Mission Canada Preliminary Statement
Ukraine Parliamentary Elections, 22 July 2019

This preliminary statement provides an assessment of Ukraine's parliamentary electoral process, with observations until the morning of 22 July 2019. The electoral process itself continues to unfold, including the counting of ballots, transfer and announcement of results, adjudication and process of complaints. Mission Canada is hereby commenting only on its observations up to today, including election day and its immediate aftermath. A final report, including a full analysis of Mission Canada's observations and recommendations, will be published after the completion of the entire electoral process.

Mission Canada is led by its Head of Mission, the Honorable Lloyd Axworthy and its Deputy Head of Mission, Ms. Olya Odynska-Grod. Mr. Axworthy was appointed by the Honorable Chrystia Freeland, Canada's Minister of Foreign Affairs. He has devoted his career to promoting and protecting human rights and democracy around the world. As Head of Mission, he received a mandate to observe all aspects of the presidential and parliamentary elections in Ukraine, including monitoring the participation of women, internally displaced persons and minorities in the electoral process.

Mission Canada endorses the OSCE Declaration of Principles for International Election Observation and the UN Code of Conduct for International Election Observers. The Declaration and Code provide the basis for Mission Canada's election observation activities and methodology.

Mission Canada arrived in Kyiv on 22 January 2019 to observe, record, and report on all aspects of Ukraine's presidential and parliamentary electoral processes. For the observation of the parliamentary electoral process, Mission Canada is composed of 50 long-term observers (LTOs), including a core team and analysts, 125 short-term observers (STOs), as well as locally engaged personnel. Mission Canada deployed LTO and STO teams to all oblasts of Ukraine in which voting took place. Prior to election day, Mission Canada observed candidate registration, campaign activities, election administration, the media and information environment, cyber security,[1] electoral dispute resolution, as well as the role of civil society, and the participation of women, internally displaced persons and minorities in the electoral process.

Mission Canada's Head of Mission and Deputy Head of Mission, as well as the analyst team, held meetings with a wide range of stakeholders at the national and regional levels. This includes the Central Election Commission (CEC), state security organizations, other international and domestic election observation missions, women's and minority groups, and representatives of political party campaigns. Mission Canada would like to thank all its interlocutors and recognize the openness and efforts of all those involved in the preparation and conduct of the 2019 parliamentary election, and the access granted to its observers throughout the process.

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[1] Cyber security refers to the protection of elections and voting infrastructure from cyberattacks or cyber threats and disinformation to false information that is purposefully spread (by internal and/or external forces) to deceive people/voters.

During election day, held on 21 July 2019, Mission Canada's observers visited 1,851 polling stations and 194 District Election Commissions (DECs) to observe the voting, counting and transmission of results.

Preliminary Findings

- The 21 July 2019 early parliamentary election in Ukraine is another step in the process of Ukraine's continuing democratic development. The administration of the parliamentary election was more complex than the presidential election observed by Mission Canada, given that the election takes place in a mixed dual ballot proportional and single-mandate district (SMD) system. The process of administering the election was further complicated by the short electoral timeframe, resulting in short timelines for completing necessary steps in the electoral process – including registration of candidates, printing of ballots and forming district and precinct electoral commissions.

- As in the presidential elections earlier this year, the successful organization of this election is all the more notable given that it was organized at a time when Ukraine faces foreign aggression, occupation of parts of its territory, and interference in its domestic affairs by the Russian Federation. The Russian Federation's aggression against Ukraine has caused tragedy and hardship for innumerable Ukrainian civilians and created frustration for millions of Ukrainians in exercising their democratic rights.

- As in the presidential and parliamentary elections in 2014, and the presidential election earlier this year, Ukrainian citizens residing in Crimea and parts of Donetsk and Luhansk oblasts were largely deprived of their right to participate in their country's democratic process in the 2019 parliamentary elections due to the illegal occupation of these territories by the Russian Federation.

- Given the Russian Federation's continuing unwillingness to bring an end to years of occupation, invasion and aggression, it is clear that one of the most significant challenges facing the new parliament and the new government will be the continued defense of Ukraine's territorial integrity, sovereignty and independence.

- The parliamentary elections took place in a societal climate of increased optimism and expectation that the new executive and legislative authorities will deliver on articulated desire for change and implement wide ranging reforms.

- Despite the rushed environment in preparation of these parliamentary elections in all levels of the Election Commission, all District Election Commissions (DECs) and Precinct Election Commissions (PECs) have been, for the most part, properly constituted and functioning. There have been instances of high turnaround of DEC and PEC members, largely due to many political parties providing initial names to fill the seats within the short deadlines and then replacing them with more considered representatives.

- The election campaign was competitive, spirited and pluralistic. The general ability of parties and candidates to campaign freely contributed to an electoral environment conducive to the conduct of democratic elections. However, the main characteristics and trends that defined the Ukrainian media during the 2019 presidential elections remained in place: high concentration of traditional media ownership at national and regional levels limiting access to balanced coverage and information about different platforms and views. It also poses barriers for the entry of new political forces and polarizes public opinion along key socio-political issues.

- Law enforcement bodies were generally adequately prepared to ensure security during the election. Mission Canada noted good cooperation between law enforcement and domestic electoral NGOs on training law enforcement agencies on their role in ensuring security during the election. Sporadic violence that was related either directly or indirectly to the campaign took place throughout the campaign. These incidents were not systemic.

- Allegations of vote buying increased as election day approached. Interlocutors with whom Mission Canada met noted that the single mandate district (SMD) component of the election creates incentives for vote buying by candidates, given the relatively low number of votes that are sometimes the difference between winning and losing an election in an SMD.

- Reports of the misuse of administrative resources were present throughout the campaign. These incidents, however, were localized, and there was no sense that state institutions were being misused in a centralized way to influence the outcome of the election. The general non-interference of the central state in consecutive election cycles is a positive development in national electoral politics.

- Mission Canada observed more infractions and violations of electoral law, procedures and regulations in the parliamentary elections than in the presidential, in particular in the SMD portion of the campaign.

- Although the transparency and regulatory framework of campaign financing has improved over recent election cycles in Ukraine, particularly with the introduction of public disclosure rules and public reimbursements for political parties, campaign finance remains generally opaque, and allegations that spending takes place outside the parameters set out in the law are voiced regularly.

- The role of new/online media and social media in political campaigning and advertising is rising, including proliferation of negative PR, unmarked political content (jeansa) and disinformation. The snap election call caught parties and single-mandate candidates (SMC) by surprise. The short campaigning period, lower advertising budgets, rising digitalization of society and, in particular, the success of Volodymyr Zelenskyy during the presidential campaign, caused many candidates to campaign online, both to reach the electorate and undermine opponents. More focus on the unregulated online space and online media as sources of relevant information and instruments of political influence is required.

- While malicious cyber activity against electoral systems and staff remained a significant concern, the volume of such activities relative to the presidential elections, appeared to be lower. In parallel, as the injection of propaganda narratives and influence activities online continue, more attention is required to strengthen the national information space. During the short interval between electoral cycles, the relevant Ukrainian authorities were able to enhance their cybersecurity preparedness and sustain a high operational readiness.

- The plight of Ukrainian investigative journalists and anti-corruption activists remains a significant concern due to high rates of intimidation and physical assaults, some lethal.

- The shortened timing of early elections has been the source of many errors resulting from rushed processes and missed deadlines. In many instances, the electoral system appeared to be rushed with the call of early elections.

- The voter turn-out was significantly lower than during the presidential elections (62%), the parliamentary elections only attracted 49.84%. The lower turnout had been attributed to a number of factors including, but not limited to, summer related breaks and voter fatigue.

- Mission Canada applauds the increase in the number of women included in the party lists along with the success of several parties to ensure gender representation in the rankings, however Mission Canada notes that the issue of gender equality remained absent from political party platforms and candidates' campaigns. The lack of a gender lens in Ukrainian public life along with low numbers of women elected to parliament ultimately means that women will continue to struggle to have an impact on the laws and policies of the country. In addition, the representation of women in Ukraine's parliament is the lowest in Europe.

- Parliament will be formed largely without the participation of Internally Displaced Persons (IDPs) and internal migrants. Despite CEC regulations making it easier for IDPs and internal migrants to register to temporarily change their voting place, they remain, by and large, disenfranchised by the electoral process. Issues with regard to the requirements of residency registration remain unresolved and are the main obstacle to their full enfranchisement.

- The Roma community remains excluded from the electoral process and the obstacles to their participation are not taken into account.

Background and Context

On 31 March 2019, Ukraine held regular presidential elections, which resulted in a run-off election between Volodymyr Zelenskyy and incumbent President Petro Poroshenko. On 21 April, Volodymyr Zelenskyy was elected President of Ukraine with 73.22% of the vote. On 20 May 2019, Mr. Zelenskyy was sworn in as Ukraine's sixth President. On 21 May 2019, President Zelenskyy signed a decree dissolving Ukraine's Parliament and setting early parliamentary elections for 21 July 2019.

These elections took place within the context of the illegal occupation of Crimea by the Russian Federation and the conflict in Eastern Ukraine. Following the Revolution of Dignity in Ukraine (November 2013-February 2014), the Russian Federation invaded and illegally occupied the Autonomous Republic of Crimea. In spring 2014, large-scale violence, provoked and directed by Russian intelligence units, broke out in the eastern Ukrainian oblasts of Luhansk and Donetsk. This was followed by an invasion of regular Russian armed forces and military hardware in August 2014. Parts of Donetsk and Luhansk oblasts remain under foreign occupation, and violence and shelling are a daily occurrence at and around the line of contact. Over 13,000 people have been killed, over 30,000 wounded or injured and over 1.3 million people have been internally displaced.

Since 2014, Ukraine's authorities have pursued a policy of increased integration with the European Union and the North Atlantic Treaty Organization (NATO). Authorities pledged a series of wide-ranging reforms, the success of which has been uneven.

The constitutionality of President Zelenskyy's dissolution of Parliament was challenged in the Constitutional Court. On 20 June 2019, the Court upheld the constitutionality of President Zelenskyy's decree and by extension of the election date.

Ukraine's civil society and civic life is vibrant and pluralistic. Fundamental freedoms of speech, peaceful assembly, association, expression, thought and religion are respected and guaranteed on the territory of Ukraine under the control of the Ukrainian government. The parliamentary elections took place in a societal climate of increased optimism and expectation that the new executive and legislative authorities will deliver on articulated desire for change and implement wide ranging reforms.

Within the context of an existential foreign threat to Ukraine's sovereignty and territorial integrity, the hopes of the Ukrainian people for a peaceful and prosperous future, and the expectations of society that political leaders will deliver on promised reforms, the early parliamentary elections were held in Ukraine on 21 July 2019.

Legal Framework

The current statutory framework is largely in keeping with international democratic standards and is primarily composed of the 1996 Constitution, 1999 Law on the Election of the People's Deputies of Ukraine, Law on the Central Election Commission (CEC) and 2001 Law on the State Register of Voters (all as amended), as well as other legislative acts and their respective regulations/resolutions (collectively referred to as the "Parliamentary Election laws").

The current parliamentary election laws remain significantly unchanged since the previous Ukrainian Parliamentary elections of 2014. The Ukrainian Parliament (Verkhovna Rada) is composed of 450 members ("People's Deputies" or "Members of Parliament/MPs"), elected on a five-year term on the basis of universal, equal and direct suffrage by secret ballot. The 450 elected MPs are elected by one of two methods: 1) 225 MPs are elected on the basis of a proportional system drawing from a closed party list with a single nationwide constituency, and 2) the other 225 MPs are elected on the basis of a "first past the post" system. The latter method in Ukraine normally operates on the basis of having 225 single-

member election districts. However, due to the Russian-backed conflict in the Donbas region (i.e. areas of Donetsk and Luhansk oblasts not under the control of the government of Ukraine) and the illegal occupation of the Autonomous Republic of Crimea, 26 districts did not participate in the election and therefore only 199 deputies will be elected in SMDs.

Regular elections to the Verkhovna Rada usually take place on the last Sunday of October of the fifth year of the term of the current parliament. Early elections are held within sixty days of the day of publication of the decision on dissolution of parliament.

In many instances, the electoral system appeared to be rushed with the call of early elections. This was magnified by the uncertainty of its legitimacy, only fully resolved on 20 June (leaving only one month of campaigning). By way of example, according to the Ukraine Central Election Commission, approximately 90% of candidate registrations (3,083) submitted their application within the remaining five days. The courts considered 131 cases challenging the candidate registration findings of the CEC. Other cases involved the lottery of party ballot placement and the "last minute" inclusion of another party that was not part of the lottery. Forcing another lottery could have derailed the entire election, but ultimately, the courts sided with the CEC.

Although the adoption of the Election Code has no direct impact on the current election, its adoption by Parliament within 10 days of the election has been widely criticized by commentators as a pre-election "stunt", especially considering that its earlier permutations were initiated some 10 years ago, with its repeated registration in Parliament in 2015. Nonetheless, the Code itself has many positive attributes including the abolishment of what is considered a "fraud ridden" single-mandate district electoral process. The current Code's existence is still dependent on the President's approval which may or may not be given. In any event, there is hope that the Code will ultimately serve as an impetus for electoral improvements in Ukraine and a further advancement in its democratic path. This is especially the case, given two other pending draft laws that await further legislative progress:

1. Draft Law No. 6240, "On Amendments to Certain Laws of Ukraine (Regarding Voting Rights of Internally Displaced Persons and Other Mobile Citizens within the Country)", is an attempt to address the issue of IDP's voting rights. Unfortunately, this Draft Law still awaits first reading, despite having been registered in Parliament on 27 March 2017. While further attempts to reform the electoral system, particularly in the form of introducing the above noted Election Code, remain in legislative limbo, judicial reform has created what appears as an improved system of dealing with electoral related legal cases. Specifically, the introduction of the "Law of Ukraine on the Judiciary and Status of Judges" in 2016 eliminated the High Administrative Court, and replaced it with the Administrative Cassation Court. This court adjudicates cases on election process and referendum and protection of political rights of citizens. Judges sitting on this court receive specific training on electoral matters, including those emanating from the CEC.
2. The Draft Law "On Introducing Amendments to Certain Legislative Acts of Ukraine Aimed to Strengthen the Liability for Violation of Electoral Legislation" (Draft Law No. 8270) attempts to address the currently flawed system for electoral violations where no enforcement mechanisms are available. This includes, among others, a penalty of imprisonment for up to two years for illegal ballot stuffing, for violating the secrecy of voting, for receiving an unlawful gain by a voter

for actions or inaction related to the exercise of his/her electoral right. Unfortunately, this Draft Law awaits its first reading.

CEC refusal to register candidates and parties
One of the more contentious legal issues observed by Mission Canada during these elections focused on the candidate registration residency requirement. Article 9 of the Law of Ukraine on the Election of the People's Deputies of Ukraine stipulates that a candidate must have been "residing for the previous five years" in Ukraine in order to be elected as MP. Unfortunately, given the tight timelines and the CEC's lack of authority and resources to verify directly the submitted information, the CEC had no choice but to rely on the evidence provided by other governmental authorities and the candidates themselves. This, in turn, resulted in a number of high profile cases:

- Candidate Oleksandr Onyshchenko from the Socialist Party (former MP from the Party of Regions, oil and gas trader) explained his continuous absence from Ukraine due to horse riding competitions in Spain and his fear of political persecution in Ukraine. While the court of the first instance obliged the CEC to register the candidate, the court of appeal dismissed the claim due to the lack of appropriate evidence. However, Mr. Onyshchenko reapplied to the CEC who again refused his registration. This was followed by two court decisions of both instances upholding the CEC decision. At the same time, Mission Canada obtained information[2] that the Sixth Administrative Court for the second time obliged the CEC to register Mr. Onyshchenko due to the "newly discovered circumstances" that he "has been studying" in the horse riding school in Spain from June 2016 until now. The appeal is pending.
- The CEC refused registration of the candidates A. Kliuyev (former Head of the administration under President Yanukovych) and A. Sharii (journalist with known anti-Ukrainian sentiments) due to their failure to reside permanently in Ukraine for the past 5 years. Following the appeals, the court of first instance found a violation of the law on the part of the CEC and ordered it to register these two candidates. The court of second instance partly satisfied the appeal and recognized that the CEC did not conduct a proper and full check of the information. On 2 July 2019, the CEC complied with the court decisions and registered the candidates. On the next day, the CEC reversed these registrations based on additional information submitted by government authorities. Further appeals to the courts of Mr. Kliuyev and Mr. Sharii were denied.
- The CEC cancelled the registration of the former first Deputy General Prosecutor of Ukraine (under President Yanukovych), Renat Kuzmin, also for failing to meet the five year Ukraine residency requirement. The court of first instance ruled that the CEC position was unlawful and highlighted that the evidence provided by the Security Service of Ukraine on Mr. Kuzmin was only "assumption". However, this decision was overturned on appeal.
- The CEC cancelled the registration of Oleksandr Kunyskyj, a candidate from the party "Servant of the People (Sluha Narodu)" in Kharkiv. The evidence submitted indicated that the candidate was absent from Ukraine for 264 days in a row in 2015. Also, Mr. Kunytskyi, confirmed his obtaining Israeli citizenship. However, the court rejected the case due to a filing technicality, and as such, did not consider the residency requirement. The decision was upheld on appeal.

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[2] https://www.slidstvo.info/news/predstavlyav-ukrajinu-na-kinnyh-zmahannyah-sud-dozvolyv-onyschenku-balotuvatysya/

- The party "Movement of New Forces of Mikheil Saakashvili" successfully appealed the CEC decision on refusal to register its full party list. According to the court, mentioning a wrong date for the party assembly by mistake cannot be the reason for excluding that party from the election process. Thus, this party was added to the ballot under number 22 after the lottery was conducted to determine the numbers of political parties in the ballot.

The Head of the CEC, Ms. Slipachuk, during a special 30-minute briefing held on 19 July 2019, expressed serious concerns on the abovementioned cases. She complained of administrative and political pressure, fake news and a smear campaign against the CEC. She urged the courts to deal with election cases responsibly. She stated that the practice of the courts taking over the powers of the CEC and obliging the Commission to register certain candidates is not in line with Ukrainian legislation. The Commission relies on official information from law enforcement agencies and has neither authority, nor means, to conduct investigations to establish the whereabouts of the candidates.

Campaign Violations
During this parliamentary election process, there were allegations of campaign violations in the form of the use of administrative resources, billboard content and placement, defamation, and campaigning not from the election fund, as discussed below. Only two out of 15 such claims was partly granted and the court recognized that placement of billboard of a political party together with commercial advertisement is illegal.[3]

During the quiet day (Saturday 20 July), Mission Canada's monitoring identified numerous violations associated with political agitation on many TV channels, billboards, on social media and online in general. These violations appeared to be systemic and conducted by all major parties and many SMCs. For example, out of 866 violations recorded by the National Police of Ukraine, 711 were attributed to this issue alone. A similar situation has been observed during both rounds of the presidential elections and in previous elections as well.

Currently, the website of the Ministry of Interior contains the information on 244 notifications on vote buying crimes (starting from 24 May 2019) which are under investigation. Additionally, in at least two cases the voters were offered money and assistance in becoming the "clone" candidates for the people`s deputies of Ukraine. Allegations on vote buying were also made in constituency No. 148 against self-nominated candidate Mukhtarov F.A. According to the applicants, this candidate renovated the water tower and bought beds for kindergartens. He also purchased computers for the district administration in the village of Semenivka in Poltavska Oblast and posted this on his Facebook page. However, the court didn't accept this online evidence as proper and admissible and dismissed all three claims.

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[3] For example, in the case No. 620/1975/19, the party "Servant of the People" challenged the action of the Chernihiv city council Head and accused him of campaigning while he performed his official duties. The court disagreed and considered that the mayor was on vacation and thus was not in the office. Additionally, 68 administrative protocols were submitted to the courts regarding the absence of the required information on the billboards and their improper placement. In 33 of these cases, the courts issued fines ranging from 51 UAH to 384,2 UAH, which cannot be considered as sufficient punishment to deter further similar violations.

Court Adjudication on Voters' Lists
As during the presidential election this year, the main reason for the absence of voters in the preliminary voter lists was the lack of their registered place of residence. Up to date, 110 cases have been indicated. In the vast majority of them, the courts satisfied the applications and ordered to include such voters on the voter lists.

Election Administration

The Central Election Commission (CEC) is responsible for the organization and conduct of elections in Ukraine. The CEC established 199 District Election Commissions countrywide with the exception of the Autonomous Republic of Crimea, the City of Sevastopol and certain areas of the Donetsk and Luhansk regions which are temporally not under the control of the Government of Ukraine. The CEC performs the role of the election commission for the Foreign District comprising 102 Precinct Election Commissions (PECs). DECs are responsible for the formation of a total of 29,886 PECs: 28,637 regular Polling Stations (PS) and 1147 special PS. Unlike during the Presidential elections, the establishment of special military PS is not a legal requirement and as such, none have been formed for this election.

The CEC is a state body comprised of 17 members appointed for a seven-year renewable term by Parliament. These members are nominated by the President and reflective of proposals put forth by all deputy factions and groups in the Verkhovna Rada. The current composition of the CEC is composed of 16 commissioners, 9 women and 7 men, with one seat remaining vacant due to a lack of political consensus on the last nomination. In May 2019, the CEC addressed the President, the Parliament and the government stating that given the time constraints due to the early parliamentary election call, it would be impossible for the electoral administration to carry out the necessary public procurement procedures in keeping with the procurement legislation.[4] The Ministry of Economic Development and Trade responded by granting special provisions to the CEC to procure goods and services.[5]

The CEC holds its sessions preceded by closed pre-sessions on a regular basis (i.e. at least once a day and more if necessary). Information concerning these scheduled sessions are posted on the Commission's official website. The website also provides the full text of all CEC resolutions as well as other relevant information concerning the electoral process. The Commission conducts its sessions in an open manner with observers and media granted full access, including the ability to live stream from the session hall. Overall, Mission Canada has noted that the CEC performs its duties in an efficient and transparent manner, and has professionally addressed the challenges associated with the organization of the early election.

The CEC registered a total of 5,966 candidates and 22 parties for the parliamentary elections within the legal timeframe from 24 May to 25 June.[6] A total number of 137 candidate registrations in single mandate districts (SMDs), together with 18 candidate registrations on party lists were cancelled by the CEC. Such cancellations were based on the inability to meet the five-year Ukraine residency obligation. Other

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[4] CEC Resolution #897 dated 24 May 2019.
[5] Decree #898 of the Ministry of Economic Development and Trade
[6] Party list candidates – 2,747; single-member district candidates – 3,083 (1,678 self-nominated and 1,405 party-nominated).

reasons cited were the lack of required documentation, insufficient funds or unallowable proxy payments for required financial deposits. While the law makes it clear that technical errors or omissions in candidates' registration applications shall not be grounds for rejection[7], failure to submit the required documentation constitutes a legal reason for the CEC to deny the candidate's registration. This in turn has created certain legal ambiguities. In its ruling, the Supreme Court addressed this issue by providing clear guidance, which Mission Canada considers a positive practice.[8]

Voter lists

Voter lists are formed on the basis of information extracted from the State Voter Registry, a CEC-maintained online database. It is operated by 27 Registration Administration Bodies and 759 Registry Maintenance Bodies (RMBs). Mission Canada visited a number of RMBs in every region and had a positive assessment of their performance. Voter registry numbers are updated at the end of each calendar month. As of 30 June 2019, the total number of registered voters was 35,550,428. As of 15 July 2019 (the deadline specified for this election), 280,922 voters temporarily changed their voting location, with 65,016 coming from Crimea, Donetsk and Luhansk regions. Out of those who changed their place of voting, 76% chose a PS outside their registration district. This limits their voting to the nationwide constituency, thereby receiving only one ballot. Following up on the experience of the 2019 Presidential elections, the CEC simplified the procedure for changing the voting place. Previously, evidence demonstrating a voter's reason for changing their location (e.g. employment letter, rental agreement for new location, etc.) was required. This process been simplified with the voter now being required to provide an application with a reason of a more general nature along with their identification document. Mission Canada views this streamlined process as a positive development.[9]

Formation of District Election Commissions (DECs) and Precinct Election Commissions (PECs)

The CEC formed all 199 DECs with the maximum composition of 18 members within the legally defined deadline of 31 May. Mission Canada did not note any major issues pertaining to the DEC formation process. To date, the total number of commissioners is 3,553, with around 38% of them having previously worked as commission members during the Presidential election 2019. Some 59% of commissioners are women. According to Mission's Canada observations, the turnover among DEC members ranges from 30% to 50%.

Pursuant to the legislation, political parties with a current representation in Parliament are automatically granted DEC membership and allowed one member per party. All six parties with current parliamentary factions (Solidarity, Radical Party of Oleg Lyashko, Narodny Front, Fatherland Party (Batkyvshchyna Party), Opposition Block and Samopomich (Self Reliance) exercised the right to have their candidates appointed as DEC members. The remaining positions are filled by a lottery system in which every party is entitled to participate, including those who have already a representative on the DEC. As such, this has resulted in parties having two representatives in a considerable number of DECs.

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[7] Article 60 of the Law of Ukraine on the Central Election Commission
[8] Case #855/154/19
[9] This simplified procedure also helps internally displaced persons to vote in the elections; see section on IDPs below.

The CEC has ensured proportional distribution of the executive positions in the DECs among the political parties including other members in the DEC. To date, no court cases challenging the distribution of executive memberships on the DEC have been noted.

Mission Canada visited a total of 194 DECs during the pre-election process. Mission Canada was not able to visit five DECs (four in Donetsk oblast and one in Luhansk oblast)[10] due to security reasons, including the presence of landmines on the roads, close proximity to the Line of Contact and the possibility of shelling.

Mission Canada's observers were unable to visit DEC 59 located in Marinka in Donetsk oblast given security concerns. However, Mission Canada did conduct a phone conversation with the DEC. DEC members informed Mission Canada that they had formally requested a relocation for security reasons, addressed to the CEC, the Office of the President of Ukraine, the Cabinet, the Regional Council of Marinka, and the Office of the Civil Military of Donetsk Oblast. The members expressed concern about the increase in kinetic activity in the area at night, when PECs would be bringing their ballots and protocols to the DEC. No contingency plan is in place should the area become too dangerous for PEC members to travel to the DEC. Moreover, the furthest PEC is 170km away. The DEC reiterated their concerns about functioning and working in Marinka, and are hoping to receive a positive response regarding the relocation request. They further specified that should the DEC be relocated, the five PECs in the area should also be moved.

PECs were established in a timely manner by the legal deadline of 5 July 2019. In several instances, DECs faced a lack of candidacies for PEC positions due to a number of factors such as the summer holidays, the short timeframe for electoral preparations, among others. Nonetheless, Mission Canada's overall assessment is that the PECs were established and conducted their work smoothly and without any significant concerns.

The CEC Training Centre conducted 106 DEC and 333 PEC trainings. Mission Canada observed some of the training and, in general, views positively the training organization and conduct.

Campaign environment

The parliamentary election campaign was competitive, spirited and pluralistic. Twenty-two parties registered candidate slates in the national proportional ballot; over 3,000 candidates registered in the 199 Single-Mandate Districts in which elections took place – 1,404 were nominated by parties and 1,679 were self-nominated.[11] Ukrainian voters had a wide array of choice among parties and candidates when exercising their franchise.

The main themes of the campaign included traditional "bread and butter" campaign issues – energy tariffs, salaries, alleviation of poverty, pensions, and access to health care. The question of how best to address Russia's aggression against Ukraine and return peace to Ukraine featured prominently in the

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[10] Those were DECs #45 (Advivka), 51 (Zaitseve), 52 (Toretsk), 59 (Marinka) in Donetsk oblast and DEC #105 (Schastya) in Luhansk oblast.
[11] Central Election Commission, https://cvk.gov.ua/pls/vnd2019/wp032pt001f01=919.html

campaign. The struggle against corruption was also a central campaign issue. President Zelenskyy's introduction of draft legislation on 11 July 2019 that would extend "lustration" – the prohibition of serving in official government positions – to officials who served in Ukraine's government from February 2014 to May 2019 was cause for considerable debate and deliberation during the campaign.[12] Many interlocutors expressed concern to Mission Canada about this expanded lustration bill.

One of the prominent party campaigns (European Solidarity) focused their messaging and rhetoric heavily on questions of foreign policy. The SMD portion of the election allowed candidates to campaign on local issues, such as the improvement of public infrastructure (for example, roads, schools) and the improvement of the provision of local services.

A further theme that emerged in the campaign of several parties was the rejection of the political establishment of the country. Two of the prominent parties Sluha Narodu (Servant of the People) and Holos focused a fair amount of their campaign rhetoric on a complete renewal or overturning of the political leadership in the country. This theme was contrasted with the presence of many candidates with long records of participation in politics, particularly on the SMD ballots.

Party and SMD campaigns focused on traditional methods of campaigning, such as placing billboards, campaign tents, rallies with voters, appearances on political talk shows on both national and local TV and radio - combined with some parties and candidates increasingly using social media tools and platforms for campaigns – as well as door-to-door campaigning. In some areas of the country, debates between candidates were organized.

During the reporting period, Mission Canada LTOs met with 204 party campaigns, SMD candidates and SMD campaigns. Campaign representatives reported the ability to campaign freely and the general absence of intimidation of campaign volunteers and workers. Campaigns noted that they were able to access media for advertisements, although problems were noted by some campaigns of resistance from certain media outlets to running their advertisements. Moreover, many campaigns noted that accessing media can be prohibitively expensive.

In a limited number of cases, campaign interlocutors alleged to Mission Canada that their campaign volunteers and staff were sometimes impeded from distributing campaign literature. Some campaigns also stated that they had difficulty accessing billboard space for what they alleged were political reasons. Mission Canada has also noted an increase in the defacement of campaign billboards in the days leading to election day.

Mission Canada noted the presence in several SMDs of so-called "clone" candidates. The registration of "clone" candidates – candidates with little or no campaigning presence but with identical or similar names to a leading candidate in an SMD – is a tactic used to confuse voters and draw votes away from the more prominent candidate.[13] Mission Canada's observers also reported cases of candidates not affiliated with

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[12] Draft Law 10444, submitted to Parliament by the President on 11 July 2019,
http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66202

[13] For example, in SMD 133 (Odesa oblast) – of 50 candidates, there are 4 candidates with the surname "Baransky" registered; 2 "Dmytruk"; 2 "Tantsiura"; in SMD 137 (Odesa oblast) – of 24 candidates, 3 "Honcharenko"; 2

one of the more prominent party campaigns using the colors, fonts and symbols of that campaign in an apparent attempt to associate themselves with that campaign.[14]

"Clone" candidates continue both to confuse the electorate and to clog the judicial system. According to a number of domestic NGO observers, approximately 161 clone candidates have been registered as SMD candidates. Only ten reported cases have been taken up in court. Additionally, a number of SMD candidates have claimed an association with similarly named political parties, charities, companies or NGOs. The objective is to provide a false impression that the candidate is a member of a well-known popular party, in the hopes of gaining support from uninformed voters. One NGO has reported 93 such candidates of which 86 claim to be associated with "Sluha Narodu" (or similar named "party" and/or entity).

The general ability of parties and candidates to campaign freely contributed to an electoral environment conducive to the conduct of democratic elections.

Election Security
Mission Canada's observers generally reported that law enforcement authorities were adequately prepared to ensure security and order during the election campaign and election day. Observers in several oblasts, and especially OPORA, noted good cooperation between law enforcement and domestic electoral NGOs responsible for training police on their role in ensuring security during the election.

During the parliamentary election, the Ministry of Internal Affairs established once again the informational- analytical system "Vybory 2019". This is an online resource where information concerning electoral violations (both administrative and criminal in nature) under investigation is published and tracked by interested parties in a welcome effort to increase transparency and the accessibility of data.

In several oblasts[15], law enforcement reported to Mission Canada a significant increase in bomb threats during the election campaign. According to law enforcement agencies met by Mission Canada, such threats emanate from online sources both from inside and outside the country and are aimed at disrupting the electoral process.

Sporadic violence related either directly or indirectly to the election took place throughout the campaign.[16] These incidents were not systemic. Throughout the campaign, Mission Canada's observers in

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"Klymov" and 1 "Klimov"; in SMD 92 (Kyiv oblast) – of 21 candidates, 4 "Hudzenko"; 3 "Ferenets"; in SMD 33 (Dnipropetrovsk oblast) – of 19 candidates – 2 "Babenko"; 2 "Lyadenko"; 1 "Kolesnyk" and 1 "Kolesnik"

[14] For example – in Zaporizhia

[15] For example – Kharkiv, Rivne, Mykolaiv oblasts

[16] On 16 July, a candidate in Mykolaiv oblast was found dead from a gunshot wound. Police stated that they are investigating the death as a suicide. In Zhytomyr oblast, a candidate reported that they had flour thrown at them while meeting with voters. In Kyiv City on 13 July, the headquarters of a TV station was hit with a grenade launcher. Nobody was injured and the Security Service of Ukraine is investigating the incident as a terrorist act. On 14 July, a candidate in Khmelnytsk was apparently attacked and stabbed – in a meeting with Mission Canada he accused a campaign rival of ordering the alleged attack. The rival, in turn, publicly stated that the attack was fabricated by the first candidate in order to discredit him. On 9 July, a candidate was attacked with tear gas in Kyiv City. On 10 July,

several oblasts reported damage to campaign tents, campaign vehicles, vandalism of campaign offices and alleged intimidation of campaign workers and volunteers.

Throughout election day law enforcement agencies ensured order and security in all regions where voting took place.

Campaign rallies
Mission Canada observed and reported on 34 campaign rallies leading up to the election. In all observed cases, law enforcement behaved appropriately. One incident of limited violence (pushing, shoving) between the supporters of a party and counter-demonstrators was observed. No incidents of incitement or hateful or incendiary rhetoric were observed. In several cases, campaign rallies were combined with concerts or performances.

Vote Buying
Allegations of vote buying by campaign interlocutors increased as election day approached. These allegations were apparent in most regions of the country. In Donetsk oblast (Mariupol city), Mission Canada observed what may well be an attempt at indirect vote-buying, whereby a candidate's campaign event was followed by the disbursement of packages of groceries to attendees. Law enforcement opened several dozen investigations into alleged vote buying attempts throughout the campaign period.

Interlocutors with whom Mission Canada met noted that the SMD component of the election provides an incentive to candidates to attempt to influence voters through either direct or indirect vote buying – given that in many cases a relatively low number of votes in an SMD can make the difference between winning and losing.

Administrative resources
Most of the allegations concerning the misuse of administrative resources reported to Mission Canada centered on the use of municipal resources for campaigning,[17] with claims by candidates that the implementation of public works projects was attributed to a specific candidate. Other examples of allegations included the use of public funds for billboards and other campaign advertising.[18] Allegations also included the use of local, municipal resources to organize events where a candidate campaigned.[19]

During the campaign period, the misuse of administrative resources was a local phenomenon. There was no indication that the wider state power was used in a centralized way in an attempt to influence the outcome of the election. The general non-interference of the central state in the election campaign is a continuing positive development in Ukrainian electoral politics, including during the presidential and parliamentary elections in 2014, and the presidential elections earlier this year.

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police reported that a suspect had been detained. On 16 July, police reported that a candidate in Rivne had a grenade attached to the door handle of his car, and the car's windows had been vandalized.

[17] For example, in Mykolaiv and Kyiv oblast

[18] For example, in Rivne oblast

[19] For example, Kyiv oblast

Campaign finance

The financing of parliamentary campaigns is governed primarily by the Law of Ukraine entitled *On the Election of People's Deputies.* Political parties who register a slate in the proportional ballot, and candidates registered in the SMDs must open an electoral fund from which they pay campaign expenditures. Electoral funds for national parties are limited to 90,000 times the minimum salary, which for this election meant a spending limit of approximately 370,000,000 UAH (approximately 14.5 million USD). The campaign fund for a candidate in an SMD is limited to 4,000 times the minimum salary, or approximately 16,500,000 UAH (approximately 650,000 USD).[20]

Parties and candidates must appoint a manager for the electoral fund, and expenditures are to be paid on a cashless basis. Five days before election day, the manager of the party's electoral fund must submit an interim financial report to the National Agency for the Prevention of Corruption (NAPC) and the CEC; the manager of a candidate's electoral fund must submit an interim financial report eight days prior to election day to the party that nominated the candidate (unless they are self-nominated) and the respective DEC. Fifteen days after election day, the final financial report by a party must be submitted to the NAPC and the CEC; seven days after election day, the final financial report for SMD candidates must be submitted. DECs, the CEC and the NAPC are responsible for verifying these reports – violations or non-compliance are subject to fines or suspension of public financing of the party. The reports are to be made public by the respective institution to which they were submitted.[21]

Individuals may donate up to 400 times the minimum salary (approximately 1.6 million UAH or 64,000 USD) to a political party or candidate; legal entities may donate twice that amount (approximately 3.2 million UAH or 128,000 USD).[22] Candidates may also use their own funds to fund their campaign. There is no limit on the amount of their own funds a candidate may donate.

National parties are eligible for reimbursement of campaign expenditures from the state budget if they clear the threshold for entry into Parliament (5% of the vote).[23]

According to the reports filed by parties, the following eight campaigns had the highest campaign expenditures as of 10 July, with the vast majority of expenditures dedicated to advertising in media.

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[20] Law on Election of Peoples' Deputies. Article 48, Part 1
[21] Law on Election of Peoples' Deputies, Article 49, Parts 5-7
[22] Law of Ukraine on Political Parties, Article 15
[23] Law of Ukraine on Political Parties, Article 17-4

Party	Expenditures (millions UAH)	% Expenditures media advertising
Servant of the People (Sluha Narodu)	96.9	81.60%
Radical Party	72.9	95.70%
Holos	71.6	75.60%
Ukrainian Strategy (Ukrains'ka Strategiia) of Volodymyr Groysman	61.2	78.90%
Opposition Bloc	54.9	70.90%
European Solidarity	47.2	81.60%
Opposition Platform - For Life (Oposytsiina Platforma Za Zhittia)	38.6	73.10%
Fatherland Party (Batkyvshchyna Party)	35	93.40%

Although the transparency and regulatory framework of campaign financing has improved over recent election cycles in Ukraine, particularly with the introduction of public disclosure rules and public reimbursements for political parties, several interlocutors with whom Mission Canada met continued to point out that campaign finance remains generally opaque. Allegations that spending takes place outside the parameters set out in the law are voiced regularly. In order to continue the strengthening of Ukraine's democratic institutions, the regulatory framework for the financing of campaigns should see continued reform, and sanctions for violations of campaign financing rules be strengthened.

Domestic observers
Ukraine's Law on the Election of Peoples' Deputies allows non-governmental organizations whose charter provides for the observation of elections to register observers for the parliamentary elections.[24] 163 non-governmental organizations registered to observe the parliamentary elections. This represents a significant increase over the 2014 parliamentary elections, whereby 37 organizations registered, more than a fourfold increase. Of the 163 organizations registered, 77 registered no observers at all, and 81 registered one observer of more. In total, 23,837 observers from non-governmental organizations were registered.[25]

An analysis of these organizations by OPORA showed that 43 of the 163 organizations registered with the Ministry of Justice in 2019. Moreover, several of the organizations appeared to have some measure of

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[24] Law on Election of Peoples' Deputies, Article 78, Part 2
[25] https://cvk.gov.ua/pls/vnd2019/wp141pt001f01=919.html

political affiliation, either with a party or a specific candidate.[26] As with the 2019 presidential elections, whenever a proliferation of organizations registering to observe the elections was noted, concerns were raised about the impartiality of some of these organizations. Concern was also expressed that the relatively sizeable number of domestic observers might cause overcrowding on election day, thereby interfering with the PECs' ability to fulfill its work. However, Mission Canada did not observe this issue on election day.

Participation of Women in the Election and Gender Issues

Mission Canada notes that with this election, the number of female representatives in Parliament will likely increase to its highest number ever, approximatively 70 as compared to 51 in the Eighth Convocation of Parliament. However, it must be noted that at the time of dissolution, Ukraine had the lowest representation of women in Parliament in Europe (11.6%) and once reconstituted will likely remain one of the lowest in Europe.

Several parties, including Servant of the People (Sluha Narodu), Samopomich (Self Reliance), and Ukrainian Strategy, have made an effort to ensure better gender parity in their party lists, meeting the gender quota requirement of 30% (as per Article 8, para. 10 of the Law of Ukraine on Political Parties). Other parties, including the Radical Party of Oleh Lyashko (42%), Opposition Bloc (38%), and Opposition Platform - For Life (Oposytsiina Platforma Za Zhittia) (33%) also met the gender quota with their party lists. However, they did not fulfill the gender and ranking requirement for the first twenty names on their respective lists.[27] Thus, despite meeting the 30% gender quota in its overall party list, only 10% of Opposition Platform - For Life (Oposytsiina Platforma Za Zhittia) representatives in the new Parliament will be women.

While Voice and the European Solidarity (Europeiska Solidarnist') came slightly under the gender quota requirement for their party lists (28 and 29 percent respectively), both parties included a significant number of women in their top 20 candidates, (40 and 35 percent respectively). Together with the Servant of the People (Sluha Narodu) (25%), these parties will help to increase the number of women in Parliament.[28]

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[26] OPORA. *Who will be observing the parliamentary election?* 4 July 2019, https://www.oporaua.org/article/vybory/parlamentski-vybory/parlamentski-vybory-2019/fake_observers_2019

[27] Both Opposition Platform – For Life and Opposition Bloc have only two women in the first 20 representing 10% women, while the Radical Party of Oleh Lyashko has 20%. Svoboda had no women in the top 20 of its list.

[28] For the top ten, Self-Reliance Party (Samopomich) led the list at 60%, followed by Voice (Holos) at 50% and European Solidarity (Europeiska Solidarnist') at 40%. Servant of the People (Sluha Narodu) has 30% of women in their top 10. Fatherland Party (Batkyvshchyna Party) did not meet the gender quota requirement in their party list.

None of the parties entering Parliament met the gender quota requirement with regard to their single mandate constituency candidates.[29] In total, only 15% of all SMD candidates were women. Female majoritarian candidates told Mission Canada that their male colleagues running in other districts were better financed and supported by the party they represented. Independent female candidates spoke of the challenges of raising money for their campaigns, stating that donors preferred to support male candidates, often because they had ties to local business and political elites, avenues generally closed to women.

Female candidates (both independent and party affiliated) also spoke of the challenges of overcoming gender stereotypes, expressing frustration that they were judged on their physical appearance and attire rather on than their competence, skills or experience. They noted that both male and female voters were less likely to vote for a woman because of societal biases that women do not possess the leadership qualities necessary for public life. Only two female candidates won out of 199 majoritarian seats in 2014 and the latest results show that women are unlikely to add significantly to this number. There were 25 single mandate districts with no women candidates.

As with the presidential elections, gender issues were largely absent from the radar of political parties and candidates in this election. For example, both Servant of the People (Sluha Narodu) and European Solidarity (Europeiska Solidarnist) told Mission Canada that their campaign platforms included "equality between women and men" but neither party had developed any policies on gender beyond this. While Holos (Voice) acknowledged to Mission Canada that they do not include a section on gender in their party platform, they stated that this should not be seen as a lack of commitment to gender equality on the part of the party, but rather the need for the party to develop more fully. Neither Fatherland Party (Batkyvshchyna Party) nor Opposition Platform - For Life (Oposytsiina Platforma Za Zhittia) explicitly call for gender equality.

Mission Canada notes that while women's engagement in the administration of the electoral process continues to increase, (59% of DEC members were women for the parliamentary election as compared to 57% for the 2019 presidential elections), overall the participation of women in this electoral process remains low. Despite the nominal increase, Ukraine is far below both European and global averages of female representation in Parliament (28.5% and 24% respectively). Ultimately, without higher rates of participation by female politicians, it will be difficult for Ukraine to realize its full potential.

Participation of Internally Displaced Persons (IDPs) and Internal Migrants

IDPs still living in the occupied territories of Donetsk and Luhansk oblasts as well as citizens living in the territory of annexed Crimea were disproportionately affected by the challenges of exercising their electoral rights and thus their participations rates were extremely low. There are 1.4 million registered

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[29] Voice had the highest with 29% women candidates, followed by European Solidarity (Europeiska Solidarnist') at 19%, Servant of the People (Sluha Narodu) (17%), Fatherland Party (Batkyvshchyna Party) (15%), and Opposition Platform – For Life (Oposytsiina Platforma Za Zhittia) (10%).

IDPs in Ukraine, of which 1,177,469 are entitled to vote.[30] The ongoing conflict in the Eastern oblasts of Donetsk and Luhansk along with the annexation of Crimea has meant that the vast majority of IDPs are disenfranchised from participating in the single mandate districts seats since they are still electorally registered in those territories.[31] Registering a temporary place of voting without changing the electoral address allows those living outside their permanent place of residence to cast only a proportional list ballot, and not a SMD ballot. Mission Canada therefore notes that IDPs and internal migrants are only partially enfranchised in this election.

While CEC regulations have made it easier for IDPs as well as internal migrants to change temporarily their place of voting in order to participate in the 2019 electoral process[32], by the 15 July registration deadline, out of a total of 280,922 voters who registered to change their place of voting, only 47,016 (16.7%) of IDPs had done so.[33]   In total, only 3.9% of registered temporarily changed their place of voting for this election.[34]

Mission Canada observed only a handful of people lining up to change their place of voting in the last week before registration closed. In comparison, for both rounds of the presidential election, there were queues of up to several hours reported across the country. Interlocutors report a variety of reasons for this, including summer holidays, election fatigue, and less interest in the parliamentary elections for IDPs and others who cannot vote for SMD seats. Several IDPs have expressed their disappointment and frustration to Mission Canada with their lack of ability to vote in SMDs.

Mission Canada observed a lack of consistency with regard to public education registration procedures. Some SVRs in conjunction with the local administration were actively engaged in ensuring information on the registration process was widely distributed (e.g. on Facebook, in local newspapers, flyers posted in public buildings). Other SVR offices stated that it was either the responsibility of the CEC, or that the information was widely available online and there was no further need to provide further information, or that Ukrainians were very aware of their electoral rights and no further education needed to be conducted.

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[30] This number represents approximately 4% of the total number of voters in Ukraine.

[31] There are 11 DECs where a portion of the geographical boundary of the DEC is located in the non-government controlled areas (NGCA). If an IDP temporarily changes their voting place within the same district as their temporary place of voting, they are allowed to vote for both the party lists and the single mandate seats.

[32] CEC regulation #129 of 5 September 2018 allowed registration using only internal passports for IDPs. CEC regulation #893 of 23 May 2019 equalized the registration requirements of all other Ukrainians in the country who are not currently living in their place of permanent residence.

[33] Data from published and unpublished sources of the State Voter Registry. Of those, the largest number were from Donetsk oblast, 42,578, but only 20% were IDPs and residents of the occupied territories. The total number of residents from Luhansk oblast who temporarily changed their place of voting was 19,829, but only 17% of those were IDPs and residents of the occupied territories (3,352).

[34] These figures represent all those who temporarily changed their place of voting in Luhansk and Donetsk oblasts. According to the State Voter Registry it is not possible to determine from the public record the actual number of IDPs who changed their place of voting in these two oblasts as they do not need to show their IDP certificate when registering. The Group of Influence, a national IDP advocacy group, has calculated that the percentage of those with registration from the occupied territories to be 3.9%.

The low participation rate of IDPs in this election can in part be attributed to their lack of voting enfranchisement. This highlights the need for a comprehensive change with regard to the issue of registration. Mission Canada notes that the Election Code, which was adopted by parliament on 11 July, did not include any of the provisions of draft law No. 6240 regarding the protection of electoral rights of IDPs and internal migrants.

Participation of Minorities

Mission Canada's interlocutors in all oblasts, including candidates, political parties, election officials, city and regional administrative personnel, as well as minority communities themselves, informed Mission Canada that there were no official barriers to their participation in the parliamentary elections. The exception to this was the Roma community, which remains the most marginalized minority in Ukraine. Lack of official documentation, low rates of literacy due to a lack of access to education, and a lack of concern shown by state officials and political parties to the social and economic conditions of many Roma communities, all factored into their low participation in this electoral process.

Minority groups also reported that there was no outreach by candidates or parties to learn about the issues affecting their communities or asking for their support. This is likely due to the fact that their numbers are statistically irrelevant to candidate electoral prospects, and also because candidates, political parties, and administration officials expressed views that minorities are simply a part of the broader Ukrainian civic polity, and should not be treated any differently. This was also articulated in relation to the ongoing war and the need for Ukrainians to come together as one united country.

Minority issues were also noticeably absent from the campaign trail as well as from political party platforms. The exception was Opposition Platform – For Life which campaigned on language rights for minorities, including the right for students to be educated in their native language. They also called for the abolition of the 2017 Education law and Language Law, which came into effect on 16 July 2019.

Some minority leaders, including the Greek and Hungarian minorities, encouraged their communities to vote for candidates from their community or for those they felt would be more supportive to the needs of their community. Other minority groups, including the Jewish and LGBTQ communities, stated that politics is a private matter and their communities are diverse in their support of political parties and candidates.

In the 2019 presidential election, the Crimean Tatar community was encouraged by its leaders to support Petro Poroshenko. As well, representatives from the community ran for his party in the 2014 parliamentary election. In this election, Crimean Tatar candidates were spread across parties, including European Solidarity, Voice (Holos), and Strength and Honor (Sila I Chest'), as a strategy to ensure better representation of Crimean Tatars in Parliament, according to members of the community.

The recent closure of 15 PECs in Donetsk oblast in the area around Mariupol due to security concerns has negatively impacted the ability of the Greek community to fully exercise its electoral rights in this

election.[35] According to the head of the Greek Federation of Ukraine, 85% of Ukrainian citizens with Greek heritage live in Mariupol and the region surrounding the city. Mission Canada notes that these PECs were open during both rounds of the presidential election.

On 9 July 2019, the Ukrainian Council of Churches and Religious Organizations, (the most influential religious organization in the country), published on their website a list of 6 questions that they sent to all political parties, stating that it was important before E-day for the electorate to find out the position of candidates regarding various issues. One of the questions was on same-sex relationships and gender: "Can your political party guarantee the rejection of the idea of promoting same-sex relationships, same-sex partnerships and gender ideology that distorts the understanding of the concepts of gender, marriage, family (including the refusal to ratify the Istanbul Convention, and also does not promote public propaganda of same-sex relations and transgender movement) at the state level?"[36]

Mission Canada observed that many polling stations are not accessible to people with mobility challenges as they are located in a room on an upper floor without elevator access and with limited space to operate a wheelchair. This challenge has been mitigated by mobile voting units, which is mandated by law. Mission Canada also observed difficulty for voters with limited sight to read the ballots.[37]

Media and Information Environment

Overall media environment
The main characteristics and trends that defined the Ukrainian media space during the 2019 Presidential elections remained unchanged for the Parliamentary elections. Overall, the media environment is open and pluralistic, but the editorial independence, professionalism, adherence to journalism standards, and capacity to provide the population with balanced coverage of socio-political issues varies greatly across all mediums, as well as geographically. The high concentration of ownership over nation-wide media in the hands of six groups representing diverging political interests, on the one hand, and availability of numerous, small-scale media outlets across the country controlled by local economic and political groups, on the other, contributes to the deep segmentation and polarization of the society.[38] The weakened position of the national public broadcaster, UA:PBC, as well as insufficient regulatory framework and

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[35] According to the head of the Greek Federation of Ukraine, these closures affected 6,000 voters in five Greek villages.

[36] By 17 July 2019 when the Council last updated its website, only 4 parties had responded (Self-Reliance (Samopomich), Civic Position, Ukrainian Strategy and Social Justice). Self-Reliance Party (Samopomich Party) articulated its commitment to the "principles of Christian morality" citing the bible. Civic Position stated that they are "categorically against discrimination and violence in relation to LGBT communities… At the same time, by supporting traditional family values, we refuse the idea of promoting the support for same-sex relationships at the state level."

[37] See section on election day observations below for more details.

[38] Reporters Without Borders, "Media Ownership in Ukraine: informal influence through murky business schemes", available at https://bit.ly/2i1AEoI; "INTERIM REPORT 11 June – 3 July 2019", OSCE ODHIR Observation Mission in Ukraine. Available at https://bit.ly/32wp9ba; "In the first half of 2019, over 3,000 print media were published in Ukraine", press release of the National Council on TV and Radio Broadcasting, 11 July 2019. Available at https://bit.ly/30Jef07

balanced policy regarding the management of the national information space leave ample room for injection of both foreign and internally-produced narratives that split society further.

This was emphasized in particular after a new media holding company was created on 14 June comprising "112 Ukraina", "NewsOne" and "ZIK" channels under the ownership of Taras Kozak, member of the "Opposition Platform - For Life (Oposytsiina Platforma Za Zhittia)" party and business partner of Viktor Medvedchuk, one of the leaders of this party. Mr. Medvedchuk is closely affiliated with pro-Russian state interests. The unprecedented departure of journalists[39], as well as the announced telebridge between "NewsOne" and a Russian TV channel banned in Ukraine, was interpreted as a political campaign maneuver by the "Opposition Platform - For Life (Oposytsiina Platforma Za Zhittia)". These were used by political forces on different sides to their advantage, thus deepening frictions in the society.[40] On 13 July, the building housing "112 Ukraine" TV channel in Kyiv was attacked with a grenade launcher causing damage to the building.[41] At the same time, this series of events highlighted the need to address difficult questions related to media ownership in relation to national security, the role of free press in the context of ongoing war with Russia and freedom of expression in Ukraine.[42]

The snap parliamentary elections call appeared to have favored parties who began mobilizing funding and securing media advertisement space in advance, especially at the national level and affiliated TV channels. Mission Canada observed that due to a lack of funds, contracts or available advertisement space in many oblast and rayon level media outlets, political advertising by party-based or Single Mandate Candidates was quite limited until the last two weeks before the elections. At the same time, there was very little substantive coverage of candidate platforms in most regional media due to general apprehension of journalists regarding political coverage; this limited public awareness of available political options significantly.

Media Regulation and Oversight
The Ukrainian media legal framework with regard to traditional media is quite developed. The laws "On Elections of People's Deputies of Ukraine" and "On Political Parties in Ukraine" provide sufficient guidance to media regarding their conduct during campaigns, coverage of platforms and provision of equal and impartial access to media by candidates.[43] At the same time, Mission Canada notes that many gaps in legal and regulatory framework identified during the Presidential election still exist, leaving uncertainties regarding the interpretation of the definition of the terms political campaigning and political advertising,

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[39] Over 90 journalists and executives left within days after the acquisition. They were followed by over 400 journalists from both ZIK media outlets who resigned citing editorial pressure.

[40] "Teleconference idea between Ukrainian, Russian TV channels sparks outrage", KyivPost, 8 July 2019, Available at https://bit.ly/2SsQtTb; "RSF alarmed with unprecedented resign of journalists after ZIK's takeover", Institute of Mass Information, 5 July 2019. Available at https://bit.ly/2YVxVgx

[41] "Kyiv office of 112 Ukraine TV channel attacked from grenade launcher", UNIAN, 13 July 2019. Available at https://bit.ly/2LWyTFT

[42] "TV channels 112.Ukraine, NewsOne, ZIK bought by front man, impossible to establish link with Medvedchuk – NCTRB deputy head", Interfax, 12 July 2019. Available at https://bit.ly/2LW1riN

[43] Law of Ukraine "On Elections of People's Deputies of Ukraine". In particular, Part 4 of Art.13; Part 3 of Art. 63; Part 4 of Art. 66

as well as the lack of mechanisms for monitoring and oversight over publishing 'jeansa' (unmarked, paid for political content).

The control over the observance of rules and procedures for the provision of information support to the electoral process is carried out by the National Council on Television and Radio Broadcasting, NCTRB (television and radio outlets) and the State Committee on Television and Radio Broadcasting (print media and news agencies).[44] Unfortunately, the existing regulations do not provide the National Council with sufficient tools and authority to impose sanctions on media outlets that violate provisions. Furthermore, the work of the NCTRB was hampered during the crucial lead up to the parliamentary elections due to insufficient quorum and political disagreements over the appointment of a new Head. The Council only formed a Working Group tasked with oversight of the pre-election campaigning by media on 4 July and therefore had little to no impact on the role of media in elections.

The Ukrainian online media, if registered as such, is regulated according to the existing legal framework. However, if not, the online outlets and journalists are responsible to follow the Civil Code requiring to distribute information only after verifying its reliability.[45] The article covers any piece of information (except statements made by officials and government bodies) published or shared on the Internet.[46] In general, there are no specific regulations that directly regulate online media outlets.

Traditional, new and social media
Given the short gap between the presidential and parliamentary elections, all of the key issues and observations of Mission Canada regarding the traditional media environment in Ukraine remain the same:

- Fragmented information space across the country, distributed by ownership, reach, financial conditions, adherence to standards, access to sources revenue and influence;
- High bias and placement of 'jeansa' in media exhibited at all levels, from national to local;[47]
- Limited capacity of the public broadcaster, Suspilna (UA:PBS), to provide a fulsome and independent coverage across the country due to financial cuts and understaffing;
- The quality of content, journalists and management practices in many smaller outlets is low. Given the importance of regional outlets in this election cycle in terms of providing relevant information to voters, these combined features leave greater opportunities for influencing voter decisions through disinformation or negative PR promoted by interest groups.

The snap election call has favored the established parties and SMCs with existing access to funds, media and other resources. While all outlets are required by law to advertise their price lists in advance and provide space to all candidates, Mission Canada observed numerous instances where local TV, radio and

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[44] The Law of Ukraine "On Elections of People's Deputies of Ukraine" Part 6 of Art. 66
[45] The Civil Code of Ukraine, Part 2, Art. 302
[46] "Internet media and responsibility for the authenticity of information" (UKR), IMI, 11 January 2015. Available at https://bit.ly/2NYUcJu
[47] Mission Canada monitoring of the "112 Ukraina" channel's website belonging to Taras Kozak, who is Viktor Medvedhuk's partner -- and the new owner of ZIK channel and agency -- published 98 articles in one week advertising the Opposition Platform - For Life Oposytsiina Platforma Za Zhittia) party which were disguised as 'news'.

print outlets were either booked in advance or changed their pricing depending on whether a candidate was affiliated with the 'right political force' (Volyn, Zaporizhiia - especially in Akhmetov's controlled areas - and Ternopil). This was particularly noticed in smaller urban areas where media outlets are controlled by varying business-political interests or local administrations.[48] Due to the need to negotiate and sign contracts before placing ads in the mainstream media, many new parties (e.g. Voice (Holos)and Sluha Naroda) and independent SMCs had not started advertising their platforms until the first or second week of July, thereby having to rely on online communications or door-to-door campaigning.

Apart from national TV channels and large print publications with national reach, many independent medium and small size media outlets (TV, radio and print alike) reported that due to various issues mentioned above, the volume of expected revenue from political advertising is much lower during this election cycle. Mission Canada notes that this presents a particular problem for independent outlets in smaller population centers, thereby affecting their ability to sustain independent activity in the near and medium future, especially given the withdrawal of state support for print media.[49]

Overall, across the country, media outlets reported on local political events more readily if they included a debate (two or more candidates) or limited themselves to short articles stating facts. In some places, for example in Zakarpatiia (Uzghorod, Mukachevo, Berehovo, and Vynohradiv) many small and regional city outlets preferred not to cover political contentwith the exception of significant incidents and developments. Mission Canada observed that this is done to avoid any possible backlash from those who might perceive the content to be biased against them, or because most local political figures have their own media outlets.

Mission Canada observed that online media and social media played a more significant role in this parliamentary election than ever before. The institutional, financial and organizational barriers experienced by numerous new entrants into politics as regarding traditional media, as well as the adoption of online campaign strategies by the established players, contributed to this development. The increased volume of political content, including ads, negative PR and unsubstantiated claims injected by some candidates that are distributed by friendly traditional media, constituted a significant part of online content. Since online media is not subject to any specific regulation, Mission Canada identified a high quantity of 'jeansa' online, biased coverage and advertising supporting specific candidates (e.g. in Uzhgorod, Zakarpattia oblast; Kalynivka, Vinnitsa oblast; Slovyansk, Donetsk oblast). These observations are supported by independent research stating that the amount of 'jeansa' in the national web-based media outlets increased by 22%, in contrast to the same period during the presidential election.[50]

While the official party pages on Facebook and other social media channels generally limit themselves to official posts and announcements, as during the presidential campaign, Mission Canada observed

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[48] "Most Destatized Regional Media Continue to be Dependent on the Authorities", DetectorMedia, 14 May 2019. Available at https://bit.ly/2JAcIne
[49] "Zelenskyy abolished the decree on state economic support for print media", DetectorMedia, 20 June 2019. Available at https://bit.ly/2SkAo1N
[50] "Jeansa grew up by 22% in national online media ahead of parliamentary election. Monitoring 24-28 June", IMI, 3 July 2019. Available at https://bit.ly/30zkhjz

numerous pages that spread negative PR, used manipulative techniques and attacked opponents to benefit a specific party or candidate.[51]

The role of the public broadcaster UA: PBC (Suspilna)
As observed by Mission Canada during the presidential elections, the role and operations of the independent national broadcaster was repeatedly undermined during the previous three years, both financially and administratively. In June, the manager of UA:PBC, Zurab Alasania, was restored to his position and the new Presidential Administration announced full budgetary and administrative support to the broadcaster.[52] Mission Canada believes this is a positive development aimed at enhancing the independence and neutrality of national media, and may lead to the emergence of a national voice amidst an otherwise fractured information space. Mission Canada interviewed many journalists (e.g. in Zaporizhiia, Rivne, Chernivtsy) who believe that Suspilna is the only non-biased source of information in their respective areas. Unfortunately, their role in this election was rather limited due to sustained budgetary cuts in 2017 and 2018, which resulted in reduced content production and viewership. In Kyiv oblast, Cherkasy, and Odesa, Suspilna rolled out a new program with a moderator and candidates from different political parties and independent candidates to discuss various election related issues.

The plight of journalists and freedom of speech
According to Mission Canada's observations and analysis of media coverage, the plight of investigative journalists and activists reporting on corruption cases in Ukraine remains precarious.[53] In June 2019, two journalists died after being assaulted, including Oleksandr Komarnitsky, an activist for ex-Defense Minister Anatoly Grytsenko's "Civil Position" party, who died on 23 June after being beaten by police officers in Vinnytsya, and Vadym Komarov who died on 20 June after being severely beaten on 4 May in Cherkasy. Journalists believe he was targeted for assassination because of his investigative journalism exposing corruption among local officials and politicians. No suspects have been identified and no arrests reported to date.[54] These cases add to that of Kateryna Gandziuk, a whistleblowing municipal official, who died in a hospital on Nov. 4 2018 after numerous operations following an acid attack on her in Kherson on 31 July.

There have been at least 12 killings of activists and journalists in Ukraine since the beginning of 2019, most of which involved physical aggression.[55] Mission Canada's interviews with media representatives across the country revealed cases of intimidation, threats of physical reprisal for critical coverage and widespread cases of self-censorship based on personal understanding of sensitive topics or editorial pressure. According to the poll conducted by the Ilko Kucheriv Democratic Initiatives Foundation and confirmed by

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[51] "Jekyll and Hyde Campaigning – How Ukraine's Leading Presidential Candidates run respectable and dodgy Facebook pages in parallel", 8 July 2019. Available at https://bit.ly/2JLD4S8
[52] "Representative of the Office of the President, Cyril Tymoshenko, promised in 2020 full financing of the NSTU" (UKR), Detektor Media, 11 July 2019. Available at https://bit.ly/2XTeHa5
[53] "Ukraine records 36 attacks on journalists over 6 months", Kyiv Post, 4 July 2019. Available at https://bit.ly/2GfyOcz
[54] "Reformer of the week – murdered activists and journalists", Op-ed, Kyiv Post, 26 June 2019. Available at https://bit.ly/2LmIAh9
[55] "116 violations of freedom of speech were recorded in Ukraine for the first half of this year", Institute of Mass Media, 4 July 2019. Available at https://bit.ly/2Y7r8TN. In Odessa, three dozen "titushki" threatened to torture journalists "Stop corruption", UNIAN. 28 June 2019. Available at https://bit.ly/2JzYrH0

Mission Canada interviews with journalists, many believe that freedom of speech in Ukraine is improving but that censorship still exists (70% of respondents). In the same poll, respondents rated "physical threats or life threats related to journalism" as one of the threats to freedom of speech (41%).[56]

Cyber and Information Security

In contrast to the presidential elections, the volume of malicious cyber activities against the CEC and its staff appears to be lower. Interviews with relevant authorities indicated that the CEC and its personnel were under continuous and sustained attacks during the presidential elections, which included probing, DDoS attacks, and spearphishing. The short interval between the presidential and parliamentary elections generated both positive and negative outcomes for the relevant authorities. On the one hand, the CEC Working Group that was established during the previous elections remained in place and was able to quickly re-orient itself toward the new cycle, including system upgrades and a round of training and practical exercises, in collaboration with an experienced international partner. The lessons learned from the presidential electoral process were also used to improve management and information coordination processes. On the other hand, the most significant shortcoming stemming from the snap election call was limited time available to train DEC personnel and enhance overall preparedness of system administrators.

While cyber security appears to play a lower part in this election, the key concern remains with protection of the Ukrainian information space against external and internal influence activities. Strengthening of the media and information environment can be achieved by combining smart and prescriptive regulations for traditional and online media that balances the national security requirements with protecting the rights of citizens for freedom of expression and opinion, regulation of social media in line with best international practices, creation of economic conditions to support national independent media, and strengthening of internal capabilities both for oversight bodies (regulator) and broadcasting (public broadcaster).

Election Day, Polling and Counting

<u>Pre-Election Period</u>

During the two days preceding election day, Mission Canada observers visited 971 PECs in all 24 oblasts to observe electoral preparations. Of these, 35.1% were in rural areas and 64.9% in urban settings. The PECs visited were chosen to provide a sample of locations in each oblast and offer an overview of the situation across the country. The overall assessment was that preparations for election day were good or very good in 94.6% of cases. In 97.3% of cases, Mission Canada's observers were granted full cooperation by members of the PECs to assess their preparedness.

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[56] "Only 2% of journalists think there is no censorship in Ukraine", UKRINFORM, 20 June 2019. Available at https://bit.ly/2RsQEwZ

<u>Election Day</u>

Opening of Polling Stations
On election day, Mission Canada observers attended the opening of 86 polling stations in all oblasts where voting took place. Of those observed, 5.8% were rural and 94.2% urban polling stations. From the polling stations visited, 89.5% opened on time at 8:00 am, while 8% opened slightly late. 97.7% of all polling stations visited, started election day with an opening session by the PEC with all the necessary election material present. Mission Canada's observers were granted full cooperation in all openings of polling stations observed. Mission Canada assessed the overall conduct of opening procedures of polling stations as good in 27 (31.4%) or very good in 53 (61.6%) cases.

Voting
Mission Canada observed voting in a total of 880 polling stations in all oblasts where voting took place, which represents 2,9% of the total of polling stations in the country. 28.5% of the PS were in rural areas and 71.5% in urban settings. In 498 (56.6%) cases, polling stations had issues with full accessibility to voters with mobility challenges. The polling station premises were in the majority of cases not adequate for access to elderly people and/or individuals with physical disabilities. However, a mobile voting system allows for persons with disabilities to vote from their home address. Mission Canada observed that this option is limited because these persons need to register in advance and the mobility constraints and accessibility of the registry office present the same challenges.

During 874 (99.4%) visits to polling stations, Mission Canada observers were not restricted in any way in their observation. Observers noted long lines of voters and overcrowding in 21 (2.4%) polling stations.

Mission Canada's observers assessed the voting process to be good or very good in 863 (98.2%) number of polling stations and that voting procedures were followed well or very well in 855 (87.3%) number of polling stations.

Closing and Counting
Mission Canada observed the closing and counting of a total of 68 polling stations (based on information received by 9am on 22 July) in all oblasts where voting took place, 19.1% of which were in rural areas and 80.9% in urban settings. In 65 (95.6%) cases, polling stations closed on time at 8:00 pm and the remaining 3 (4.4%) closed slightly late. Based on information received by 9:00 am on 22 July 2019, in 26 (38.2%) cases, the overall conduct of the counting process was assessed by observers to be good and in 36 (52.9%) very good. Counting procedures were followed well or very well in 57 (83.9%) cases.

Transfer of Polling Station Results to DECs
Based on information received by 9:00 am on 22 July 2019, Mission Canada observers reported on 45 transfers of results from polling stations to DECs. In 91.1% of cases, observers assessed the handover procedures to the DEC as good or very good and appropriate procedures were followed well or very well in 84.4% of cases. 17 (37.8%) noted overcrowding and/or confusion in DECs;

In three (6.7%) cases, Mission Canada observed tension and unrest in the vicinity of DECs.

Mission Canada will provide detailed observations of election day proceedings in its final report, along with a full statistical analysis of PECs and DECs visited.

Past Mission Canada Preliminary Statements of Findings for the presidential election are available at the following link in English, Ukrainian and French: https://www.canademmissions.ca/media-news

CANADEM, the Electoral Observation Mission implementing agency, is an international, not-for-profit non-governmental organization (NGO) dedicated to advancing international peace and security through the rostering, rapid mobilization and mission management of experts committed to international service with the United Nations, other international government organizations, NGOs and governments.
CANADEM ensures that the electoral observation missions are gender balanced and well trained on gender equality issues, including political empowerment of women at federal and local levels.