



NATIONAL  
DEMOCRATIC  
INSTITUTE  
FOR INTERNATIONAL AFFAIRS

**STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE  
PRE-ELECTION ASSESSMENT DELEGATION TO UKRAINE**

*Kyiv, Ukraine, September 19, 2014*

This statement is offered by an international delegation organized by the National Democratic Institute (NDI). The delegation's purpose was to accurately and impartially assess electoral preparations in advance of the October 26 parliamentary elections; review the broader political environment; examine factors that could affect the integrity of the electoral process; and offer recommendations to support peaceful, credible elections and public confidence in the process.

**SUMMARY**

Ukraine approaches parliamentary elections on October 26 with a series of democratic achievements to its credit and many obstacles on the path ahead. The May presidential election marked a milestone of constructive citizen engagement, political leadership and public integrity. Further, the civic momentum that emerged from the Euromaidan movement has not waned, but is being channeled into more sustainable forms of political organizing and governance. The infusion of "new faces" into politics is one of the most striking aspects of the current political environment.

At the same time, Russia has occupied Crimea and is supporting separatist forces in Donetsk and Luhansk. Although a fragile ceasefire is in effect, the conflict threatens Ukraine's sovereignty and independence while placing extreme burdens on the country's developing democratic institutions, including the upcoming parliamentary elections. Ukraine also faces domestic challenges, including combating corruption and overcoming an economic crisis.

The May presidential election demonstrated that, given sufficient political will, Ukraine is capable of conducting democratic elections, even in the face of grave security threats. The integrity of the parliamentary elections will depend on concerted, proactive efforts by Ukrainians to compensate for weaknesses in the electoral framework and embrace new political practices. The steps that can be taken before the elections to improve prospects for a democratic process relate to enfranchisement and electoral security, constructive campaigning, women's participation and financial disclosure. In the longer term, urgent reforms are needed in the areas of the electoral framework, campaign and party finance, and media transparency. In addition, it is incumbent upon all members of the international community to support to their fullest capacity Ukraine's democratic aspirations and unambiguously reject any efforts to delegitimize the process.

## **ABOUT THE DELEGATION**

The delegation included Edward “Ted” Kaufman, former U.S. senator; Robert Adams, international elections and democratization expert for London-based Electoral Reform International Services (ERIS); Marija Babic, independent electoral expert; Laura Jewett, NDI regional director for Eurasia; and Mary O’Hagan, senior resident director for NDI in Ukraine.

From September 15 to 18, the delegation held meetings in Kyiv, Dnipropetrovsk and Lviv with a broad spectrum of candidates, parties and campaigns participating in the parliamentary elections; members of the Central Election Commission (CEC) and district election commissions (DECs); citizen monitoring groups and other civic organizations; members of parliament; journalists; and the international and diplomatic communities. The delegation conducted its activities in accordance with the laws of Ukraine and international standards outlined in the [\*Declaration of Principles for International Election Observation\*](#),<sup>1</sup> which was launched in 2005 at the United Nations. NDI is one of more than 40 intergovernmental and international nongovernmental organizations that have endorsed the Declaration. NDI does not seek to interfere in Ukraine’s election process, nor does it intend to, nor could it, render a final assessment of the election process. The Institute recognizes that, ultimately, it will be the people of Ukraine who will determine the credibility of their elections and the country’s democratic development. The delegation therefore offers this pre-election statement in the spirit of supporting and strengthening democratic institutions and processes in Ukraine.

NDI’s findings are also informed by the long-term observation efforts of Opora, the largest independent citizen monitoring group in Ukraine, which began observing the process on September 9, and the Committee of Voters of Ukraine (CVU). NDI will follow up on the pre-election mission’s findings and continue to assess the political environment and security issues throughout the process in close coordination with the Organization for Security and Co-operation in Europe’s Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the European Network of Election Monitoring Organizations (ENEMO), a network of 21 leading citizen election monitoring groups from 18 countries in Eurasia and Europe. NDI will deploy a delegation to observe processes on and around election day in close coordination with the International Republican Institute (IRI).

The delegation wishes to express its appreciation to the United States Agency for International Development, which has funded the work of this delegation and supports NDI democracy assistance programs in Ukraine along with the National Endowment for Democracy, the U.S. Department of State, and the Swedish International Development Agency. The delegation is also grateful to all those who contributed valuable time to share their views freely. Their perspectives have made possible the work of the delegation. NDI stands ready to continue to assist Ukrainian efforts to build and sustain democratic practices, institutions and values.

## **POLITICAL CONTEXT**

Never before has Ukrainian democracy held so much promise and faced so many obstacles at once. Ukraine’s presidential election on May 25 was a pivotal moment for the country’s

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<sup>1</sup> The Declaration is available at [ndi.org/files/DoP-ENG.pdf](http://ndi.org/files/DoP-ENG.pdf).

democratic development. Ukrainians showed the world their commitment to sovereignty, unity, and democracy. Electoral administrators, campaigns, government authorities, election monitors and voters demonstrated courage and resolve in fulfilling their responsibilities in compliance with Ukraine's laws and international democratic election standards, despite violent efforts by external actors to undermine the process. This achievement provides a foundation for strengthening other democratic institutions while setting a standard for all future elections to exceed.

In the wake of the Euromaidan demonstrations, Ukrainians are more determined than ever to realize their democratic aspirations. Civil society is energized and organized to an unprecedented degree. The leadership of the current government has responded positively, if not yet fully, to calls from civil society to enact reforms. Of more than 20 bills put forward by the Reanimation Reform Package coalition of civic groups, the parliament has passed 13, including legislation related to lustration, freedom of information, public broadcasting, higher education and public procurement. In calling for early parliamentary elections on October 26, President Poroshenko cited the need for a renewed legislature to pursue peace as well as to fight corruption, unemployment and poverty, goals that would reinforce Ukraine's independence and stability. He pledged a democratic and transparent process.

One of the key hopes emanating from the Euromaidan movement was that "new faces" would enter politics, thereby broadening citizen participation in democratic politics. The delegation was gratified to see that several political parties espousing "Euromaidan ideals" are participating in the parliamentary elections. In addition, many young civil society activists and journalists who were active on the Maidan have joined the proportional lists of more established parties. Explaining their motivations for entering politics, these young people cited a sense of personal responsibility for the democratic future of their country and a conviction that they can and should have influence over decisions made on their behalf. The delegation heard complaints from candidates and civil society that the current electoral system sets high barriers for entering the parliament. However, the 2015 local elections and the ongoing campaign for electoral reform may present further opportunities for a new generation of political leaders to emerge. These trends offer encouraging evidence that the energy of Euromaidan is being channeled into constructive and sustainable modes of political engagement.

At the same time, these elections are unfolding in a deeply challenging environment. The fundamental right of Ukrainians to form their own opinion about the future of their country lies at the core of this struggle. The stakes at these elections thus extend well beyond the composition of the next *Verkhovna Rada*, or parliament.

The conflict on Ukraine's eastern border is asymmetric. Since April 14, when the President decreed the launch of what he describes as an anti-terrorist operation, Ukrainian regular troops and volunteers have fought against much better-equipped separatist forces funded and trained by Russia. In the months that followed, Ukraine regained significant portions of the territories occupied by Russian-backed separatists. However, they were not able to rebuff the incursion by regular Russian troops with heavy weapons in late August. Since the start of the conflict, almost three thousand people have lost their lives. The UN High Commissioner for Refugees estimates that more than one million have been displaced. The economy of the entire country has been disrupted, with particularly dire effects in the areas where the conflict is concentrated.

As a result of the conflict, large portions of Ukrainian territory in the regions of Donetsk and Luhansk are not currently under government control. It remains unclear how many people in these areas will be allowed to exercise their voting rights. In addition, a build-up of Russian troops near Crimea's border with the neighboring province of Kherson continues. In spite of the ceasefire that was announced following adoption of the Minsk Protocol on September 5, the situation on the ground remains fluid. A common assumption among those who met with the delegation is that disrupting or manipulating the elections is part of Russia's wider effort to interfere with Ukraine's European and democratic aspirations.

On September 16, pursuant to the Minsk Protocol, the parliament adopted a law assigning "special status" to the occupied territories in Donetsk and Luhansk for three years. The law provides greater autonomy to the occupied regions and calls for early local elections in December. The delegation met no one who believed that security conditions in the "special status" areas would allow for transparent, inclusive, credible parliamentary voting on October 26. Many civil society and political party representatives raised concerns that, over the longer term, the "special status" arrangement would codify a conspicuously undemocratic situation in those areas.

In addition, Ukraine is facing a broad set of internal challenges, some new and some longstanding. Although the conflict has united Ukrainians in many ways, divisions remain between the beneficiaries and victims of corruption, between those who are impatient for reform and those who wish to preserve the *status quo* and between those who support the political changes of the past year and those who now feel left out of the process. Frustration is feeding support for more extremist groups, some of which are armed. The economy is in crisis, energy is in short supply as winter approaches and corruption remains endemic.

Credible parliamentary elections are necessary to enable the new government to pursue reforms and find an acceptable solution to the conflict. Conversely, a flawed process could deepen public frustration and weaken resistance to external security threats. In this complex and dynamic environment, exceptional political leadership, constructive citizen engagement, proactive strategies and sustained international support will be required for Ukraine to meet the democratic benchmarks set in May.

In addition to parliamentary elections for 225 proportional seats and up to 213 single-mandate seats (225 less the 12 mandates from Crimea, where elections will not take place), 177 regional and local polls will also be held on October 26. The delegation's primary focus was on the parliamentary elections. However, the regional and local elections were also considered given their significance to the overall political environment.

## **OBSERVATIONS AND RECOMMENDATIONS**

Following are the pre-election assessment delegation's observations about areas for improvement, as well as recommendations on how to address them. Some of the suggestions could reasonably be undertaken in advance of the October 26 elections, while other proposals are intended for consideration before the next local and parliamentary elections.

## **Electoral Framework**

The parliamentary election law currently in effect was adopted in 2011, under the previous government, and last amended in early 2014. The process for its adoption was neither transparent nor consultative, leading many political parties and civil society groups to mistrust the motives underlying some of the changes. Among its most controversial provisions is the re-introduction of a mixed electoral system, under which half of the 450 seats are elected through closed party list proportional representation and the other half through first-past-the-post contests in single-mandate constituencies. Before 2011, the system had been fully proportional. The 2011 law also increased the electoral threshold from 3 to 5 percent and prohibited the formation of electoral blocs. Another criticism was that the law perpetuated the practice of changing election laws late in the electoral cycle.

One of the key demands coming out of the Euromaidan movement was reform of this electoral law. Specifically, civil society groups advocated for eliminating single-mandate constituencies, which have been disproportionately vulnerable to fraud in Ukraine. Also, in the context of the Russian occupation of Crimea and expected disruptions to voting in some districts in the East, this geographically-based system will fail to fill some seats. Civic groups also advocated for “open” rather than “closed” party lists, which would allow voters to express preferences on the order in which candidates are elected, making the parties more accountable to voters. Another concern about the law relates to inequality of votes. As the law stands, even if voting takes place in only a single precinct, results can be declared for the entire district, distorting the weight of the votes in that precinct.

However, the current parliament has not passed needed electoral reforms in anticipation of the October elections. At this date, comprehensive reforms are no longer possible. As a result, concerns that characterized the flawed 2012 parliamentary elections have resurfaced in 2014. Most of the delegation’s interlocutors criticized the electoral legislation currently in effect and cited the failure to adopt amendments as cause for doubt about the intention of some incumbent MPs to campaign with integrity. With varying degrees of emphasis, representatives of civil society, political parties, election commissions and the government complained that the overall system gives disproportionate advantages to established parties and incumbents, especially in the context of the shortened timeframe of early elections, making it difficult for new entrants to translate legitimate electoral support into representation; that the single-mandate system allows too much scope for electoral misconduct and, in the circumstance of occupied territory, will necessarily produce a parliament with vacant mandates; and that the closed nature of the party list system and the lack of meaningful campaign finance regulations inhibit party accountability to voters.

A range of technical amendments to the parliamentary election law were proposed to address problems arising from the conflict, including allowing district election commission centers to be moved to safer locations and simplifying procedures for voters in Crimea and internally displaced persons. Unfortunately, these amendments were not adopted. The CEC told the delegation that in the absence of a change in the law, the Commission would try to adopt its own resolutions on changing the locations of district centers, although they believe this would be open to challenge in the courts.

Before the May presidential election, the Ministry of Internal Affairs, supported by civil society, proposed changes to the criminal code to introduce or strengthen sanctions for vote-buying, bribery and multiple voting. This amendment would also have given law enforcement officers more tools to prosecute offenses. These reforms would have helped to curtail a culture of impunity for election violations. The delegation noted with concern that these changes have not yet been adopted.

### Recommendations:

#### *Before the parliamentary elections:*

- The CEC should make full use of its regulatory powers to address gaps or provide clarity on issues related to the legal framework.
- Election commissions and law enforcement agencies should transparently and objectively investigate and penalize all reports of election law violations to the full extent of the law.

#### *Longer-term:*

- The new parliament should undertake reform of the legal framework for elections as a matter of priority and at least one year 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.
- The parliament should revisit the proposed amendments to the criminal code.

### Enfranchisement and Electoral Security

Security concerns can potentially affect every aspect of the electoral process – including the placement of polling centers, the recruitment of election workers, the ability of candidates to campaign freely, voter turnout, the presence of election monitors and party proxies and, ultimately, the perception of the election’s legitimacy. Polling stations that are beyond the scrutiny of observers are vulnerable to electoral wrongdoing.

No voting will take place in 12 electoral districts in Crimea, due to the Russian occupation of the peninsula. It remains unclear how many people in the conflict areas of Donetsk and Luhansk will be allowed to vote. According to Opora, of the 11 DEC’s in Luhansk, only four are in territory controlled by the government; the CEC reports that those four have begun their work. Of the 21 districts in Donetsk, Opora reports that eight are fully under government control, and an additional four are under partial control; the CEC reports that nine DEC’s in the oblast are currently working. In spite of the ceasefire currently in effect, fighting continues between separatist rebels and Ukrainian forces. These uncertainties highlight the importance of an effective and flexible electoral security plan.

The exclusion of Crimea means that a maximum of 213 of the parliament’s 225 single mandate constituencies will be filled. The ongoing violence in Donetsk and Luhansk indicates that the final number of vacancies could be significantly higher. A representative of the presidential administration expressed hope that by-elections for any unfilled constituencies from Donetsk or Luhansk would be held once conditions permit.

Aside from the need to meet logistical requirements, an absolute precondition for the conduct of voting in any precinct or district should be security guarantees for all participants, including voters, candidates, campaigns, poll workers, observers and journalists. Participants would also require timely clarification about which precincts would be operational. The delegation appreciated CEC assurances that it would hold elections only where conditions for a democratic election could be met, although clear deadlines for making those decisions were not provided.

As in the spring for the presidential election, residents of Crimea may apply through a simplified process to change their voting location temporarily, allowing them to vote for party lists (but not single mandate candidates) in polling stations in other parts of the country. In May, only approximately 6,000 of 1.8 million voters were able to vote. Voters from Luhansk and Donetsk who are internally displaced or residing in territories where polling stations are not operating may submit regular applications for temporarily changing their voting location. However, in contrast to the process for Crimeans, this application requires a burden of justification that most people in these categories may not be able to meet. The delegation learned that the CEC may adopt a resolution to simplify those procedures.

Due to the occupations and security threats, millions of Ukrainians may thus be unable to vote on October 26. Any violation of voters' rights to exercise their franchise is cause for deep concern. Universal and equal suffrage for eligible citizens is fundamental to democratic elections. However, when disenfranchisement occurs, it is important to note the source of the violation. In many instances around the world, it is caused by authorities or political contestants interfering with the process for electoral advantage. In Crimea, Donetsk and Luhansk during the presidential election in May, however, the responsibility lay with the foreign forces occupying Ukrainian territory and armed groups seeking to derail the electoral process itself, despite good faith efforts of election officials. Those actions did not delegitimize the presidential election.

Ukrainian authorities have a responsibility to maximize the opportunities for Ukrainians to vote under conditions of security, transparency and compliance with democratic standards. If those terms cannot be met, any assessment of the overall validity of the process must take into account the source and nature of the interference.

### Recommendations:

#### *Before the parliamentary elections:*

- Election authorities should clarify voting plans and procedures in Donetsk and Luhansk as quickly as possible, giving priority consideration to the security of participants and the integrity of the process.
- The CEC should establish a date prior to the deadline for distribution of ballots for making a final determination on whether polling stations will operate. This information should be conveyed to candidates, parties, election workers, election monitors, media and voters as quickly as possible.
- The CEC should adopt as soon as possible a resolution to clarify and simplify the procedures for internally displaced persons (IDPs) and residents of the occupied areas of Donetsk and Luhansk to temporarily change their voting location.

- Law enforcement personnel should be trained in electoral security best practices and deployed to high-risk areas to deter or quickly de-escalate disruptions and to build confidence.
- Local law enforcement authorities and precinct election commissions (PECs) should establish close coordination on security issues.
- Hotlines should be established so PECs have direct access to national-level law enforcement command structures.
- The roles and responsibilities of law enforcement authorities should be clearly defined and communicated so that their presence does not in itself interfere with electoral processes or generate unnecessary anxiety among voters.
- Law enforcement authorities should closely monitor unstable regions to facilitate intervention, as necessary.
- In the parts of Donetsk and Luhansk where voting will take place, the CEC, civil society organizations and political parties should conduct active campaigns to educate voters and promote their participation.
- Political parties should take steps to ensure that their activists and supporters do not contribute to the potential for violence during the campaign, during voting and counting, or around the tabulation and announcement of results.
- Government officials at all levels, election administrators, parties, NGOs and law enforcement services should consider convening dialogue forums to share security-related information, identify potential triggers of violence and address concerns as they arise, and build confidence.

*Longer-term:*

- 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 the conduct of credible elections.

### **Election Administration**

Political parties and civil society, for the most part, expressed confidence that the elections would be well administered. They report that the Central Election Commission has so far fulfilled its responsibilities professionally, transparently and in accordance with Ukraine's laws. DEC formation and operations have proceeded largely in compliance with legislation.

Due to the compressed timeframe of the elections, the deadline for forming the DECs preceded the deadline for registration of parties by several weeks. As a result, the DECs are composed of representatives of four parties with factions in the current parliament and of 21 parties that presented lists during the 2012 parliamentary elections. Some of the represented parties are not participating in the 2014 elections and some new parties that have formed since 2012 are participating but will not be represented on the DECs. According to Opora's analysis, so-called "technical parties" that did not cross the 5 percent electoral threshold in 2012 now make up 61 percent of the seats in DECs. Some party and civil society representatives alleged that a market has developed for buying and selling DEC seats. The delegation was told that late substitution of DEC and PEC members by political parties remains a threat to the integrity of the process and undermines training efforts. The delegation's interlocutors did not raise the representativeness of



the DECAs as a major concern, but the delegation notes that this issue could become a source of tension in the event of electoral disputes at the district level.

Precinct election commissions had not been formed at the time of the NDI mission, but they will be more representative of the current process. They will include the four parliamentary parties, parties participating in the proportional races, and representatives of single-mandate candidates.

The delegation was informed of an initiative of the governor's office in Lviv to establish a working group including government agencies and law enforcement bodies and focused on addressing concerns pertaining to the election. The effort involves setting up a hotline for voters, developing a handbook on voters' rights and responsibilities, and educating IDPs through a media campaign about procedures for changing their voting location. This is a model that might be adaptable to other regions.

### Recommendations:

#### *Before the parliamentary elections:*

- Election administrators should receive comprehensive, consistent guidelines and training so they may fulfill their responsibilities competently and fairly.
- The CEC should ensure effective and timely communication with lower-level commissions in conflict areas.
- Regional governments should consider forming election-related working groups to coordinate responses to election issues as they arise.

#### *Longer-term:*

- The parliament should revise the electoral legislation to ensure that the subjects of elections are equitably represented on DECAs and address the recurrent problem of late substitution of DEC members by political parties.

### Campaigns and Candidates

The elections are expected to be competitive; there are no clearly dominant contestants. Most parties conveyed that they expect to be able to campaign without undue interference. Representatives of civil society and newer parties, in particular, emphasized that one of the demands coming from the Euromaidan movement was for political dialogue focused more on ideas than on personalities. It remains to be seen whether this demand will be met.

Military themes are prevalent. Several political parties have nominated candidates from the volunteer battalions and the defense services. Given the conflict, and divisions within Ukrainian society, it is possible that irresponsible campaign rhetoric could further inflame tensions or that the conflict would dominate the campaign at the expense of other issues.

With the notable exception of the latest presidential poll, improper use of administrative resources has been a persistent problem in previous Ukrainian elections. No evidence of abuse of administrative resources or potential vote buying was shared with the delegation. However, election monitoring groups, political parties, government and electoral authorities alike expressed the strong expectation that these violations would occur, particularly in single-mandate

constituencies and in areas where security threats complicate the engagement of observers or journalists. The widespread assumption conveyed to the delegation was that these abuses would be localized rather than centrally-organized initiatives.

The delegation would encourage campaigns to embrace grassroots organizing approaches, pursue transparent fundraising and media strategies, promote constructive policy responses to issues such as corruption and employment , and avoid extremist, divisive or populist rhetoric.

#### Recommendations:

##### *Before the parliamentary elections:*

- Parties should take full responsibility for the conduct of their activists and candidates, both those on the party lists and in single mandate constituencies, to ensure compliance with both the letter and spirit of the law.
- Parties should engage the public through electoral appeals based on issues important to citizens and avoid inflammatory or intolerant rhetoric.
- Parties should seek out opportunities to participate in debates and dialogue focused on policy issues.

#### Media Environment

Journalists reported to the delegation that the conditions for free speech have generally improved in much of the country under the current government. Direct censorship has declined and a pluralism of editorial perspectives is returning, except in Crimea and the occupied territories of Donetsk and Luhansk, where independent media has been systematically silenced.

However, media monitors reported that attacks on journalists in Crimea and occupied areas of Donetsk and Luhansk remain a serious problem. The Institute of Mass Information reports that there were at least eight instances of harassment of journalists in August, mostly in Crimea, Donetsk and Luhansk. Another concern raised by media monitors, journalists and NGOs is that ownership of most media outlets remains concentrated in the hands of a few wealthy individuals, most with connections to political parties. This limits the reliability and impartiality of the news and interferes with candidates' ability to deliver their messages and voters' ability to make informed electoral choices. They also pointed to the prevalence of media reports portrayed as objective news that are actually paid partisan advertisements.

#### Recommendations:

##### *Before the parliamentary elections:*

- The media should provide fair coverage to all political parties, candidates and campaigns; focus on issues important to voters; and avoid inflammatory language, sensationalism and misinformation.
- Media should label as advertising any material for which payment has been made.
- Civil society efforts to monitor the media environments in Crimea and the occupied territories should be supported.

*Longer-term:*

- The parliament and government should consider developing and rigorously enforcing rules governing media ownership. Conflicts of interest should be avoided by restricting ownership of media holdings by public officials, members of parliament and representatives of political parties.

### **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 2012 parliamentary elections, only 16 percent of the candidates were women. In the current parliament, 9.4 percent of the MPs are 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.

Although the registration for party lists and single mandate candidates is still in progress, the delegation was encouraged by some early signs that women may play a larger role in these elections. Women have had prominent leadership roles in the Euromaidan movement and the current military conflict in the East. President Poroshenko has said that increasing the role of women in governance and ensuring gender equality and women's empowerment are priorities for his administration. NDI's preliminary analysis of the emerging party lists suggests that some parties are making concerted efforts to put women in prominent positions on lists.

<b>Party</b>	<b>% of Women in Party List</b>	
	<b>First 10 Positions</b>	<b>First 30 Positions</b>
Self Reliance	50%	37%
Bloc of Petro Poroshenko	30%	30%
People's Front	30%	27%
Batkivshchyna	30%	17%
Strong Ukraine	20%	10%
Radical Party	20%	N/A*
Civil Position/Democratic Alliance	10%	13%
Communist Party	10%	13%
Opposition Bloc	10%	N/A*
Svoboda	0%	3%

\* The party has so far released only the first 10 candidates in its list.

Elections present critical opportunities for women to participate and lead, which is central to realizing universal and equal suffrage and democratic governance. Moreover, public opinion research by NDI in Ukraine shows that women are perceived as more credible than men on tackling corruption, a major issue for Ukrainians. An increase in women's participation would also meet the demand for "new faces" in politics. This election season presents a unique opportunity to leverage the strengths that women leaders bring to the political process.

In 2013 the parliament adopted amendments to the political parties law that stipulate a 30 percent quota for women on party lists. The legislation lacks provisions for single-mandate seats, specifications on the order of female candidates on party lists, and strong compliance mechanisms, but it nonetheless represents a positive step. More recently, a draft amendment introducing gender quotas in the parliamentary election law was introduced, but its consideration has been postponed. This will be an important measure for the new parliament to address.

Media coverage of women in politics remains unbalanced. The Institute of Mass Information reports that the media referred to women experts only 20 percent of the time relative to men. Also, they find that the media rarely request commentary from women on economic and political matters.

### Recommendations

#### *Before the parliamentary elections:*

- Parties should recruit and nominate more women as candidates in single mandate districts where their parties are competitive.
- 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 and candidates should include gender equity objectives in their policy agendas and platforms.
- Parties and candidates should consult with women voters on the issues important to them and reflect those considerations in their policy agendas and platforms.
- The media should use consistent and responsible standards for reporting on both men and women as candidates.

#### *Longer-term:*

- Political parties should comply with the provision in the political parties law that sets a 30 percent quota for the nomination of women on party lists.
- MPs, NGOs and the government should work toward passage of more effective quota legislation until other barriers to women's entry into politics are reduced.

### Campaign Financing

The delegation noted that the corrosive role of money in politics is a major area of concern that has not yet been adequately addressed in legislation or practice. As in the presidential election, 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, 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, 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 Venice Commission of the Council of Europe recommends public funding of political parties as a means of preventing corruption, supporting parties, and reducing undue reliance on private donors. Ukraine has no provisions for direct state funding of parties, although the delegation heard from some candidates that this is an issue they wish to pursue if they are elected.

The Chesno Movement of Ukrainian civic groups has launched 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. The delegation commends this initiative and urges parties to make this effort.

#### Recommendations:

##### *Before and immediately after the parliamentary elections:*

- In keeping with the Chesno Movement's "Honest Parliament 2014" campaign, political parties should:
  - disclose party financial reports for 2013;
  - publish declarations on candidate incomes;
  - publish candidate biographies; and
  - disclose detailed financial reports on election funding and spending

##### *Longer-term:*

- More rigorous limits on campaign contributions and expenditures should be developed.
- Mechanisms for requiring and enforcing greater transparency about campaign finances should be considered.
- Deposit amounts for 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.
- 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.

## **Election Observation**

Ukrainian civil society organizations are actively engaged in the electoral process as observers, advocates and voter education activists. For example, Opora and CVU have deployed long term observers and between them will have thousands of election-day observers in precincts throughout the country. Opora will conduct a parallel vote tabulation (PVT) to assess the quality of the election process nationwide and provide an independent verification of the results of the national proportional representation race. The government and election authorities have made concerted efforts to encourage international observation and to welcome such delegations. Multiple credible international observer missions are expected to participate. NGO efforts are also underway to educate IDPs about their voting rights and responsibilities. The NDI delegation commends these efforts.

While the delegation welcomes the migration of civil society representatives into politics, this phenomenon increases the importance of nonpartisan observer groups and other civic organizations upholding their reputations for independence and impartiality.

### **Recommendations:**

*Before the parliamentary elections:*

- All international and domestic observers should operate in accordance with the *Declaration of Principles for International Election Observation* and the *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*,<sup>2</sup> respectively.
- The CEC should advise all accredited observer organizations of the full list of operational polling stations in sufficient time to enable them to deploy effectively and safely.

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<sup>2</sup> The Declaration of Global Principles for Nonpartisan Election Observation can be found at [www.ndi.org/files/DOGP-Citizen-Orgs-ENG.pdf](http://www.ndi.org/files/DOGP-Citizen-Orgs-ENG.pdf).