



**Report of the Canadian Parliamentary Delegation
respecting its participation at the Election Observation
Mission of the OSCE Parliamentary Assembly**

**Canadian Delegation to the Organization for Security and
Co-operation in Europe Parliamentary Assembly (OSCE PA)**

**Kyiv, Ukraine
October 26-29, 2014**

Report

On Sunday, October 26, 2014, a Canadian delegation to the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA), led by Mr. James Bezan, M.P., and composed of Mr. Mark Warawa, M.P., Mr. Ted Opitz, M.P., Ms. Joyce Bateman, M.P., Mr. David Christopherson, M.P., Ms. Linda Duncan, M.P., Mr. Malcom Allen, M.P. and Mr. Kevin Lamoureux, M.P., participated in an election observation mission that monitored the parliamentary elections held in Ukraine. The delegation was accompanied by Mr. Alexandre Roger, Delegation Secretary and Ms. Michelle Tittley, Association Secretary.

A. The Election Observation Mission in Ukraine

A key element of the OSCE's mandate is the promotion of democratic elections. To this end, the Canadian delegation to OSCE PA has participated in numerous international election observation missions. As a community of countries committed to democracy, the OSCE has placed great emphasis on promoting democratic elections as a key pillar of stability. All OSCE participating States have committed themselves to invite international observers to their elections, in recognition that election observation can play an important role in enhancing confidence in the electoral process. Deploying election observers offers demonstrable support to a democratic process and can assist OSCE participating States in their objective to conduct genuine elections in line with OSCE commitments.

The OSCE election observation mission in Ukraine was a common endeavour, involving the Office for Democratic Institutions and Human Rights (ODIHR), the OSCE PA, the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA). The mission was deployed at the invitation of the Government of Ukraine, pursuant to commitments made by all OSCE participating states.

On election day, some 930 observers from 43 countries were deployed, including 756 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 91-member delegation from the OSCE PA, a 41-member delegation from the PACE, a 17-member delegation from the EP, and a 27-member delegation from the NATO PA. Voting was observed in over 3,000 polling stations out of a total of 29,977. Counting was observed in 340 polling stations across 173 election districts. The tabulation process was observed in 155 out of 213 district elector commissions (DECs).

B. Activities of the Canadian Delegation

Canadian delegates attended briefing sessions provided by the OSCE for parliamentarians on Saturday, May 24, in Kyiv, Kharkiv, Odessa and Lviv, Ukraine. Over the course of the two days, delegates were provided with an overview of the political background to the elections. They were also briefed on the administration of the elections, as well as the process for election-day reporting and statistical analysis.

On Friday, October 24, the delegation attended a situational briefing provided by Roman Waschuk, Ambassador of Canada to Ukraine.

On Saturday, October 25, the delegates were deployed across Ukraine to observe the elections. Mr. Bezan, Mr. Opitz were deployed to the Odessa region. Ms. Duncan, and Mr. Warawa were deployed to the Lviv region. Mr. Christopherson and Mr. Allen were deployed to the Kharkiv. Ms. Bateman, Mr. Lamoureux, Mr. Roger and Ms. Tittley were deployed to the Kyiv region.

On election-day, the delegates observed several aspects of the election process, including:

- The opening of a polling station in the morning;
- the voting process in a number of polling stations throughout election day;
- the closing of a polling station and the vote count in that polling station;
- the transfer of election material to the District Election Commission (DEC) and handover at the DEC;
- the processing of election materials and the tabulation of results at the DEC, including on Monday, October 27, where necessary.

The delegates reported regularly on their observations throughout the day by completing observation report forms at each polling station visited and submitting them to their assigned long-term observers.

C. Preliminary Findings and Conclusions

The 26 October early parliamentary elections marked an important step in Ukraine's aspirations to consolidate democratic elections in line with its international commitments. There were many positive points to the process, such as an impartial and efficient Central Election Commission (CEC), an amply contested election that offered voters real choice, and a general respect for fundamental freedoms. The newly elected parliament should take the political responsibility to ensure that key reforms are passed to prevent certain bad practices noted in the OSCE PA's Statement of Preliminary Findings and Conclusions from becoming entrenched. As well, grievances should be resolved with respect for the rule of law and through democratic institutions. In most of the country, election day proceeded calmly, with few disturbances. Voting and counting were transparent and assessed positively overall. The early stages of the tabulation process were viewed more negatively by observers, with tensions in some cases.

The elections took place in an increasingly challenging political and security environment, notwithstanding the September Minsk agreements. The context was characterized by the illegal annexation of the Crimean peninsula by the Russian Federation, the ongoing hostilities in the east of the country, and the continued de facto control of parts of the territory by illegal armed groups. Electoral authorities made resolute efforts to organize elections throughout the country, but they could not be held in parts of the regions (oblasts) of Donetsk and Luhansk or on the Crimean peninsula. The election did not take place in the Crimean Peninsula, which is not under the control of the Ukrainian authorities, and Ukrainian citizens living there faced serious difficulties in participating in the election.

Candidates were generally free to campaign, and the election campaign was competitive and visible. Misuse of administrative resources was not named as an issue of major

concern, unlike in previous elections. Some contestants reported that cases of intimidation and obstruction influenced their campaign strategies. In the last ten days of the campaign, observers noted a marked increase of violence targeting some election stakeholders, intimidation of and threats against candidates and campaign workers, and cases of targeted destruction of campaign materials and offices. There were a number of credible allegations of vote buying, many of which are being investigated by the authorities.

The legal framework, which was amended in 2013 and 2014, is generally adequate for the conduct of democratic elections. The recent amendments addressed some recommendations made previously by the OSCE/ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission), but did not address a number of concerns, including certain candidacy requirements which are at odds with OSCE and Council of Europe commitments and international obligations. Despite attempts and notwithstanding public demand, the outgoing parliament did not pass comprehensive electoral reform.

The CEC operated independently and collegially overall and met all legal deadlines. While CEC sessions were generally open for parties, candidates, observers and the media, the practice of the CEC holding preparatory meetings before sessions and the resulting lack of substantive discussion in the sessions themselves decreased the transparency of the CEC's work. District Election Commissions (DECs) and Precinct Election Commissions (PECs) were formed within the legal deadlines, with slight delays in isolated cases. The work of DECs was assessed as good or adequate overall. However, as in previous elections, parties and candidates replaced on average half or more of commission members nominated by them, which affected the stability and efficiency of the election administration.

Interlocutors expressed confidence in the accuracy of the voter register. Authorities made significant efforts to facilitate the participation of voters from Donetsk and Luhansk oblasts by simplifying the procedure for the temporary transfer of the voting address. Nevertheless, a limited number availed themselves of this opportunity.

Candidate registration was generally inclusive, with the CEC registering over 6,600 candidates on party lists and in single-mandate districts, providing voters a choice among a wide range of parties and candidates. However, the process was affected by the rejection of over 640 nominees on technical grounds and by the non-uniform approach of individual CEC members who reviewed parties' and candidates' applications.

The 2013 amendments to the election law introduced limited measures to increase the transparency of campaign finances; however, several previous recommendations of the OSCE/ODIHR and the Venice Commission remain unaddressed, and enforcement mechanisms and sanctions remain weak. Public perceptions of corruption are pervasive and undermine confidence in the political process. The issue of corruption in society was an important topic of the election campaign, and was invoked by many stakeholders as a key challenge across different aspects of the process.

While the media environment is dynamic and diverse and the legislation generally provides a sound framework for freedom of the media, the lack of autonomy from political or corporate interests restricts independent reporting. Steps taken prior to the elections to stop certain channels from broadcasting alleged propaganda, while not directly impacting

the elections, restricted freedom of information. The ongoing hostilities in the east prevented Ukrainian broadcasters from transmitting and continued to jeopardize the safety of journalists in the area. OSCE/ODIHR EOM media monitoring showed that reporting was dominated by the crisis in the east. State-owned media provided contestants with free airtime, as required by law. In a positive initiative, state-owned national TV hosted debates among political parties. Monitoring results indicated that voters were provided with extensive information. Private broadcasters provided varied coverage to different political contestants, but sometimes misrepresented their political affiliation. President Petro Poroshenko and Prime Minister Arseniy Yatsenyuk took unfair advantage of their positions with televised appeals to voters to elect a pro-reform parliament on the eve of the election during the campaign silence period.

Minorities' participation in these elections was affected by the crisis in the east and the illegal annexation of Crimea, which made it difficult to organize elections in those parts of the country where nearly half of the 14 million citizens who identify themselves as native Russian speakers, as well as the Crimean Tatars, live. The electoral legal framework is not conducive to national-minority representation. The boundaries of electoral districts did not take minority interests into consideration, although provided by law. No intolerant speech towards minorities was observed during the campaign, but many candidates used nationalistic campaign rhetoric.

The CEC received a high number of complaints before election day. Most complaints filed with the CEC were considered in private by individual CEC members, rather than by the commission as a whole, which undermined the transparency and collegiality of the process. Furthermore, the CEC took an overly formalistic approach, dismissing many complaints due to minor deficiencies. Higher courts adjudicated election-related cases in a non-uniform manner.

The registration and accreditation of observers by the CEC was inclusive. It granted permission to 37 Ukrainian non-governmental organizations to observe the election process and registered a high number of international observers. OPORA and CVU mounted the most comprehensive exercises.

The legislation guarantees equality between women and men in public and political life. While around a quarter of the candidates on party lists were women, an increase of 6 per cent compared to the 2012 elections, women accounted for only 13 per cent of majoritarian candidates. Women are well-represented at the CEC and DEC's, including in leadership roles.

In most of the country, election day proceeded calmly, with few disturbances and only isolated security incidents reported during voting hours. The CEC started posting detailed preliminary election results disaggregated by polling stations on its website at around 23:00 and reported voter turnout at 52.4 per cent. Due to the efforts of the election administration to ensure voting in as much of the east as possible under extraordinary circumstances, voting took place in 12 of the 21 election districts in Donetsk oblast and in 5 of the 11 districts in Luhansk oblast. The voting process was well-organized and orderly, and assessed positively in 99 per cent of polling stations observed, although some procedural problems were noted. The vote count was assessed somewhat more negatively as established procedures were not always followed. The early stages of the

tabulation process were assessed negatively in 17 cases, mainly due to inadequate premises and overcrowding, as well as tension in some DEC's.

The full preliminary report, prepared jointly by the OSCE PA, ODIHR, PACE, EP and NATO PA missions, is available in English at the following site:
<http://www.oscepa.org/publications/all-documents/election-observation/past-election-observation-statements/ukraine/statements-25/2648-2014-parliamentary-eng-5/file>

Respectfully submitted,

Mr. Dean Allison, M.P.
Director

Canadian Delegation to the Organization for Security and
Co-operation in Europe Parliamentary Assembly (OSCE PA)

Travel Costs

ASSOCIATION	Canadian Delegation to the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA)
ACTIVITY	Election Observation Mission of the Parliamentary Assembly of the Organization for Security and Co- operation in Europe (OSCE PA)
DESTINATION	Kyiv, Ukraine
DATES	October 26-29, 2014
DELEGATION	
SENATE	None
HOUSE OF COMMONS	Mr. James Bezan, M.P.; Ms. Joyce Bateman, M.P.; Mr. Mark Warawa, M.P.; Mr. Ted Opitz, M.P.; Mr. David Christopherson, M.P.; Ms. Linda Duncan, M.P.; Mr. Malcom Allen, M.P., and Mr. Kevin Lamoureux, M.P.
STAFF	Mr. Alexandre Roger, Secretary to the Delegation and Ms. Michelle Tittley, Association Secretary
TRANSPORTATION	\$71,921.95
ACCOMMODATION	\$6,001.66
HOSPITALITY	\$505.82
PER DIEMS	\$3,719.77
OFFICIAL GIFTS	\$0.00
MISCELLANEOUS	\$655.03
TOTAL	\$82,804.23 (\$67,500.43 of this amount was funded by the Department of Foreign Affairs, Trade and

**Development under an agreement to
allow more parliamentarians to be
present)**