercion to influence their electoral choices. Although the scale of the problem does not appear sufficient to affect the overall election outcome, fears remain that these methods might affect the result in some close single mandate district races. On election day, the Ministry of Internal Affairs received 410 reports of election-related violations, 45 of which concerned voter bribery.

Other methods that have been used to confuse or distort the will of voters in single mandate district races include independent candidates appropriating the "brand" of political parties to which they are not affiliated, candidates presenting names and personal histories very similar to those of *bona fide* participants, and candidates stacking ballots in numbers designed to split opponents' votes. A few other types of potential violations were raised with NDI. In Dnipropetrovsk, a Communist Party DEC member cited a sudden increase from 15 to 200 people registered as hospital voters in the district. Representatives of the Poroshenko Bloc told the delegation they were concerned about the risk of provocations and fraud in 35 districts where former Party of Regions candidates were running.

One of the key hopes emanating from the Euromaidan movement was that "new faces" would enter politics, thereby broadening citizen participation in democratic politics. It is encouraging that several political parties espousing "Euromaidan ideals" participated in the parliamentary elections and that many young civil society activists and journalists who were active on the Maidan ran as candidates. This is evidence that the energy of Euromaidan is being channeled into constructive and sustainable forms of political engagement. The impact of the arrival of new entrants to political life is already being seen. Some of these new candidates told NDI that they are explicitly running their campaigns in new ways, including focusing on direct voter contact rather than relying on media; advancing policy proposals rather than relying on the image of their leaders; and soliciting more input from local party

structures in their decisionmaking. Representatives of the Samopomich, People's Force, Democratic Alliance and Volya parties, for example, told NDI that they used more interactive campaign methods and plan to build closer relationships with their supporters going forward. They also stressed the importance of identifying and training new leaders for the local elections in 2015.

The absence of electoral reform and the short period between the announcement of the elections and the registration of parties and candidates made it harder for emerging parties to form coalitions or to overcome the 5 percent threshold on their own. Rather than creating their own political platform, veterans of the Maidan are dispersed across several political parties in this election. However, they have already demonstrated that they are able to work across partisan lines in pursuit of their political objectives. During the campaign they helped their parties to reach agreement in several districts on running a single candidate against a shared opponent. The Batkivshchyna, Poroshenko Bloc, Civic Position, People's Force, Samopomich and Svoboda parties reached such agreements in 37 districts. In a similar vein, several "new faces" from the Poroshenko Bloc campaigned against a single mandate candidate nominated by their own party, due to his record as an ally of the previous regime.

The prevalence of volunteer battalions and self-defense groups throughout the country has compensated, to some degree, for shortcomings in the state's law enforcement and defense capacities. The delegation heard repeatedly that confidence in law enforcement authorities is low in many parts of the country. At the same time, few of these paramilitary groups are answerable to the central government in Kyiv and many have partisan affiliations and participated actively in the election process.

According to the delegation's interlocutors, this combination contributed to some incidents of intimidation and violence and an undercurrent of tension. There were violent clashes outside the Rada on October 14. Rocket propelled grenades were fired at a military fuel depot on October 19. Also on that day, an Opora observer was beaten by people allegedly representing a single mandate candidate. A People's Front candidate in Kyiv *oblast* was attacked with explosives on October 20. Internal security services reported breaking up several terror cells, including one in Kyiv with plans to destroy aircraft at a Kyiv airport on election day. Election administrations faced regular bomb threats, as did the Kyiv metro, as the elections approached. NDI heard about threats against activists from several parties in Odessa, the beating of a Svoboda activist in Kherson and a Radical Party leader in Kirovograd, attacks on activists from several parties in Dnipropetrovsk, and violence against Batkivshchyna, Radical and Civic Position activists in Kharkiv. The Opposition Bloc presented NDI with a dossier of complaints, including instances of physical assault and intimidation of their activists and candidates during the campaign, particularly in the East.

The campaign period coincided with a series of incidents, known as "people's lustration," during which both elected and government officials of the former regime were pressured to resign. In many cases these officials were physically assaulted. These incidents abated after the President signed a law on lustration on October 9. Although this appears to have been a

spontaneous eruption of public frustration, rather than an organized effort by any particular political force, it did affect the campaign atmosphere. NDI heard complaints from the Opposition Bloc and Strong Ukraine parties that they had fewer opportunities than other parties to conduct street campaigns. Strong Ukraine said it held more of its events behind closed doors and inside enterprises and avoided outside rallies. Both Strong Ukraine and the Opposition Bloc mentioned widespread defacing of their billboards. Although political parties did not undertake a code of conduct at the national level, NDI received a local code proposed by the Poroshenko Bloc and agreed to by other major parties in Vinnitsya. This could provide a model for others to follow in the 2015 local elections.

Given the threats emanating from the military conflict in the East as well as domestic tensions, Ukrainian government authorities took several steps to improve upon security measures that were in place for the May presidential election. They established rapid-reaction forces. They sought to provide enhanced information to the public and opportunities to report incidents through websites and national- and local- level call centers and hotlines. In some regions, police forces provided training for voluntary self-defense forces to ensure greater compliance with the law and understanding of electoral processes. The government invested in training and equipping the national guard, which was deployed to deter or quickly de-escalate violence and promote public confidence.

Recommendations:

- Through the finalization of results and complaints and adjudication procedures, political parties should take full responsibility for the conduct of their activists and candidates, both on the party lists and in single mandate constituencies, to ensure peace and maintain the credibility of the process.
- The new parliament should be prepared to call, and election authorities to organize, by-elections for any unfilled parliamentary seats as soon as conditions permit safe and credible processes.
- Political parties should consider agreeing a code of conduct which commits them and their candidates to respect for the rule of law and attainment of high democratic standards in future election campaigns.

Media Environment

Journalists, media monitors and political parties reported to the delegation that the media environment provided voters with a pluralism of editorial perspectives, a higher quality of coverage than in the past and adequate access to information to make informed choices in the ballot box. Except in Crimea and the conflict areas of Donetsk and Luhansk, where independent media have been systematically silenced, the rights of journalists were more widely respected than in previous parliamentary elections. The delegation was encouraged that the First National channel, Ukraine's new public broadcaster, hosted a series of televised debates among political parties in the weeks preceding the elections.

As in the past, some media outlets reflected partisan biases. Ownership of most media outlets remains concentrated in the hands of a few wealthy individuals, most with connections to political parties. Competition among these interests was a feature of this campaign. The favoritism reflected diverse points of view, which marked an improvement from the dominance of state influence over media under the previous regime. However, it meant that voters could form an objective perspective only by following multiple outlets. The delegation heard many reports about uses of “black PR” or smear campaigns, as well as paid advertisements deliberately misrepresented as objective news. Although the amount of free air time was increased on several television channels, some candidates and parties complained that the free time allocated under the election laws was insufficient, particularly given the high cost of paid advertising. All parties except the Communists, participated in televised debates.

The media monitoring group Association Common Space/Equal Access Committee reported that materials biased for or against particular candidates, depending on their relationship with the channel’s owner, were mostly observed on the Inter, TRK Ukraine and 1+1 television channels. Representatives of the Radical Party complained to NDI about the media environment in Dnipropetrovsk, where they claimed two channels had been taken off air on the orders of the deputy governor. Representatives of smaller parties with limited advertising budgets complained of insufficient access to the media. The Samopomich party complained about a large-scale “black PR” effort against them in the closing stages of the campaign. They reported that six million copies of a free newspaper making false claims about the party were printed, of which three million were confiscated by the Ministry of Internal Affairs. In violation of the law, no information about the author, publisher, printer or funder was made available in the newspaper itself. Several instances of deliberate misinformation emerged during the course of the campaign. One of the most serious examples occurred on the eve of the election and involved a false claim about the malfunctioning of the electronic system for counting votes. The National Television and Broadcasting Council of Ukraine can issue warnings but cannot impose sanctions against broadcasters.

Recommendations:

- Media should always label as advertising any material for which payment has been made.
- Laws requiring disclosure of the author, publisher, printer and funder should be rigorously enforced.
- The process of transforming the First National channel into a public broadcaster should be continued. To ensure public confidence, the process should be guided by the overarching goals of editorial independence, financial security and a sound legal framework.
- Under future election law revisions, consideration should be given to increasing the free air time allocated to parties and candidates during parliamentary election campaigns to help level the playing field for new or smaller entrants.
- The parliament and government should consider developing and rigorously enforcing rules governing media ownership, including transparency requirements. Conflicts of

interest should be avoided by restricting ownership of media holdings by public officials.

Women's Participation

Women represent 54 percent of the Ukrainian population and an even higher proportion of its voters, but they are grossly underrepresented in politics as leaders. In the outgoing parliament, 9.4 percent of the MPs were women (the global average is 21.9 percent). Ukraine is falling short of fulfilling its Millennium Development Goal commitment of women filling 30 percent of top leadership positions by 2015. According to NDI's research, nearly half of Ukrainians believe there are too few women in elected office with nearly half of women believing that increasing the number of women in power would have a significant impact on the country. Increasing the numbers of women in leadership roles would help to address the post-Maidan demand for "new faces" in politics.

In the parliamentary elections, 25.5 percent of candidates on the national party lists and 15.2 percent of single mandate candidates were women. Overall, 20 percent of the candidates running in this election were women. Eight of 29 parties participating in these elections complied with a new 30 percent quota in the political parties law. The absence of legal sanctions for non-compliance is notable in this context. Also, the law does not specify how many women should be placed in winnable positions on the party lists. However, Samopomich placed women in half of the first ten places on its list and the Poroshenko Bloc, People's Front and Batkivshchyna parties placed 30 percent or more women among the top ten on their lists. It is notable that more women have been placed in winnable positions than in 2012. The Opposition Bloc nominated the most women candidates in single mandate districts (26 percent of the districts where they were competing). Regionally, Luhansk had the highest number of women single mandate candidates, at 61.

Five of 15 CEC members are women, including one of two deputy chairs and the secretary. The vast majority of the precinct election commission members across the country are women.

During the campaign, NDI did not see systematic appeals to women voters based on issues of concern to them. However, some party representatives have started to demonstrate more awareness of the importance of advancing women in political life and embracing their interests in their policy agendas. NDI appreciates the efforts by a number of civic groups to monitor and analyze the gender composition of party lists and single mandate candidates, as well as media coverage of women candidates.

Recommendations

- Parties should recruit and nominate more women as candidates for the local elections and should comply with the 30 percent quota in the political parties law.

- Political parties and domestic and international NGOs should place increased emphasis on training women candidates in such skills as fundraising, message development, media relations and communicating with voters.
- Parties should include gender equity objectives in their policy agendas.
- Parties should consult with women on the issues important to them and reflect those considerations in their policy agendas.
- The media should use consistent and responsible standards for their political reporting on both men and women.
- In the context of wider electoral reform, parliament work toward passage of more effective quota legislation until other barriers to women's representation are reduced.

Campaign Financing

The corrosive role of money in politics is a major area of concern that has not yet been adequately addressed in legislation or practice. The delegation heard concerns about the vague and limited scope of the law, its lack of penalties for noncompliance and lack of requirements to disclose the source of party funds. Furthermore, the CEC is not authorized to investigate violations. Although attempts were made to change the law in time for these elections, no progress was made. On a related matter, the deposit requirement for registering a party list is high and must be repaid if a candidate loses, thus serving as a disincentive to entry for all but the most well-financed groups.

The delegation heard from many sources, including parties, NGOs, government officials and election administrators, that the lack of transparency and regulation of campaign and party financing fuels corruption, inhibits the emergence of new parties, encourages the under-representation of women and other groups, penalizes serious but unsuccessful candidates, distorts electoral and political outcomes and divorces parties and elected officials from the citizens they are meant to represent. These have been longstanding concerns in Ukraine.

The Chesno Movement of Ukrainian civic groups conducted a campaign encouraging parties and candidates to go beyond the legal requirements for financial reporting and to voluntarily disclose sources and amounts of funding, as well as expenditures. As of election day, six parties (Poroshenko Bloc, People's Front, Batkivshchyna, Civic Position, Samopomich and People's Front) had posted asset declarations for their candidates on the Chesno web site. Three of those parties, Civic Position, Samopomich and People's Front voluntarily provided a list of their donors on their own party websites. People's Front provided not only the total amount and the list of donors but also the amount per donor. The same three parties also voluntarily posted the total amount they had spent on their campaigns. People's Force and Civic Position also included the amounts spent per vendor and type of activity.

Recommendations

- The parliament should consider strengthening campaign finance laws to require more rigorous limits on campaign contributions and expenditures and more transparency.

- Deposit amounts for candidates and party lists should be set at levels that do not discourage serious new entrants. Consideration should be given to using feasible levels of signature collection as an alternative qualification standard. Candidates that demonstrate a serious level of popular support should have their deposits returned to them.
- Consideration should be given to public funding of parties and/or campaigns, using eligibility criteria and allocation formulas that ensure that the support is subject to stringent transparency requirements and favors political pluralism without promoting fragmentation or reinforcing inequities.

IV. THE DELEGATION AND ITS WORK

The NDI delegation's co-leaders, English and Onyszkiewicz, symbolize the importance of a trans-Atlantic commitment to a democratic Ukraine. Other members of the delegation were Liia Hänni, former member of parliament and minister of property reform (Estonia); Mátyás Eörsi, former member of parliament and leader of the liberal Alliance of Liberals and Democrats for Europe in the Parliamentary Assembly of the Council of Europe (Hungary); Per Eklund, former ambassador and head of the European Union delegation to Georgia (Sweden); Robin Carnahan, former Missouri secretary of state (U.S.); Colin Cleary, Interagency Professional in Residence at the U.S. Institute for Peace and former political counselor at the U.S. Embassy in Kyiv (U.S.); Corina Cepoi, media expert with Internews in Kyrgyzstan (Moldova); Daniela Diaconu, a founder of the Pro-Democracy Association (Romania); James O'Brien, vice chair of the Albright Stonebridge Group and former State Department special presidential envoy for the Balkans (U.S.); Meryl Frank, former U.S. ambassador to the United Nations Commission on the Special Status of Women (U.S.); Valeri Ratchev, expert at the Center for Security and Defence Management at the Bulgarian Academy of Sciences and former ambassador to Iraq (Bulgaria); Gegham Sargsyan, director of NDI's programs in Armenia (Armenia); Laura Jewett, director of NDI's programs in Eurasia (U.S.); Milan Zboril, civic expert with NDI in Moldova (Slovakia); Kathy Gest, NDI's director of public affairs (U.S.); Mary O'Hagan, director of NDI's programs in Ukraine (U.K.); and Patrick Merloe, director of NDI's electoral programs (U.S.).

The delegation arrived in Kyiv on October 22 and held meetings with national political leaders, parliamentary candidates, election officials, senior government officials, representatives of nongovernmental organizations, the media and the diplomatic community. On October 24-26, observers deployed in teams across Ukraine, where they met with regional and local government representatives, election administrators, and political and civic leaders. On election day, the teams observed voting and counting processes in polling stations in 18 districts across Kyiv, Lviv, Kirovograd, Vinnitsya, Dnipropetrovsk, Odessa and Kharkiv.

The mission builds on the findings of NDI's September 15-19 pre-election assessment mission.¹ In addition to its international observation activities, NDI supported the election

¹ https://www.ndi.org/files/NDI-UKR-Parliamentary-Elections-2014-PEAM-Statement_FINAL-ENG-2.pdf

monitoring efforts of Opora and ENEMO and coordinated closely with the International Republican Institute.

NDI is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. NDI has monitored 340 elections and organized more than 150 international election observer missions in 63 countries, including ten pre-election and election day assessments in Ukraine.

V. NDI CONTACT INFORMATION

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