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Observation of the presidential election in Ukraine (31 March and 21 April 2019)

Election observation report

Ad hoc Committee of the Bureau

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1. Introduction

1. On 26 November 2018, the Parliament of Ukraine (Verkhovna Rada) voted to schedule the presidential election for 31 March 2019. On 14 December 2018, the Bureau of the Parliamentary Assembly, subject to receiving an invitation, decided to observe this election and constituted an ad hoc committee for this purpose composed of 30 members (EPP/CD: 10; SOC: 9, EC: 4, ALDE: 4, UEL: 2, FDG: 1 – in accordance with the D'Hondt system) as well as of the co-rapporteurs of the Monitoring Committee and authorised the conduct of a pre-electoral mission. On 17 January 2019, Mr Andriy Parubiy, President of the Verkhovna Rada of Ukraine, sent to the Assembly an official invitation to observe the presidential election. On 25 January, the Bureau approved the list of members of the ad hoc committee to observe this election and appointed Ms Angela Smith (United Kingdom, SOC) as its Chairperson. On 28 February, it approved the final list of members of the ad hoc committee (Appendix 1). On 12 April, it approved the list of members to observe the 2nd round of the election, scheduled for 21 April (Appendix 2).



2. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative from the Venice Commission was invited to join the ad hoc committee as an adviser.
3. A pre-electoral delegation went to Kyiv on 6 and 7 March 2019. Its programme, statement and composition appear in Appendices 3 and 4.
4. The ad hoc committee (PACE delegation) went to Ukraine from 29 March to 1 April 2019. It operated as part of an International Election Observation Mission (IEOM) together with delegations from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA), the European Parliament, the Parliamentary Assembly of the North Atlantic Treaty Organization (NATO-PA) and the electoral observation mission (EOM) of the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The programme of the delegation's meetings is set out in Appendix 5.
5. On polling day, the PACE delegation split into 16 teams which observed the elections in Kyiv and the surrounding region, as well as in the following areas: Dnipropetrovsk, Kharkov, Lviv and Odessa.
6. The PACE delegation concluded that the presidential election in Ukraine was competitive, voters had a broad choice and turned out in high numbers. In the pre-electoral period, the law was often not implemented in good faith by many stakeholders, which negatively impacted the trust in the election administration, enforcement of campaign finance rules, and the effectiveness of election dispute resolution. Fundamental freedoms were generally respected and candidates could campaign freely; however, numerous and credible indications of misuse of State resources and vote-buying undermined the credibility of the process. The media landscape is diverse in the country, but campaign coverage lacked in-depth analysis and was often biased.
7. Election day (1st round) was assessed positively overall. Still, some procedural problems were noted during the count, and conditions for tabulation were at times inadequate. The press release by the IEOM after the 1st round is set out in Appendix 6.
8. The 2nd round of the election took place on 21 April. The programme of the PACE delegation present in Ukraine from 20 to 22 April is set out in Appendix 7 and the press release by the IEOM after the 2nd round is set out in Appendix 8.
9. The PACE Delegation wishes to thank the heads and members of the parliamentary delegations of the OSCE-PA, the European Parliament, the NATO-PA and the OSCE/ODIHR EOM for their excellent co-operation within the IEOM.

2. Political context

10. On 26 November 2018 and in line with constitutional provisions, the Parliament of Ukraine scheduled the presidential election for 31 March 2019. This presidential election was perceived as an important test for the country's democracy and its ongoing reform and modernisation efforts, but also as part of a larger electoral process culminating in parliamentary elections to be held later in 2019.
11. The election took place in a challenging political, economic and security environment, against the backdrop of continuous challenges to Ukraine's territorial integrity. The overall context was characterised by ongoing armed conflict and other hostilities in the east of the country and the illegal annexation of the Crimean peninsula by the Russian Federation, resulting in the continued control of certain parts of Donetsk and Luhansk regions by illegal armed groups. As in 2014 and 2015, the election could not be held in these territories. Although a nominal ceasefire has been in effect for four years, the situation in conflict-affected parts of eastern Ukraine remains tense and volatile and is characterised by persistent attacks on fundamental freedoms and a deteriorating humanitarian situation.
12. Widespread concerns about interference in the election by the Russian Federation, including claims of cyberattacks on critical infrastructure and disinformation campaigns in social networks, were publicly raised by the authorities.
13. In the last presidential election held in May 2014, Mr Petro Poroshenko won in the first round with 54.7%. Following the 2014 early parliamentary elections, eight political parties entered parliament, and the Petro Poroshenko Bloc (PPB, 135 seats), People's Front (PF, 81 seats), Self-Reliance (Samopomich, 25 seats), the Radical Party of Oleh Lyashko (RP, 21 seats) and Fatherland (Batkivshchyna, 20 seats) formed a coalition government. The remaining seats were distributed among the Opposition Bloc (43 seats), Revival (24), People's Will (19) and non-affiliated members of parliament (60). The coalition fell apart in 2016, leaving only the PPB and PF supporting the government.

3. Legal framework and electoral system

14. The PACE delegation recalls that Ukraine signed and ratified the European Convention on Human Rights (ETS No. 5, “the Convention”) and its Additional Protocol (ETS No. 9), which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Additional Protocol), freedom of expression, freedom of assembly and association, as well as prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

15. The Constitution guarantees rights and freedoms that underpin democratic elections. The elections were further regulated by the Law on Presidential Elections (“Election Law”), the Law on the Central Election Commission, the Law on the State Voter Register, and the Law on Political Parties. Provisions of the Code of Administrative Procedure, the Criminal Code and Code of Administrative Offences were also applicable. Regulations and decisions of the Central Election Commission (CEC) supplemented the legislation.

16. The legal framework for presidential elections remained largely unchanged since the last presidential election, despite attempts at electoral reform that did not move beyond the initial vote in the Verkhovna Rada and subsequent prolonged and inconclusive work in the parliamentary committee. The legal framework offered a sound basis for the holding of democratic elections, despite significant shortcomings. It was, however, not fully implemented in good faith by all stakeholders.

17. Most previous Venice Commission and ODIHR recommendations that would bring the legal framework further into line with international obligations and standards, as well as good practice, including for the adoption of an election code that would consolidate and harmonise the various election laws, remained unaddressed. Other legal framework recommendations related to candidate eligibility and registration, voter registration, appointment of election commissions, the complaints and appeals process and electoral offences. As part of a broader anticorruption initiative, new campaign finance regulations were adopted in 2015, in line with past Venice Commission and ODIHR recommendations to increase transparency and accountability.

18. The Law “On the condemnation of communist and national-socialist (Nazi) totalitarian regimes and prohibition of propaganda of their symbols” was adopted in 2015, and the election law was amended to ban candidate nominations by political parties falling under provisions of the law. This law was earlier assessed by the Venice Commission and ODIHR as not being fully in line with regional and international human rights instruments.¹ In particular, the Venice Commission and ODIHR pointed out in their joint opinion that “the banning of political parties from participation in elections or their dissolution should be a measure of last resort in exceptional cases. The Venice Commission and ODIHR would encourage the Ukrainian authorities to follow a ‘multiperspective’ approach to Ukraine’s history, that allows a shared vision of its past in order to promote social cohesion, peace and democracy”.

19. In a positive development, the right of individuals to dispute the constitutionality of legislation in the Constitutional Court was introduced in 2016, allowing citizens and political parties for the first time to challenge election-related laws. Applying an overly formalistic approach, the Constitutional Court returned or ruled inadmissible five cases lodged by rejected nominees that challenged the constitutionality of the candidate deposit or its amount.

20. The president of Ukraine is elected by popular vote for a five-year term; the same person may not serve more than two consecutive terms, but there is no overall term limit. If no candidate wins the absolute majority of valid votes cast, a second round takes place three weeks later, between the two frontrunners.

4. Election administration

21. The election was administered by the CEC, 199 district election commissions (DECs), and 29 989 precinct election commissions (PECs). No election bodies could be formed in the Autonomous Republic of Crimea and the City of Sevastopol as well as in the parts of Donetsk and Luhansk oblasts beyond the government’s control. Voters abroad could vote at 101 polling stations established in diplomatic and consular representations in 72 countries. Polling stations in the Russian Federation were abolished by the CEC based on a request by the Ukrainian Ministry of Foreign Affairs, on grounds of the presence of risks and threats to elections there and the need to guarantee the security of Ukrainian citizens; four claimants unsuccessfully challenged this in the court. Voters residing in the Russian Federation were offered the opportunity to vote in Finland, Georgia and Kazakhstan.

1. See the Venice Commission and ODIHR Interim Joint Opinion on the Law of Ukraine “On condemnation of communist and national socialist (Nazi) regimes and prohibition of propaganda of their symbols”.

22. The CEC is a permanent body responsible for the overall planning and conduct of national elections. Its current composition was increased from 15 to 17 members and renewed by parliament in September 2018, following political negotiations and subsequent amendments to the Law on the CEC; one seat is currently vacant. Political actors and civil society representatives criticised the hasty adoption of the amendments and the circumvention of parliamentary rules of procedure, claiming the change was intended to benefit the incumbent president and the ruling coalition. This led to a certain lack of trust in the CEC and in its impartiality.

23. Overall, the CEC operated collegially and met all legal deadlines. It held regular open sessions attended by media, candidate representatives and observers. Most CEC decisions were adopted unanimously, and all were posted on its official website, enhancing transparency. However, the CEC systematically held preliminary meetings before its sessions to discuss its draft decisions, while limiting public sessions to formal voting, a practice which decreased the transparency of its work.

24. Shortly after the formation of PECs, the DEC members replaced a significant number of PEC members, many of whom were not aware that they had been appointed as members. Many appointed in executive positions refused to assume their posts, which increased the burden on DEC members and delayed the process as many PECs could not convene on time and hold their inaugural session. Moreover, DEC members faced difficulties to maintain proportionally allocated quotas in view of the high number of replacements. Some applications were submitted with falsified signatures or copies of IDs without the nominee's prior consent. All this raised serious concerns regarding the PEC formation process.

25. Incessant replacements of DEC members, especially of executives, diminished the value of the training received.

26. Women were well-represented at DEC members, accounting for 57% of all members. As at 30 March, 91 of 199 DEC members were chaired by women, while there were 111 female deputy chairpersons and 126 secretaries. Some 72% of PECs where voting was observed were chaired by women. Nine of 16 CEC members are women, including the chairperson and the secretary.

27. While the law only provides for the production of official election material in Ukrainian, minority communities or Russian-speaking citizens did not report to the PACE delegation or to the IEOM that any language barrier compromised their understanding of the ballot paper and other election materials.

28. The CEC, with the support of international donors, upgraded its information technology infrastructure to address a range of cybersecurity threats that it expected to face on election day.

5. Voter lists and candidate registration

29. A citizen who is 18 years by election day has the right to vote, except if declared incapacitated by a court decision. Deprivation of the right to vote on the basis of intellectual disability is inconsistent with international obligations and standards. Voter registration is passive and continuous. It is based on the centralised State Voter Register (SVR) administered by the CEC and updated monthly by register maintenance bodies. The vast majority of such bodies met by the ODIHR EOM were highly experienced and professional.

30. According to the SVR office, as at 28 February there were 35 560 427 registered voters, including 530 123 registered abroad. Despite some concerns about difficulties to adequately capture data on internally displaced persons (IDPs), internal labour migrants, and citizens living abroad, including for the reasons of them not registering their residence addresses, nearly all PACE delegation and IEOM interlocutors expressed confidence in the accuracy of the voter lists.

31. Voter lists are extracted from the SVR. They excluded over 5 million voters registered in areas where voting could not take place and voters without a registered address. Voters could request to temporarily change their polling station without changing their voting address. The need to justify and renew such requests unnecessarily constrains voters, particularly in presidential elections with a single constituency. While the CEC simplified the procedure for IDPs, fewer than 100 000 registered such a request. In addition, improper application of this procedure occurred in some instances. The procedure for a temporary transfer of the voting address was particularly cumbersome for voters residing in territories outside government control, who had to repeatedly cross checkpoints to register and to vote.

32. There were 101 polling stations organised abroad for out-of-country voting. However, their limited capacity, combined with excessive administrative requirements for the registration of voters, meant that only around 2% of the Ukrainians living abroad cast their vote, which means that around 98% of almost 10 million Ukrainian citizens abroad could not use their right to vote.

33. While the CEC and SVR websites provided comprehensive voter information, voter education in general appeared insufficient, including for IDPs and persons with disabilities.

34. The right to stand for president is granted to eligible voters older than 35, who have resided in Ukraine for the past 10 years, do not hold multiple citizenship, and have command of the State language. The residency requirement is unreasonably restrictive and runs counter to international obligations and good practice. Prospective candidates must submit a set of documents, including a property and income statement, and pay a deposit of UAH 2.5 million (around €79 000). The deposit is substantial and as such represents a restriction on candidacy, and there is no reasonable threshold of votes for its return. The requirement that campaign platforms be vetted as part of the candidate registration unnecessarily constrains candidates' freedom of opinion and expression as well as political pluralism. In addition, there are no objective or transparent criteria for the vetting.

35. Candidate registration was conducted in a largely inclusive manner. The CEC considered applications from 91 candidates and registered 44 of them. Nominees were given the opportunity to correct procedural or technical deficiencies in their registration documents. The CEC rejected 47 applicants, most of them based on multiple grounds, the most common being non-compliance with the monetary deposit. Six applications were denied on grounds related to the campaign platform. After five candidates withdrew by the legal deadline of 8 March, 39 candidates appeared on the ballot, among them 4 women; 20 were self-nominated, including the incumbent, and 19 party-nominated.

36. Women remain strongly under-represented in public life in Ukraine. They hold five of 24 ministerial portfolios in the current government, and their representation in the parliament stands at 12.3% (52 members). Only one of the 24 oblast governors is a woman.

6. Election campaign, funding and the media

37. The campaign took place against a backdrop of a lack of trust in State institutions and the justice system, due to perceived widespread corruption and the poor economic situation. Powerful economic interests of wealthy businessmen (known as "oligarchs") continue to impact on political and decision-making processes and had a strong bearing on the dynamics of this election.

38. Overall, the campaign was largely peaceful and competitive, and candidates were generally able to campaign freely and without undue restrictions. The field of candidates offered voters a choice, but there was limited debate among the contestants on policies. The large majority of the 39 candidates did not conduct any campaign activities, casting doubts on their intentions to genuinely compete in the election.

39. One candidate and MP, Mr Yuriy Tymoshenko, was widely referred to as a "clone" candidate solely running to take votes from Ms Yulia Tymoshenko; the latter unsuccessfully lodged two court cases on the matter aiming to avoid confusion between the two candidates.

40. Most candidates focused their platforms on the economy and social protection, army and defence, the fight against corruption, and resolution of the conflict in the east. Future relations with the Russian Federation, the European Union and NATO also featured in the campaign. The recent establishment of the independent Orthodox Church of Ukraine featured prominently in the incumbent's campaign, being presented as one of the key achievements of his presidency. Still, the campaign was focused on personalities of candidates rather than their platforms.

41. Campaign activities started slowly but increased during the second half of March, especially in the central and western parts of the country. In the east, by contrast, the campaign remained subdued. There was interference by third-party actors, in some cases violent, in campaign activities. The campaign was mainly conducted on television, in online media and social networks, as well as through billboards and posters, and campaign tents. Door-to-door canvassing was also observed, mostly in rural areas. Several candidates held campaign rallies or closed meetings. The number of instances of negative campaigning increased significantly in the second half of March. In the days before campaign silence, new billboards appeared featuring words associated with candidates' key messages. They remained in place during the silence period, effectively breaching campaign silence.

42. Mr Poroshenko and Ms Tymoshenko campaigned most actively, with the incumbent touring the country extensively in his official capacity. The incumbent's public appearances blurred the line between his official position and his standing as a candidate. Volodymyr Zelenskyi did not conduct a single traditional campaign

rally, relying instead on his appearances as a comedian and actor on television and in his concerts as well as on his extensive presence on and use of social media. By choosing this way of campaigning Mr Zelenskyi distanced himself from the political establishment, building his support on people's fatigue and disillusionment.

43. The use of social assistance programmes, salary increases and bonuses, and other financial incentives as campaign tools was the subject of widespread criticism levelled against the incumbent. For example, the monetisation of subsidies, indexation of pensions, an extraordinary one-time payment to pensioners (to be paid in two instalments in March and April), and monetary support of several categories of soldiers (mostly those serving on the frontline) and other programmes were launched between late December 2018 and March 2019. Misuse of State resources at national and local levels by several candidates was observed by and reported to the PACE delegation and to the IEOM. There was a systematic practice of involving public institutions and public servants in the campaign, mostly by the incumbent. One mayor said that there was pressure on local government employees. In several instances, civil servants and voters were instructed or induced to attend campaign events.

44. There were some indications of vote-buying and the IEOM received a high number of allegations of vote-buying from across the country. Hundreds of complaints related to vote-buying were lodged with law-enforcement agencies, resulting in more than 80 criminal investigations being opened. Two investigations were launched into nationwide vote-buying schemes by the campaigns of the incumbent and Ms Tymoshenko. Charitable activities were organised across the country, and used as a campaign tool, by several charities and foundations affiliated with different candidates and their proxies, or directly by political parties. A mayor said that parties were distributing money and sugar to the poor. Bags with gifts were handed out to participants at campaign rallies.

45. The direct involvement of the prosecutor general in support of the incumbent, contrary to the law, raised concerns. He appeared at the incumbent's campaign kick-off event and made a number of statements, including on his personal Facebook page, which cast doubts on his office's independence. In addition, several candidates were the subject of ongoing criminal investigations, with at least three investigations launched after they announced their candidacy.

46. The new framework on campaign finance increased transparency, but remaining shortcomings limited its effectiveness to regulate the role of money in campaigns.² The CEC and the recently established National Agency for Prevention of Corruption (NAPC) did not sufficiently co-ordinate their overlapping oversight authority. Insufficient independence, capacity and resources of these bodies was a serious concern.

47. Candidates and nominating parties can contribute to campaign funds without limit. Citizens can donate up to the amount equal to 400 times the minimum salary (around €56 000), and legal entities double that amount. There is no limit on campaign spending. Due to the excessive amount of money in campaigns, public calls and draft laws for banning or limiting spending for broadcast advertising have ensued. Consideration of spending limits is one of the key recommendations of the Group of States against Corruption (GRECO) to the Ukrainian Government, intended to prevent excessive funding of election campaigns.

48. All campaign donations and expenditures must pass through dedicated bank accounts which are opened after candidate registration. Interim campaign finance reports are to be filed not less than five days before election day and published within one day with analyses. Final reports are due within 15 days after election day, and the analyses are to be published within 30 days of the election.

49. There were numerous claims that campaigns were largely funded outside the campaign finance framework. For example, supporters donated campaign offices, paid for fuel, printed campaign materials, and funded giveaways. The widespread occurrences of campaign materials missing required information on the issuer, publisher and circulation was also indicative of third-party financing. According to the CEC, some candidates were not paying for their YouTube ads from campaign accounts. In addition, some candidates organised free concerts not advertised as campaign events, compensated their DEC and PEC nominees off the books, and paid media to show their unmarked promotional material. However, both oversight bodies (the CEC and the NAPC) refrained from accepting a mandate to determine any circumvention of transparency rules, including a misuse of State resources, nor did they have investigatory powers. Analysis of the finance reports is mainly technical according to established procedures, and sanctions for any violations are insufficient.

2. See GRECO, Third Evaluation Round, Addendum to the Second Compliance Report on Ukraine, "Transparency of Party Funding".

50. All candidates submitted interim finance reports by the legal deadline. The CEC and NAPC analyses revealed that 15 candidates received donations from unauthorised persons, but the police was requested to investigate only Mr Zelenskyi and Mr Hrytsenko. The reports filed by the three candidates widely considered the frontrunners indicate that, on average, 70% of their expenditure was allocated to media advertising, with the incumbent spending more than UAH 250 million (some €8.2 million) on media alone.

51. The Ukrainian media landscape is characterised by a wide range of outlets at national and regional levels. The main source of political information remains television, despite the significant growth of news websites and social networks. The media market is largely divided along political lines, and ownership is highly concentrated. The editorial policy and political agenda promoted by private media outlets exclusively serve the economic interests of their owners, undermining media autonomy and public trust. The Ukrainian Public Broadcasting Company (UA:PBC), established in 2017, is severely underfunded, which affects its ability to fully perform its public-service role.

52. Media compliance with legal requirements is monitored by the National Council of Television and Radio Broadcasting (NCTRB). The legislation does not give the regulator any effective sanctioning powers to perform its mandate in a timely manner during an election period, and specific mechanisms for dealing with media-related complaints are not exercised, despite previous recommendations. Furthermore, the council's independence and impartiality are questionable since its members are political appointees and often vote along the political lines. Unlike in previous electoral cycles, parliament did not adopt a moratorium on media inspections to ensure freedom of expression and uninterrupted coverage of election-related events by media outlets.

53. The Constitution guarantees freedom of expression and prohibits censorship, and the legal framework provides for general media freedom. Yet, to counter threats to national security, the government introduced a number of severe measures affecting media and journalists. Since 2017, presidential decrees have imposed economic sanctions against a number of television channels, social networks and search engines from the Russian Federation. In addition, around 200 websites considered to be anti-Ukrainian have been blocked by the authorities, with legislative proposals for further restrictions pending. On the same grounds, foreign journalists face temporary bans on entering Ukraine if violations of procedures for entry and exit from occupied territories are suspected. On 4 October 2018, parliament requested the National Security and Defence Council to sanction two national television channels, News One and 112 Ukraine, saying they were tools for spreading disinformation and Russian propaganda. During the election period, the NCTRB sanctioned News One for hate speech and anti-Ukrainian reporting. On 21 February, an inspection of 112 Ukraine was initiated under similar accusations.

54. A high number of violations against journalists' rights have been recorded by national and international human rights organisations. Journalists' safety remains a major concern as they face the threat of violence and intimidation, especially during the electoral process. Although the law guarantees the protection of sources, a number of investigative journalists have been ordered by courts to provide access to their email and mobile phone correspondence.

55. The campaign was covered through various formats including talk shows, current affairs programmes, political debates and free and paid airtime. Candidates often used these platforms to discredit their opponents rather than informing voters on their political views. Moreover, legal provisions for balanced and unbiased coverage were frequently violated by the monitored private television channels. Overall, the campaign news coverage lacked in-depth analysis. Most candidates were reluctant to participate in televised debates.

56. On the monitored television channels, campaign coverage focused mainly on seven candidates: Mr Poroshenko, Mr Zelenskyi, Ms Tymoshenko, Mr Boyko, Mr Lyashko, Mr Vilkul, and Mr Hrytsenko. However, in the news programmes, broad coverage was given to President Poroshenko, with no clear distinction between his institutional activities and his political campaigning. Private channels favoured certain candidates in terms of both amount and tone of editorial coverage. Inter and 112 Ukraine favoured Mr Boyko. 5 Channel and Ukraina gave most coverage to Mr Poroshenko. Mr Zelenskyi dominated the coverage on 1+1. ICTV allocated 85% of its election coverage to four candidates, often through unmarked promotional materials, and notably giving little coverage to Mr Zelenskyi. Mr Zelenskyi was barely covered in his political capacity, while 1+1 featured him extensively during entertainment programmes in his capacity as an actor.

57. According to the election law, paid campaign advertising is allowed on public and private media but has to be clearly marked. Through the course of the campaign, paid advertisement was widely used by those perceived to be the main candidates. President Poroshenko was the only candidate who purchased airtime in all monitored media outlets. Contrary to the election law, a high number of unmarked promotional materials (known as "jeansa") was noted in the prime-time news of most of the monitored private television channels.

58. In line with legal requirements, UA:PBC provided all presidential candidates with free airtime during prime time. All candidates used this opportunity. The public broadcaster abstained from covering candidate activities in the news, focusing instead on current affairs programmes and debates with presidential candidates.

59. The right to seek effective legal remedy is guaranteed by the election law. Participants in the electoral process can challenge the decisions and (in)actions of election commissions, candidates and other electoral actors. Most types of disputes can be filed with the election administration and/or administrative courts, at the complainants' discretion; such overlapping jurisdiction is not in line with international good practice.³ Limiting the opportunity to seek effective redress are provisions that allow for the rejection of complaints due to minor technical deficiencies and a CEC procedure amended in December 2018 that deems complaints submitted by email inadmissible.

60. The courts adhered to the two-day deadline for review of cases and offered parties to the claim sufficient opportunity to present their cases. However, some court judgments lacked a sound legal basis, thereby limiting access to effective remedies for violations of electoral rights and casting doubts on the independence of the judiciary. This included several unsuccessful cases against the incumbent on misuse of official position and State resources by mixing official events with campaigning, and one case against Mr Zelenskyi on bypassing campaign finance rules by directly campaigning in his professional performances. In addition, some decisions of the same court conflicted with each other, undermining the principle of legal certainty.

61. The CEC stated that it received more than 130 complaints. As a general practice, it responded to these complaints by private letter prepared by a single CEC member, rather than by determination in open plenary sessions followed by published decisions as required by law. This undermined the transparency and collegiality of the established dispute resolution process. With complete disregard for the law, the Supreme Court ruled that the CEC has full discretion to decide whether to consider complaints in sessions. This decision conflicted, in part, with an earlier decision of the same court.

7. Citizen and international observers

62. The law provides for observation of the electoral process by international observers and citizen observers nominated by non-governmental organisations (NGOs) whose statute includes election observation. However, in light of the designation by parliament of the Russian Federation as an aggressor State, a recent amendment to the election laws effectively prohibited citizens of the Russian Federation from observing elections in Ukraine.

63. The CEC registered 139 NGOs, including 132 that applied to observe nationwide. Most of these NGOs had no previous election observation experience. Only a small number of NGOs that were active throughout the country in the pre-election period, most notably OPORA, and, to a lesser extent, the Committee of Voters of Ukraine and the Leading Legal Initiatives. A number of PACE delegation and IEOM interlocutors expressed concerns about the affiliation of some NGOs to particular candidates. The names, slogans and symbols of some NGOs directly relate to candidates' campaigns or nominating parties. Moreover, the youth branches of some parties were registered as NGOs to observe.

64. The credibility of some NGOs appeared questionable; for example, the Ukrainian Center for Democratic Society, which registered nearly 32 000 observers, was founded in December 2018, has no website, and a single post on its Facebook page with 14 likes and 17 subscribers (as at 29 March). On election day, several observers from this NGO openly stated the organisation was affiliated to the incumbent.

65. The CEC registered over 2 300 international observers from 36 organisations or foreign States.

8. Voting and counting

66. The election day (1st round) was peaceful, with a voter turnout of 63.5% announced by the CEC. The CEC started posting on its website detailed preliminary election results by polling station at around 23:00 on election day.

3. See the Venice Commission's Code of Good Practice in Electoral Matters, paragraph II.3.3.c.

67. Opening procedures were assessed positively in 246 of the 265 polling stations observed by the IEOM. With few exceptions, established procedures were followed. However, IEOM observers noted the presence of unauthorised persons in 26 polling stations, and interference by candidate and party observers in 10 polling stations. About a quarter of the polling stations observed opened with slight delays.

68. Voting was assessed positively in 99% of polling stations observed. The process was characterised as well organised, smooth, transparent and efficient, with a high level of adherence to established procedures. The few negative assessments were mainly due to overcrowding and ballot boxes that had not been sealed properly (5% of observations), often due to poor quality of the seals.

69. Procedures such as identity checks and the signing of voter lists and ballot counterfoils were adhered to, with few exceptions. Similarly, there were only a few cases of serious violations such as attempts to influence voters (less than 1%), series of seemingly identical signatures on voter lists (1%), and group (2%), proxy or multiple voting (less than 1% each). There were problems with the secrecy of the vote, including not all voters folding their ballots to preserve the secrecy of their vote (6% of polling stations observed), voters showing their marked ballots to others present (8%), or indications of voters taking pictures of their ballots (2%). All this could reflect concerns expressed in the pre-election period with regard to possible vote-buying. In 7% of polling stations observed, there were persons other than PEC members keeping track of voters who had voted.

70. Candidate and party observers were present in 95% of polling stations observed, and citizen observers in 57%. Given the high number of citizen observers accredited, this was a surprisingly low presence. They also often could not say which organisation they represented. IEOM observers noted the presence of unauthorised persons, in particular police, in 7% of polling stations observed. In 51 polling stations observed, persons other than PEC members interfered in or directed the process; in 27 cases, they were candidate or party observers. Written complaints were filed in 9% of polling stations where voting was observed.

71. Some 58% of polling stations were not accessible for persons with physical disabilities, and in 23%, the layout was not suitable for them. IEOM observers reported overcrowding in 5% of polling stations observed.

72. The vote count was assessed positively in 279 of the 331 polling stations where it was observed. Counting was transparent, and candidate and party observers were present at almost all counts observed, and citizen observers at over one half. Isolated cases of unauthorised persons or undue interference in the count were noted, usually by candidate or party observers.

73. There were a few significant procedural errors and only a few serious violations during the vote count. The observers did, however, report that basic reconciliation procedures were often not followed, including the PEC announcing the number of voters on the voter list (39 cases), the number of voters' signatures on the main and housebound voter lists (67 and 65 cases, respectively), or of used ballot counterfoils (41 cases). In 57 counts observed, the figures established during reconciliation were not entered into the protocol before the ballot boxes were opened. Counting procedures were followed overall, although IEOM observers reported that 50 counts were not performed in the prescribed sequence. This failure by PECs to follow basic reconciliation procedures or to perform the count in the prescribed order were main reasons for negative evaluations.

74. One PACE observer team in Lviv was not allowed to take photos of the protocol (which had been filled in in a separate room by the deputy chairperson of the PEC, the PACE observer team being prevented from entering the room). The behaviour of the deputy chairperson of that PEC gave the PACE team the feeling that she was falsifying the results.

75. During 42 counts, the validity of contested ballots was not determined by voting. IEOM observers also noted 24 cases where the results protocol had been pre-signed by PEC members, but saw no attempt to deliberately falsify the results. Forty-five PECs observed had problems completing the results protocol.

76. The initial stages of the tabulation process were assessed negatively in 47 of 259 observations. This was mainly due to inadequate conditions at DEC, that caused overcrowding and limited transparency. In 67 cases, conditions were inadequate for the tabulation of results, mainly due to insufficient space and poor organisation. 45 DEC were so overcrowded that it negatively affected the process, and in 57 there was tension or unrest. In 85 cases, observers could not fully observe the data entry of results, which limited transparency. In 42 cases, not everyone present had a clear view of procedures, and in 47 cases, IEOM observers were restricted in their observation. More often than not, those entitled did not receive copies of the intermediate tabulation protocols. IEOM observers reported cases of PEC results protocols that had not been completely filled in (12 cases) or did not reconcile (20 cases). They also reported from 39 DEC that PEC or DEC members were changing protocol figures at the DEC, in violation of the law.

77. On 7 April, the CEC adopted the [final results of the 31 March presidential election](#) and announced a second round of voting (run-off) between the two frontrunners, Volodymyr Zelenskyi and the incumbent President Petro Poroshenko on 21 April.

78. According to the results of the first round, Mr Zelenskyi won in 20 of the 24 regions where elections were held, including the city of Kyiv, with a total of 30.24% of the valid votes. Mr Poroshenko won in two regions, Lviv and Ternopil, both in western Ukraine, with a total of 15.95% of the votes, while Ms Tymoshenko (Batkivshchyna) won in one region (Ivano-Frankivsk also in Western Ukraine), with a total of 13.40% of votes. Mr Boyko (independent) won the vote in the non-occupied parts of Donetsk and Luhansk regions in the East with a total of 11.67%. The turnout was 62.65% with 1.18% of invalid ballots. A total of 18 893 864 voters cast their ballots on 31 March.

79. Since in the first round of the election none of the 39 candidates received the absolute majority of votes required to be elected, the CEC announced on 7 April that a second round would be held on 21 April between Volodymyr Zelenskyi and the incumbent President Petro Poroshenko.

80. The two candidates chose not to conduct large-scale campaign rallies between the two rounds. Campaign activities were predominantly conducted on television, in online media and social networks, as well as through billboards and posters. At the same time, campaign activities at national level intensified and increased tensions between the two sides were reflected by massive and systematic negative campaigning and harsh mutual accusations. The increase in negative campaigning, in particular on social networks, to the detriment of the presentation of structured election programmes and the conduct of an issue-oriented debate, diminished voters' ability to make an informed choice. There was a marked asymmetry between Mr Poroshenko's conventional campaign and Mr Zelenskyi's campaign, which to a large extent was conducted by proxies rather than by the candidate himself and put little emphasis on his campaign platform. The format of the much-anticipated public debate that took place on 19 April at the Kyiv Olympic Stadium offered only a limited opportunity for voters to acquaint themselves with the candidates' programmes.

81. For the second round, voter lists were updated to reflect changes to civil registration data, recently deceased voters, those who had turned 18, and corrections requested by voters. Voters who needed to temporarily change their voting location or who had applied for household voting were required by the CEC to submit a new request to the relevant register maintenance bodies between 7 and 15 April, even if they had already done so for the first round. The need for voters to renew such requests represents an unnecessary burden, especially for IDPs, voters abroad, and people with disabilities. Despite the short time frame and long queues witnessed in some register maintenance bodies, a total of 325 604 temporary changes of voting place were registered, including 75 607 IDPs.

82. On 30 April, the CEC announced the official results of the election: the voter turnout in the second round was 61.37% (18 491 837 votes). Volodymyr Zelenskyi received 73.22% (13 541 528 votes) and Petro Poroshenko received 24.45% (4 522 450 votes).

9. Conclusions and recommendations

83. The PACE delegation concluded that the presidential election in Ukraine was competitive, voters had a broad choice and turned out in high numbers. In the pre-electoral period, the law was often not implemented in good faith by many stakeholders, which negatively impacted trust in the election administration, enforcement of campaign finance rules, and the effectiveness of election dispute resolution. Fundamental freedoms were generally respected and candidates could campaign freely; however, numerous and credible indications of misuse of State resources and vote-buying undermined the credibility of the electoral process. The media landscape is diverse, but campaign coverage in the monitored media lacked in-depth analysis and was often biased. The PACE delegation recalls that the election took place in the context of ongoing armed conflict and other hostilities in the east of the country and the illegal annexation of the Crimean peninsula by the Russian Federation. As a consequence, the election could not be organised in Crimea and certain parts of the Donetsk and Luhansk regions that are controlled by illegal armed groups.

84. The Constitution guarantees rights and freedoms that underpin democratic elections. The legal framework remains largely unchanged since the 2014 presidential election, despite some inconclusive efforts for electoral reform, and most previous recommendations of the Venice Commission and ODIHR, including the crucial need to codify the electoral legislation, remain unaddressed. The existing legal framework offers a sound basis for the holding of democratic elections, despite significant shortcomings.

85. The PACE delegation noted that the CEC operated collegially overall and met all legal deadlines. It held regular open sessions but also systematically conducted preliminary meetings before sessions, a practice which decreased the transparency of its work. Political actors and civil society representatives criticised the hasty adoption of the amendments to the Law on the CEC, claiming the change was intended to benefit the incumbent. This led to many interlocutors of the IEOM voicing a lack of trust in the CEC and questioning its impartiality.

86. Candidate registration was largely inclusive but, as the large majority of the 39 candidates did not conduct any campaign activities, this gave the impression that they were so-called “technical” candidates affiliated to the leading ones.

87. The PACE delegation found that there was general confidence in the accuracy of the voter lists. Nevertheless, every effort should be made to facilitate in the future the voting of those Ukrainian citizens living abroad, as their constitutional right to vote was seriously compromised by excessive administrative requirements. Out-of-country election procedures could include in the future voting by post

88. The PACE delegation considered that the election campaign was generally peaceful and competitive, and candidates could campaign freely and without undue restrictions. The field of candidates offered voters a choice, but there was a lack of genuine political debate among the candidates.

89. The use of social assistance programmes, salary increases and bonuses, and other financial incentives as campaign tools was the subject of widespread criticism levelled against the incumbent president. There was misuse of State resources at national and local levels by several candidates. A systematic practice of involving public institutions and public servants in the campaign (mostly by the incumbent) was noted by the PACE delegation, along with indications of vote-buying.

90. The PACE delegation noted that the new campaign finance regulations adopted in 2015 are in line with past Venice Commission and ODIHR recommendations to increase transparency and accountability. However, key remaining shortcomings and inadequate oversight limit their effectiveness. There is no limit on campaign spending, but there have been public calls and draft laws to ban or limit spending for broadcast advertising. There were widespread credible claims that campaigns were largely funded outside of the campaign finance framework.

91. Provisions for balanced and unbiased coverage of the campaign and candidates were frequently violated by the monitored private television channels. Overall, the campaign news coverage lacked in-depth analysis. Several journalists and hosts showed a clear bias in favour of certain candidates. The incumbent received broad coverage in news programmes, with no clear distinction between his institutional activities and political campaigning. Mr Zelenskyi was barely covered in his political capacity while he featured extensively in his role as actor and comedian. Paid advertising was widely used by the main candidates. There was a high number of unmarked promotional materials in the prime-time news of most monitored private television channels, a practice that violates the law, misleads voters and does not provide genuine information. Candidates were generally reluctant to participate in televised debates.

92. The PACE delegation recalls that the report on the observation of the early presidential election in Ukraine on 25 May 2014 included an invitation to Ukrainian authorities to guarantee media pluralism during electoral campaigns and the independence of journalists with regard to the financial oligarchic groups; and to reinforce the transparency of media ownership. It appears, however, that there still is a long way to go in this direction.

93. The PACE delegation qualified the election day (1st round) as peaceful. Opening and voting were assessed positively in the overwhelming majority of polling stations observed. Voting was well organised, smooth, transparent and efficient, and procedures were generally adhered to. However, problems with the secrecy of the vote were noted and observers saw persons other than PEC members keeping track of people who had voted. Some people were not allowed to vote because they were not on the voter list. There were a few procedural errors and very few serious violations during the vote count. The early stages of tabulation were assessed negatively in about one sixth of DECAs, mainly due to inadequate conditions at DECAs that caused overcrowding and limited transparency, as well as restrictions on observers’ access. Throughout election day, candidate and party observers were seen in almost all polling stations, and citizen observers in around half.

94. The second round was well organised, despite operational challenges and a limited time frame. The legal framework still contains shortcomings, and there was little will to resolve electoral complaints in a way that guaranteed effective remedy. Election day (2nd round) was assessed positively and, despite a few procedural problems, there was a marked improvement in the conduct of the vote count and tabulation

compared to the first round. The Parliamentary Assembly of the Council of Europe, in close co-operation with the Venice Commission, will continue to co-operate with Ukraine to consolidate the democratic process in the country.

Appendix 1 – Composition of the ad hoc committee (1st round)

Based on the proposals by the political groups of the Assembly:

Chairperson: Ms Angela SMITH, United Kingdom (SOC)

Group of the European People's Party (EPP/CD)

- Ms Boriana ÅBERG, Sweden
- Ms Ann-Brit ÅSEBOL, Sweden
- Mr Corneliu Mugurel COZMANCIUC, Romania
- Ms Nicole DURANTON, France
- Mr Aleksander POCIEJ, Poland
- Mr Vetle Wang SOLEIM, Norway
- Mr Birgir THÓRARINSSON, Iceland
- Mr Egidijus VAREIKIS, Lithuania*
- Mr Matern von MARSCHALL, Germany

Socialists, Democrats and Greens Group (SOC)

- Mr Pierre-Alain FRIDEZ, Switzerland
- Mr Stefan SCHENNACH, Austria
- Ms Angela SMITH, United Kingdom*
- Mr Roberto RAMPI, Italy
- Ms Tabea RÖSSNER, Germany
- Mr Andrea ORLANDO, Italy
- Mr André VALLINI, France

European Conservatives Group (EC)

- Lord David BLENCATHRA, United Kingdom
- Lord Simon RUSSELL, United Kingdom*

Alliance of Liberals and Democrats for Europe (ALDE)

- Ms Emilie Enger MEHL, Norway*
- Mr Jacques LE NAY, France
- Ms Alexandra LOUIS, France
- Mr Mart van de VEN, Netherlands

Group of the Unified European Left (UEL)

- Mr Momodou Malcolm JALLOW, Sweden
- Mr Tiny KOX, Netherlands

Free Democrats Group (FDG)

- Mr Nagif HAMZAYEV, Azerbaijan*

Co-rapporteurs AS/Mon (ex officio)

- Mr Alfred HEER, Switzerland

Venice Commission

- Mr Rafael RUBIO, Member of the Venice Commission
- Mr Serguei KOUZNETSOV, Head of Division, Neighbourhood Co-operation

Secretariat

- Mr Bogdan TORCĂTORIU, Administrator, Election Observation and Interparliamentary Co-operation Division
- Ms Danièle GASTL, Assistant
- Ms Anne GODFREY, Assistant

* Member of the pre-electoral mission

Appendix 2 – List of the members of the ad hoc committee (2nd round)

Based on the proposals by the political groups of the Assembly:

Chairperson: Ms Angela SMITH, United Kingdom (SOC)

Group of the European People's Party (EPP/CD)

- Mr Andres HERKEL, Estonia
- Mr Emanuelis ZINGERIS, Lithuania

Socialists, Democrats and Greens Group (SOC)

- Mr Ervin BUSHATI, Albania
- Mr Pierre-Alain FRIDEZ, Switzerland
- Mr Ian MURRAY, United Kingdom
- Mr Stefan SCHENNACH, Austria
- Ms Angela SMITH, United Kingdom*
- Mr Gheorghe-Dinu SOCOTAR, Romania
- Mr André VALLINI, France

European Conservatives Group (EC)

- Lord Simon RUSSELL, United Kingdom*

Alliance of Liberals and Democrats for Europe (ALDE)

- Ms Emilie Enger MEHL, Norway*
- Mr Jacques LE NAY, France
- Ms Alexandra LOUIS, France
- Mr Edmon MARUKYAN, Armenia

Group of the Unified European Left (UEL)

- Ms Ulla SANDBÆK, Denmark

Free Democrats Group (FDG)

- Mr Nagif HAMZAYEV, Azerbaijan*

Co-rapporteurs AS/Mon (ex officio)

- Mr Alfred HEER, Switzerland

Secretariat

- Mr Bogdan TORCĂTORIU, Administrator, Election Observation and Interparliamentary Co-operation Division
- Ms Anne GODFREY, Assistant

* Member of the pre-electoral mission

Appendix 3 – Programme of the pre-electoral delegation

Wednesday 6 March 2019

- 08:30-09:30 Meeting of the delegation:
- opening of the meeting by Ms Angela Smith, Head of the delegation
 - intervention by Mr Alfred Heer co-rapporteur of the Monitoring Committee
 - briefing by Mr Marten Ehnberg, Head of the Council of Europe Office
 - briefing by the secretariat
- 9:45-10:45 Meeting with ambassadors of countries represented in the pre-electoral mission:
- H.E. Ms Judith Gough, Ambassador of the United Kingdom
 - H.E. Mr Marius Janukonis, Ambassador of Lithuania and Minister Counsellor of the Embassy of the Republic of Lithuania
 - H.E. Ms Stoyana Rusinova, Ambassador of Bulgaria
 - H.E. Mr Ole T. Horpestad, Ambassador of Norway
- 11:00-12:30 Meeting with Ambassador Peter Tejler, Head of the OSCE/ODIHR Election Observation Mission, and members of his team
- 14:15-15:15 Meeting with representatives of NGOs:
- Ms Tetiana Durneva, NGO “Public holding”, Group of Influence
 - Mr Olekiy Koshel, Head of Committee of Voters of Ukraine
 - Ms Alina Popsuy, Committee of Voters of Ukraine
- 15:30-16:30 Meeting with representatives of the media:
- Ms Olga Yurkova, co-founder of Stopfake.org
 - Mr Oleksandr Burmagin, HR Platform
 - Ms Diana Dutsyk, Executive Director, Detector Media
 - Mr Igor Rozkladay, Centre of Democracy and Rule of Law

Thursday 7 March 2019

- 10:30-13:30 Consecutive meetings with representatives of presidential candidates:
- Ms Yuliya Lovochkina, representing Mr Yuriy Boyko
 - Mr Viktor Vovk, representing Mr Oleh Lyashko
 - Ms Svitlana Zalishchuk, representing Mr Anatoliy Hrytsenko
- 15:00-15:45 Meeting with Mr Volodymyr Philenko, Adviser to the Minister of the Interior of Ukraine, with the participation of persons responsible for security during the campaign and on election day
- 16:15-17:00 Meeting with Ms Tetiana Slipachuk, Chairperson of the Central Election Commission (CEC), with the participation of members of the CEC
- 18:00-19:00 Preparation of a statement

Appendix 4 – Statement of the pre-electoral delegation

“General environment in Ukraine should allow for the holding of democratic elections” says PACE pre-electoral delegation in Kyiv

Strasbourg, 08.03.2019 – A delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Kyiv on 6 and 7 March to assess the pre-electoral climate ahead of the presidential election in Ukraine, scheduled for 31 March.

The delegation,* led by Angela Smith (United Kingdom, SOC), felt that the general environment was appropriate for the holding of democratic elections. However, following discussions with various interlocutors, it considered it necessary to stress that there was still room for improvement and that the period of time left until election day should allow for some progress to be made.

The delegation felt that the Central Election Committee (CEC) acted professionally and was preparing the election well. However, it considered that the unprecedentedly large number of presidential candidates and domestic observers might impede the smooth conduct of polling and raise a challenge on election day. Indeed, the right for candidates to be represented on polling boards and for domestic observers to be present within the polling stations could lead to logistical difficulties on election day.

The delegation regrets that freedom of speech in Ukraine is limited by the fact that the media, being mainly owned by oligarchs, instead of presenting the pre-electoral environment in a balanced manner, tend to function as public relation channels for individual candidates.

Some of the candidates' campaign rhetoric seems to lack references to genuine political programmes, making it difficult for voters to make an informed choice.

The delegation welcomed the active role played by civil society during the pre-election period and recalled that civil society is one of the main players in a true democracy and should be respected as such. However, it expressed concern that a number of NGOs seem to be affiliated to parties and/or candidates. It was also alarmed to hear that known paramilitary entities have been registered as domestic observers and have allegedly threatened to use force against perceived infractions on election day.

The delegation heard allegations about the misuse of administrative resources during the election campaign, in particular about the blurring of the lines between presidential and campaign activities. The delegation heard allegations of illegal expenditure during the election campaign and underlined the need for complete transparency concerning the campaign financing of all candidates.

It was also very concerned to hear allegations of intensive efforts on the part of some candidates to establish vote-buying systems.

The delegation also noted with regret the low number of women candidates.

It acknowledged the efforts made by the Ukrainian authorities to have a genuine election process and urged them to continue to operate in accordance with European standards and best practices. The legislative framework for the presidential elections is good and, if applied in good faith, should lead to democratic elections. It also hopes that the authorities will have sufficient means to protect the electoral process against abuses and interferences of any kind.

The PACE delegation was in Kyiv at the invitation of the Speaker of the Verkhovna Rada of Ukraine. It met with representatives of presidential candidates, the Chair and members of the CEC, representatives of the Minister of Internal Affairs, civil society and the media, the head of the OSCE/ODIHR election observation mission, and diplomats based in Kyiv.

A 33-member delegation from the Parliamentary Assembly of the Council of Europe will arrive in Ukraine prior to the presidential election to observe the vote.

*Members of the delegation: Angela Smith (United Kingdom, SOC), Head of the Delegation; Egidijus Vareikis (Lithuania, EPP/CD); Lord Simon Russell (United Kingdom, EC); Emilie Enger Mehl (Norway, ALDE); Nagif Hamzayev (Azerbaijan, FDG); Alfred Heer (Switzerland, ALDE), co-rapporteur of the Monitoring Committee

Appendix 5 – Programme of the ad hoc committee – 1st round (29 March-1 April 2019)

Friday 29 March 2019

09:00-10:00 Meeting of the PACE delegation

Joint parliamentary briefings

- 10:30-10:45 Opening by the Heads of Parliamentary Delegations
- Mr Ilkka Kanerva Special Co-ordinator and leader of the short-term OSCE observer mission, OSCE PA President Emeritus
 - Mr Stefan Schennach on behalf of Ms Angela Smith, Head of the PACE Delegation
 - Ms Doris Barnett, Head of the OSCE PA Delegation
 - Mr Dariusz Rosati, Head of the European Parliament Delegation
 - Mr Michal Szczerba, Head of the NATO PA Delegation
- 10:45-11:15 Introduction by local offices
- Ambassador Henrik Villadsen, OSCE Project Co-ordinator in Ukraine
 - Mr Marten Ehnberg, Head of the Council of Europe Office in Ukraine
 - Ambassador Hugues Mingarelli, Head of the EU Delegation to Ukraine
 - Mr Alexander Vinnikov, Head of the NATO Representation to Ukraine
- 11:15-13:00 Briefing by the ODIHR Election Observation Mission
- Welcome and overview of the EOM's work – Ambassador Peter Tejler, Head of Mission
 - Political overview, the Contestants and the Election Campaign – Mr Jarek Domański, Political Analyst
 - Media Monitoring – Ms Francesca Boggeri, Media Analyst
 - Legal Framework, Campaign Finance, Complaints and Appeals – Ms Marla Morry, Legal Analyst
 - Election Administration, Candidate Registration and Voter Registration – Mr Kakha Inaishvili and Ms Caroline Gonthier, Election Analysts
 - Security – Mr László Belágyi, Security Expert
- 14:00-16:45 Consecutive meetings with representatives of presidential candidates
- Mr Rostyslav Pavlenko, Deputy Campaign Director for presidential candidate Petro Poroshenko
 - Mr Hryhoriy Nemyria, MP, Chairperson of the Parliamentary Committee on Human Rights, Deputy Head of All-Ukrainian Union “Fatherland” (“Batkivshchyna”)
 - Ms Zhanna Usenko-Chernata, Representative of Yulia Tymoshenko’s Campaign
 - Mr Vadym Galaichuk, Representative in the nationwide election district for Volodymyr Zelenskyi Campaign, People’s Servant
 - Mr Oleksandr Korniyenko, Coordinator of the ZeTeam, Volodymyr Zelenskyi Campaign
 - Ms Yuliya Lovochkina and Mr Yuriy Myroshnychenko, MPs, representatives of the Yuriy Boyko Campaign (self-nominated)
- 16:05-16:30 Mr Viktor Halasiuk, MP, Chairman of the Parliamentary Committee on Industrial Policy and Entrepreneurship, Deputy Leader of the Radical Party of Oleh Lyashko on Economic Policy
- 17:00-17:45 Meeting with representatives of the Central Election Commission of Ukraine
- Ms Tetiana Slipachuk, Chairperson
- 18:00-19:00 Panel with representatives of civil society:
- Ms Natalia Novykova, Project Manager, NGO “Civil Holding “Group of Influence”
 - Mr Denys Rybachok, Analyst, Committee of Voters of Ukraine

- Mr Ihor Rozkladaj, Lawyer from the Media Law Institute, Centre of Democracy and Rule of Law
- Ms Anastasiya Kozlovtseva, Head of International Relations, Transparency International Ukraine

Saturday 30 March 2019

- 09:30-10:30 Panel with media representatives:
- Mr Yuriy Makarov, Member of the Managing Board, National Public Broadcasting Company of Ukraine
 - Ms Angelina Kariakina, Editor-in-Chief, Hromadske TV
 - Ms Olha Herasymiuk, First Deputy Chair, National Council of Television and Radio Broadcasting of Ukraine
 - Ms Diana Dutsyk, Executive Director, Ukrainian Media and Communication Institute
 - Ms Natalia Ligachova, Head, Detector Media
- 10:30-11:30 Briefing by the ODIHR Election Observation Mission
- Election day procedures and Statistical Analysis
- Mr Kakha Inaishvili and Ms Caroline Gonthier, Election Analysts
- STO Reporting
- Mr Anders Eriksson and Ms Karolina Riedel, Statistical Analysts,
- 11:30-12:30 For members observing in and around Kyiv
- Area specific briefings by the ODIHR Long-Term Observers for Kyiv and Kyiv Region
- 14:00-17:00 Meeting of the Heads of Delegations of the IEOM

Sunday 31 March 2019

All day: observation of the opening of the polling stations, of the voting, of the counting and of the tabulation

- 21:00-23:00 Meeting of the Heads of Delegations of the IEOM

Monday 1 April 2019

- 08:00-09:00 Debriefing meeting of the PACE delegation
- 09:30-11:30 Meeting of the Heads of Delegations of the IEOM
- 15:00 Press conference

Appendix 6 – Press release of the International Election Observation Mission (IEOM) (1st round)

Ukraine election competitive, but legal issues remain, international observers say

Strasbourg, 01.04.2019 – Sunday's presidential election in Ukraine was competitive, voters had a broad choice and turned out in large numbers. While the existing legal framework offers a sound basis for holding democratic elections, it was often not implemented in good faith by many stakeholders in the run-up to election day. This negatively impacted trust in the election administration, the enforcement of campaign finance rules, and the effective resolution of election disputes, the international observers concluded in a preliminary statement released today.

Fundamental freedoms were generally respected, and candidates could campaign freely, but numerous indications of vote-buying and the misuse of State resources undermined the credibility of the process. The media landscape is diverse, but campaign coverage lacked in-depth analysis and was often biased, the observers said.

"This competitive election has laid the groundwork for a vibrant second round," said Ilkka Kanerva, Special Co-ordinator and leader of the short-term OSCE observer mission. "I hope that this will encourage Ukraine to continue on its path of democratic development, at peace and secure within its internationally recognized borders in our community of European values."

Election day was assessed positively overall, and paves the way to the second round. Still, some procedural problems were noted during the count, and conditions for tabulation were at times inadequate, the statement says.

"We were pleased to see that the campaign was competitive but believe, nevertheless, that there are key legal issues that should be addressed as a matter of priority," said Angela Smith (United Kingdom, SOC), head of the delegation from the Parliamentary Assembly of the Council of Europe (PACE). "PACE and the Council of Europe's Venice Commission hope to continue their close co-operation with Ukraine in the field of democratic development."

Doris Barnett, head of the delegation from the OSCE Parliamentary Assembly, said: "Despite earlier concerns, election day was well administered and without disturbances. The Ukrainian people deserve praise for the conduct of these elections" she said. "I have high expectations that the results, once confirmed, will be recognised, and that the second round will be just as peaceful, orderly and efficient."

The election is taking place in the context of ongoing armed conflict and other hostilities in the east of the country and the illegal annexation of the Crimean Peninsula by the Russian Federation. As a consequence, the election could not be organised in Crimea and certain parts of Donetsk and Luhansk regions that are controlled by illegal armed groups.

"What I observed was a free choice by free people. Ukrainians demonstrated their strong commitment to democratic and Euro-Atlantic values. I saw the enthusiasm of citizens of all ages participating in the election process in impressive numbers," said Michal Szczerba, Head of the delegation from the NATO Parliamentary Assembly. "However, I sincerely regret that not all could vote because Russia has illegally annexed Crimea and continues its military aggression in eastern Ukraine. The NATO PA will continue to assist Ukraine's path of reforms and support its aspiration to join our Alliance."

The election campaign was competitive and generally peaceful. However, there was lack of genuine political debate among the contestants. The overwhelming majority of the 39 candidates did not conduct any campaign activities, casting doubt on their intention to genuinely compete in the election.

Several candidates, on the other hand, campaigned throughout the country. Incumbent President Petro Poroshenko and Yulia Tymoshenko were most active, with Poroshenko's extensive tours around the country blurring the line between his official position and campaign activities. Volodymyr Zelenskyi, who received the most votes in the first round, did not hold a single traditional campaign rally.

There was widespread criticism that the incumbent president used social assistance programmes, salary increases and other financial incentives as campaign tools. At the same time, ODIHR election monitors observed the abuse of State resources at the national and local levels by several candidates. More than 80 criminal investigations into alleged vote-buying have been launched, including two alleged nationwide schemes focusing on the campaigns of Poroshenko and Tymoshenko, respectively.

Rights and freedoms that underpin democratic elections are guaranteed in the constitution. The legal framework remains largely unchanged since the 2014 presidential election. Efforts at electoral reform were inconclusive, and most previous recommendations by ODIHR and the Council of Europe's Venice Commission, including the crucial need to codify electoral legislation, remain unaddressed. Positively, the right of individuals to lodge constitutional complaints, introduced in 2016, allowed citizens and political parties for the first time to challenge election-related legislation.

"We have been here for eight weeks now, looking at all aspects of the election. There are loopholes in the laws, and these should not be abused," said Ambassador Peter Tejler, Head of the election observation mission from the OSCE Office for Democratic Institutions and Human Rights. "It is important that stakeholders now implement the law in good faith. This will help build trust in the election administration and help to ensure a fair campaign."

The Constitution guarantees freedom of expression and prohibits censorship. Nevertheless, the government has introduced a number of restrictive measures affecting the activities of the media and journalists, citing threats to national security. The media landscape is diverse but largely divided along political lines. The business and political interests of the owners affect the autonomy of private media outlets and the general trust in them. The public broadcaster is severely underfunded, which affects its ability to fully perform its public-service role.

There was also criticism of hastily adopted changes to the law on the Central Election Commission, particularly from civil society, which claimed that the amendments exclusively benefited the current president. This led to doubts from many sides about the Commission's impartiality.

The State Voter Register contains the records of some 35.6 million voters. Despite some concerns about difficulties to adequately capture data on internally displaced persons (IDPs), internal labour migrants and citizens living abroad, there was general confidence in the accuracy of the voter lists.

The law provides for election observation by international and citizen observers: candidate and party observers were seen in almost all polling stations, and citizen observers in around one half. However, in light of the designation by parliament of the Russian Federation as an aggressor State, a recent amendment to the election laws effectively prohibited citizens of the Russian Federation and/or people whose nomination was initiated or submitted by the Russian Federation from observing elections in Ukraine. This is at odds with OSCE commitments.

Appendix 7 – Programme of the ad hoc committee – 2nd round (20-22 April 2019)

Saturday 20 April 2019

11:00-12:00 Internal briefing for the PACE ad hoc committee

Joint parliamentary briefings

12:30-14:00 Briefing by the ODIHR Election Observation Mission

Welcome – Ambassador Peter Tejler, Head of Mission

Post-Election Political Developments, the Election Campaign and Media Environment for the second round – Mr Jarek Domański, Political Analyst, and Ms Francesca Boggeri, Media Analyst

Election Administration preparations for the second round and Election day procedures – Mr Kakha Inaishvili and Ms Caroline Gonthier, Election Analysts

STO Reporting – Mr Anders Eriksson and Ms Karolina Riedel, Statistical Analysts

14:00-15:00 Meeting with Ms Natalia Bernatska, Secretary of the Central Election Commission of Ukraine

15:00-16:00 Meetings with representatives of presidential candidates:

15:00-15:30 Petro Poroshenko campaign representatives:

- Mr Sergiy Berezenko, MP, Deputy Campaign Director
- Mr Maksym Savrasov, MP, Deputy Campaign Director
- Mr Sergiy Alekseev, MP, Campaign Legal Advisor

15:30-16:00 Mr Vadym Galaichuk, Lawyer, representative in the nationwide election district for the Volodymyr Zelenskiy campaign, People's Servant

16:00-17:00 Meeting with media representatives

- Ms Olha Herasymiuk, First Deputy Chair, National Television and Radio Broadcasting Council
- Mr Yuriy Makarov, Member of the Managing Board, UA: Public Broadcasting Company
- Ms Angelina Kariakina, Editor-in-Chief, Hromadske TV
- Ms Diana Dutsyk, Executive Director, Ukrainian Media and Communication Institute
- Ms Olha Yurkova, Cofounder, Stopfake.org
- Ms Natalia Ligachova, Head, Detector Media

17:00-18:00 Panel with Representatives of civil society:

- Ms Natalia Novykova, Project manager, NGO “Civil Holding Group of Influence”
- Ms Alina Popsui, Expert, Committee of voters of Ukraine
- Mr Taras Shevchenko, Director, Centre for Democracy and Rule of Law
- Dr Violeta Moskalu, Founder, Head of Board, Global Ukraine Foundation

18:00 Kyiv and Kyiv region long-term observer teams available to answer questions

Meetings with drivers and interpreters

19:00-20:30 Meeting of the heads of delegation of the IEOM

Sunday 21 April 2019

07:30-08:00 Observation of the opening of the polling stations

08:00-20:00 Observation of the voting process

20:00 onwards Observation of the counting

Monday 22 April 2019

08:00-09:00	PACE delegation internal debriefing
09:30-11:30	Meeting of the Heads of Delegation of the IEOM
15:00-16:30	Press conference

Appendix 8 – Press release of the International Election Observation Mission (IEOM) (2nd round)

Fundamental freedoms respected in competitive Ukraine election, though campaign lacked genuine discussion of issues, international observers say

Kyiv, 22.04.2019 – The presidential election in Ukraine was competitive and held with respect for fundamental freedoms, the international observers concluded in a preliminary statement released today. The orderly transfer of power should offer the opportunity for strengthening democratic institutions and their accountability, although the campaign for both rounds lacked genuine discussion of issues of public concern, the statement says.

The media landscape and campaign coverage reflected the dominance of economic interests in public and political life, the observers said. The runoff was well-organized, despite operational challenges and a limited time frame. The legal framework still contains shortcomings, and there was little will to resolve electoral complaints in a way that would guarantee effective remedy. Election day was assessed positively by the observers and, despite a few procedural problems, there was a marked improvement in the conduct of the counting and tabulation over the first round, the statement says. The incumbent conceded defeat shortly after the polls closed.

“The democratic and orderly transfer of power we witnessed yesterday is a great achievement by the Ukrainian people and paves the way for renewed efforts to advance necessary reforms to address burning issues and provide good governance. I thank my colleagues from different international institutions for their readiness to support this process,” said George Tsereteli, Special Co-ordinator and leader of the short-term OSCE observer mission. “The authorities now have to seize the opportunity the citizens have offered them to provide the economic and security conditions in which to realize their aspirations.”

The election took place in the context of ongoing armed conflict and other hostilities in the east of the country and the illegal annexation of the Crimean Peninsula by the Russian Federation. As a consequence, the election could not be organised in Crimea and certain parts of Donetsk and Luhansk regions that are controlled by illegal armed groups.

“The Ukrainian people demonstrated very clearly yesterday their commitment to securing change through the democratic process,” said Angela Smith, Head of the delegation from the Parliamentary Assembly of the Council of Europe. “Every effort should be made to facilitate in the future the voting rights of those Ukrainian citizens whose ability to cast their vote was seriously compromised by excessive administrative requirements.”

Doris Barnett, Head of the delegation from the OSCE Parliamentary Assembly, said: “I am pleased that free elections are becoming the norm in Ukraine and that the people are making use of their right to vote. This election demonstrates that democracy in Ukraine has become more stable. I trust that the new political dynamics in the country can fulfil the high expectations of the voters. Now the country needs to focus on further economic development.”

Rebecca Harms, Head of the delegation from the European Parliament, said: “I would like to congratulate the citizens of Ukraine for their deep commitment to democracy, demonstrated in competitive elections in which they had a free choice. We also welcome the statesmanship demonstrated by the incumbent in accepting the democratic choice of Ukrainians on election night, even after the heated campaign. I sincerely regret that many Ukrainians could not vote because Russia has illegally annexed Crimea and the aggression continues in Eastern Ukraine. The European Parliament encourages and supports the incoming president in continuing, and even strengthening reform efforts, mainly in fighting corruption and poverty.”

The candidates did not conduct large-scale campaign rallies between the rounds, and campaigning was predominantly conducted on television, in online media and social networks, and through billboards and posters. Increased tensions between the two sides were reflected in massive and systematic negative campaigning and harsh mutual accusations, the statement says. There was a marked difference in the character of the conventional campaign of the incumbent, Petro Poroshenko, and that of Volodymyr Zelenskyi, which was conducted to a large extent by proxies and put little emphasis on his campaign platform.

Overall, the private television channels monitored provided imbalanced and biased coverage. The public broadcaster divided its prime-time news coverage equally between the two contestants. Zelenskyi largely avoided participating in campaign-related programming and coverage.

The misuse of State resources, both at the national and local levels, continued during the second round, the observers said. There remain a number of ongoing investigations into alleged vote-buying by Poroshenko’s campaign.

Despite time constraints, the Central Election Commission (CEC) handled preparations efficiently and met legal deadlines. The election laws regulate some but not all aspects of a second round, and the remaining gaps were not addressed by the CEC. It continued to hold regular open sessions, but also went on holding preliminary meetings before the sessions, which decreased transparency, the statement says.

“The runoff was organized well, but there is still a need to enhance the electoral legislation and practice,” said Ambassador Peter Tejler, Head of the election observation mission from the OSCE Office for Democratic Institutions and Human Rights. “A genuine political debate and concrete steps to further improve elections will strengthen accountability of democratic institutions.”

Voter lists were updated to reflect changes between the rounds, and voters had a brief window to check their data online and to request corrections. Those who needed to temporarily change their place of voting had to submit new requests, even if they had already done so for the first round. This represents an unnecessary burden, especially for internally displaced persons, voters abroad and persons with disabilities, the observers said.

The CEC received seven complaints during the second-round period, all of which were denied consideration on technical grounds. All 11 cases lodged against the CEC and candidates in administrative court between the rounds were ruled inadmissible or dismissed, depriving complainants of access to effective remedy and undermining the transparency of the dispute resolution process.

All candidates eliminated in the first round submitted their final campaign finance reports by the legal deadline, and the two runoff candidates submitted their interim finance reports. No violations have been identified on the basis of these interim reports, and the official analyses of all final reports will be published at a later date. Both second-round campaigns were partly financed from sources other than the candidates' legal campaign fund accounts.