



Office for Democratic Institutions and Human Rights

UKRAINE

EARLY PARLIAMENTARY ELECTIONS 21 JULY 2019

ODIHR Election Observation Mission Final Report



Warsaw
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I. EXECUTIVE SUMMARY

Following an invitation from the government of Ukraine, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 11 June to observe the 21 July 2019 early parliamentary elections. The ODIHR EOM assessed compliance of the election process with OSCE commitments, other obligations and standards for democratic elections, and domestic legislation. On election day, an International Election Observation Mission (IEOM) was formed as a common endeavour of the ODIHR EOM and delegations of the OSCE Parliamentary Assembly, the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA).

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 22 July concluded that “in the 21 July early parliamentary elections in Ukraine fundamental rights and freedoms were overall respected and the campaign was competitive, despite numerous malpractices, particularly in the majoritarian races. Generally, the electoral administration was competent and effective despite the short time available to prepare the elections, which were seen as an opportunity to consolidate reforms and changes in politics that Ukrainian voters are hoping for. In sharp contrast, the campaign was marked by wide-spread vote-buying, misuse of incumbency, and the practice of exploiting all possible legislative loopholes, skewing equality of opportunity for contestants. Intertwined business and political interests dictate media coverage of elections and allow for the misuse of political finance, including at the local level. Election day was overall peaceful, with observers of the IEOM assessing opening and voting positively in the overwhelming majority of polling stations observed, but procedural shortcomings were noted in the counting and tabulation”.

The elections took place in the context of an 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, elections could not be organized in Crimea and certain parts of Donetsk and Luhansk *oblasts* that are controlled by illegal armed groups.

The Constitution guarantees rights and freedoms that underpin democratic elections. The legal framework remains largely unchanged since the last parliamentary elections, with the exception of the 2015 campaign finance reform. Although overly detailed and convoluted, it provides a sound basis for the conduct of democratic elections, if implemented in good faith. Some restrictions on the freedom of association and on candidacy rights remain despite prior ODIHR recommendations. A number of other ODIHR recommendations remain unaddressed, including on voter registration, composition of election commissions and simplification of dispute resolution process.

Parliament is elected for a five-year term. Half of the members are elected on the basis of a proportional system with closed party lists in one single nationwide constituency. Parties must receive at least five per cent of all votes cast in order to participate in the distribution of mandates. The other half of the members are elected in single mandate districts (SMDs) in a single round. The majoritarian component was systematically criticized by many IEOM interlocutors as subject to corruption and fraud by powerful local interests.

¹ The English version of this report is the only official document. An unofficial translation is available in Ukrainian.

Despite a narrow timeframe, the Central Election Commission (CEC) administered the early elections in a technically efficient manner, approved the main procedural rules within the legal deadlines and overcame challenges created by the procurement rules and deadlines. While its sessions were open, the long-standing practice of holding preparatory meetings prior to sessions and the resulting lack of substantive discussions in the sessions themselves decreased the transparency of the CEC's work.

District Election Commissions (DECs) and Precinct Election Commissions (PECs) were formed on time and performed in an overall professional manner. A significant number of members, including in executive positions, were replaced as late as election day by parties who had nominated them. Large scale replacements undermined the stability and efficiency of the work of lower level commissions and diminished the value of the trainings they received. Several "technical" contestants were registered in order to provide their positions in election commissions to other contenders. This practice does not ensure a balanced composition and proportional representation of contestants envisaged by the law and international good practice.

The State Voter Register includes some 35.6 million voters. Despite the exclusion of approximately one million voters without a registered address, the vast majority of interlocutors expressed confidence in the accuracy of the voter register. In a welcome development, the previously simplified procedure for internally displaced persons (IDPs) to change their voting address, has now been extended to all voters. Outreach and voter education activities to explain this change were limited; only some 47,000 IDPs changed their address. The blanket denial of voting rights of persons recognized by a court to lack legal capacity on the grounds of mental disability is at odds with international obligations.

Overall, candidate registration resulted in a diverse field of candidates with the registration of 22 political parties for the nationwide race, and over 3,000 candidates for the SMDs. However, disproportionate limitations on the right to stand based on a non-expunged criminal record for an intentional crime, regardless of its severity, residency requirements, and restrictive interpretation of candidate registration rules negatively impacted the inclusiveness of the process.

Thirteen out of 22 party lists complied with the 30 per cent requirement for either gender on candidate lists, and there is no enforcement mechanism. Of the total number of registered candidates, 23 per cent were female. While women representation in the nationwide constituency lists was at 31 per cent, only 16 per cent of SMD candidates were women. During the campaign, women candidates were less visible in the media than men. Women were well-represented at all levels of election administration. The majority of the CEC members were women, including the Chair and Secretary. In the new parliament, women hold 20 per cent of seats, a significant increase compared to the previously held 12 per cent.

Overall, contestants were able to freely convey their messages to voters and fundamental freedoms of expression and assembly were respected. The campaign was competitive with a range of candidates representing a wide spectrum of political options. The misappropriation of the brand name of a party that eventually won by several self-nominated candidates characterized these elections, and some 46 investigations were opened into "clone" candidates. Vote-buying was widespread as evidenced by more than 300 criminal investigations. Misuse of incumbency impeded equality of opportunity for contestants.

Campaign finance amendments adopted in 2015 partly addressed some prior ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations to increase transparency and accountability. However, the implementation of the regulatory framework does not ensure transparency of campaign finances and continues to allow for influence of patronage networks and big donors on politics, and undue influence of campaign spending on the will of voters. Existing sanctions are neither

proportionate nor dissuasive. As required by law all parties opened dedicated bank accounts while some 25 per cent of majoritarian candidates failed to do so.

The Constitution guarantees freedom of expression and prohibits censorship, and the legal framework provides for general media freedom. The overall media market is diverse, but largely divided along political lines, and ownership is highly concentrated. The editorial policy and political agenda promoted by private media outlets exclusively serve the interests of their owners, which undermines media autonomy and public trust. Journalists' safety remains a major concern. The public broadcaster *UA:PBC* is severely underfunded, which affects its ability to fully perform its public-service role required by the law. The media regulatory body chose not to exercise its powers to effectively respond to media violations.

ODIHR media monitoring results showed that provisions for balanced and unbiased coverage of the campaign and candidates were frequently violated by the monitored private television (TV) channels. Broadcasters widely covered the contestants through the format of political debates. Paid advertisement was used extensively by the main parties. A high number of unmarked promotional materials were noted in prime-time news of most monitored private TV channels, a practice that violates the law, misleads voters and does not provide genuine information. In line with the law, *UA:PBC* provided all 22 parties with free airtime.

The Constitution provides for full political, civil and social rights for national minorities. However, the legal framework pertaining to national minorities is fragmented and outdated. Several interlocutors expressed concern that the SMD delimitation is not favourable to national minority representation. Candidates were able to use minority languages in campaign materials and while campaigning.

The right to seek effective legal remedy is guaranteed by law and provides for timely consideration. However, jurisdictions of election commissions and administrative courts overlap. An inconsistent and overly formalistic approach to addressing complaints did not ensure effective remedy. The CEC received some 370 complaints, three quarters of which were deemed inadmissible on technical grounds, contrary to good practice. Only one third of the complaints were reviewed in open sessions and the rest behind closed doors, which undermined transparency. The police registered some 13,000 possible election-related offences and initiated over 500 criminal investigations.

The law provides for election observation by international and citizen observers. Following the reinstatement of voting rights of the Russian delegation to the Parliamentary Assembly of the Council of Europe, the Ukrainian authorities withdrew their invitation to the Assembly to observe the elections. The CEC registered 163 Ukrainian non-governmental organizations (NGOs) to observe the elections, most of them only recently created.

Election day was overall peaceful, with a voter turnout of 49.84 per cent announced by the CEC. IEOM observers assessed opening and voting positively in the overwhelming majority of polling stations observed. Voting was transparent and well organized with a high level of adherence to established procedures. There were cases of voters not allowed to vote because they were not on the voter list. The vote count was transparent; however, basic reconciliation procedures were often not followed and in over one third of observations steps prescribed for completing the protocol were not adhered to. Tabulation was negatively assessed in a quarter of DEC's observed, mainly due to tensions in or around the DEC's and inadequate conditions at DEC's that caused overcrowding and limited transparency, as well as restrictions on observers' access in eight DEC's. Copies of protocols were not systematically provided to those entitled to them. Throughout election day, candidate and party observers were present in the vast majority of polling stations while citizen observers were noted in approximately one third.

This report offers a number of recommendations to support efforts to bring elections in Ukraine fully in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to adopting a unified electoral code, ensuring equality of the vote by requiring a regular review of electoral districts, enhancing transparency of campaign financing, revising the method of formation of election commissions, guaranteeing freedom of association, facilitating equal campaign opportunities, undertaking measures to safeguard the public broadcasters independence, adopting measures to prevent misleading voters, and effective investigations of electoral offences. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign Affairs of Ukraine, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 11 June.² Headed by Ambassador Albert Jónsson, the ODIHR EOM included 19 experts based in Kyiv and 96 long-term observers who were deployed throughout the country as of 18 June.

For election day, the ODIHR EOM joined forces with delegations of the OSCE Parliamentary Assembly (OSCE PA), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA) to form an International Election Observation Mission (IEOM). The OSCE Chairperson-in-Office appointed Ilkka Kanerva as Special Co-ordinator and leader of the OSCE short-term observer mission. The IEOM deployed 811 observers from 45 countries. The ODIHR EOM remained in the country until 4 August to follow post-election day developments.

The ODIHR EOM assessed compliance of the election process with OSCE commitments, other obligations and standards for democratic elections, and domestic legislation. This final report follows the Statement of Preliminary Findings and Conclusions which was released on 22 July 2019.

The ODIHR EOM wishes to thank the Ukrainian authorities for the invitation to observe the elections, and the Central Election Commission (CEC) and the Ministry of Foreign Affairs for their assistance and co-operation. It also expresses appreciation to representatives of other national and local state institutions, the judiciary, political parties, civil society, media, the international community, and other interlocutors for their co-operation and for sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

On 20 May, the day of his inauguration, President Volodymyr Zelenskyy announced his intention to dissolve parliament and call early elections. The presidential decree issued on 21 May set the elections for 21 July, some four months ahead of the expiration of the outgoing parliament's term. The president used his power to dissolve parliament on the grounds that the ruling coalition did not have the support of the majority in parliament.³ A constitutional challenge was filed against the decree by 62 members

² See previous [ODIHR election-related reports on Ukraine](#).

³ The [Venice Commission Opinion on the Draft Law amending the Constitution of Ukraine submitted by the President of Ukraine on 2 July 2014](#) states that “the test of the existence of a parliamentary majority should be the vote of the Prime Minister and the Government. There is no need for a formalised majority” and “[...] has reservations as to the possibility to dissolve the newly elected Rada if it fails to do so”.

of the parliament (MPs).⁴ On 20 June, the Constitutional Court ruled in favour of early elections.⁵ Since President Zelenskyy's inauguration, tensions were visible in the relationship between parliament and the president.⁶

The 2019 parliamentary elections were widely perceived as a continuation of the spring 2019 presidential race which resulted in Mr. Zelenskyy's landslide victory.⁷ The result was described by most of ODIHR EOM interlocutors as an expression of widespread disillusionment of voters with the current political establishment and a desire to break with the "old system" in which state institutions enjoy little trust, corruption is perceived to be rampant and powerful economic interests of wealthy businesspersons (known as "oligarchs") strongly shape political and decision-making processes.

The last parliamentary elections were also held early and took place on 26 October 2014. Following the elections, a government was formed by a five-party coalition between Petro Poroshenko Bloc (PPB, 146 seats), People's Front (PF, 83), *Samopomich* (Self-Reliance, 32), *Batkivshchyna* (Fatherland, 19) and Radical Party (RP, 22).⁸ The ruling coalition fractured in February and March 2016, leaving only two of the original 2014 coalition parties – the PPB and the PF – supporting the government.

Women were underrepresented in elected office, holding only 12 per cent of seats in the outgoing parliament and merely 4 out of 198 in single-mandate districts (SMDs). Six of the 24 ministerial posts in the outgoing government were held by women.⁹

The elections took place in a challenging political, economic and security environment, against the backdrop of continuous challenges to Ukraine's territorial integrity. The overall context is characterized 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 *oblasts* by illegal armed groups. Since 2014, elections 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 characterized by persistent attacks on fundamental freedoms and a deteriorating humanitarian situation.¹⁰

IV. ELECTORAL SYSTEM

Parliament is composed of 450 members elected for a five-year term. Half of the MPs are elected on the basis of a proportional system with closed party lists in one single nationwide constituency. Political parties must receive at least five per cent of all votes cast in order to participate in the distribution of

⁴ The plaintiffs claimed that the ruling coalition ceased to have the majority in the parliament on 17 May 2019, when the People's Front (PF) withdrew, that the legal deadline of a month for the parliament to form a new coalition would have expired on 17 June and that the President dissolved parliament before the expiration of this deadline.

⁵ The decision stated that the issue of the ruling coalition is not regulated by parliament's Rules of Procedure and that the people of Ukraine were sovereign to resolve the constitutional conflict through early elections.

⁶ The President's legislative initiatives on the election law, public procurement, lifting the immunity of MPs and impeachment of the president were not included on the agenda by the parliament. Of note, a different impeachment law was adopted; this law "On temporary investigatory commission and temporary special commissions of the Verkhovna Rada" was neither signed by the president nor returned to parliament for reconsideration within the 15 day deadline.

⁷ In the second round, Mr. Zelenskyy won 73.22 per cent of votes cast. Voter turnout was 62.1 per cent.

⁸ The remaining parliamentary seats were distributed among the Opposition Bloc (40), the Revival (19), People's Will (19) and non-affiliated members (43).

⁹ Ukraine has ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). See the 2017 [Concluding observations](#) of the Committee on the Elimination of Discrimination against Women.

¹⁰ See the [reports of the Office of the United Nations High Commissioner for Human Rights](#).

mandates of the proportional component. The other half of the MPs are elected in SMDs under a plurality system in a single round (first-past-the-post). The majoritarian component has been criticized by several ODIHR EOM interlocutors as subject to corruption and fraud by powerful local interests.¹¹ MPs elected on party tickets lose their seat if they fail to join or leave the party faction, which is at odds with Paragraph 7.9 of the 1990 OSCE Copenhagen Document. Pre-election coalitions of parties are not allowed.

In line with international commitments, elected candidates should be duly installed in office and permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

Elections were held in 199 of the 225 SMDs.¹² The number of registered voters in SMDs ranges from 129,668 to 200,070 with significant deviations up to 23.91 per cent from the established average of 161,140 voters, contrary to the law and good practice.¹³ Such deviations hamper the equality of vote.¹⁴ In addition, five SMDs in the conflict-affected Donetsk and Luhansk *oblasts* have a much smaller number of registered voters.¹⁵ Contrary to good practice, there is no legal requirement to regularly review district boundaries, which was last done in 2012.¹⁶ See also section on *National Minorities*.

To ensure the equality of vote, the law should require regular review of electoral districts, in line with international good practice.

¹¹ Similarly, the [2017 Venice Commission Opinion on the Electoral System for the Election of the Parliament in Moldova](#) “recommended against single-mandate districts where independent majoritarian candidates may develop links with or be influenced by local businesspeople or other actors who follow their own separate interests”. See also the [2019 Compilation of Venice Commission Opinions and Reports concerning Electoral Systems](#).

¹² Elections were not held in 26 SMDs in areas declared by parliament as “temporarily occupied territories”, namely in the 12 SMDs in the Autonomous Republic of Crimea and the city of Sevastopol (Crimea), in 9 of 21 in Donetsk *oblast* and 5 of 11 in Luhansk *oblast*. Subsequently, only 199 of the 225 majoritarian seats were filed in the new parliament composed of 424 members.

¹³ The law prescribes that “a deviation in the number of voters in a district may not exceed 12 per cent of the established average number of voters in a district”. According to section I.2.2.2 of the [2002 Code of Good Practice in Electoral Matters \(Code of Good Practice\) of the European Commission for Democracy Through Law \(Venice Commission\)](#), “seats must be evenly distributed among the constituencies and the permissible deviation from the norm should not be more than 10 per cent and should certainly not exceed 15 per cent in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)”. SMD 207 (Chernihiv *oblast*) has the smallest number of registered voters whereas SMD 95 (Kyiv *oblast*) has the largest.

¹⁴ Paragraph 21 of the 1996 [UN Human Right Committee \(UNHRC\) General Comment No. 25 to Article 25 of the International Covenant for Civil and Political Rights](#) (ICCPR) provides that “the principle of one person, one vote, must apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of votes or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely”.

¹⁵ Namely, SMDs 45 (41,543 registered voters), 51 (2,698), 52 (62,560), 105 (9,162) and 112 (64,458).

¹⁶ According to sections I.2.2.v and vii of the [Code of Good Practice](#) “In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods” and “when constituency boundaries are redefined – which they must be in a single member system – it must be done: impartially; without detriment to national minorities; taking account of the opinion of a committee, the majority of whose members are independent; this committee should preferably include a geographer, a sociologist and a balanced representation of the parties and, if necessary, representatives of national minorities”.

V. LEGAL FRAMEWORK

Parliamentary elections are primarily regulated by the 2011 Law on the Election of People's Deputies (hereinafter, election law, amended in 2019) and CEC regulations.¹⁷ The election law is overly detailed and convoluted but generally sufficient for the conduct of democratic elections, if implemented in good faith. It remains largely unchanged since the last parliamentary elections in 2014, with the exception of the 2015 campaign finance reform. On 11 July, ten days before election day, an election code regulating all types of elections was adopted by parliament, in a procedure which raised concerns among interlocutors.¹⁸ The law was pending promulgation by the president until after election day.¹⁹

As previously recommended, consideration should be given to adopting an election code applicable to all types of elections in an inclusive process following consultations with relevant stakeholders.

The Constitution generally guarantees rights and freedoms that underpin democratic elections. However, the legal framework contains undue restrictions on the freedom of association, including a ban on communist and national-socialist parties and candidates nominated by such parties²⁰ that were assessed as not fully in line with international obligations and standards.²¹ In addition, authorities have by law wide discretionary powers to deny registration and deregister political parties on the grounds of threats to national security and public order.²² In line with an opinion of the Venice Commission, legal amendments (in 2016) which allowed political parties to exclude candidates from their lists after elections and stricter financial disclosure requirements (in 2017) for civil society organisations were ruled unconstitutional.²³ Whereas the freedom of assembly is guaranteed by the Constitution, a law on public assemblies is yet to be adopted.

To fully guarantee freedom of association, bans on political parties should be reviewed as should the wide discretionary powers of authorities to deny registration or deregister political parties on unclear and subjective criteria. Any restrictions on fundamental freedoms should have the character of

¹⁷ Other pertinent legislation includes the following laws: on the CEC (2004, amended in 2018), on the State Voter Register (2007, amended in 2016), on Political Parties (2001, amended in 2017). Applicable provisions are included in the Criminal Code (2001, amended in 2019), the Code of Administrative Offences (1984, amended in 2019), and the Code of Administrative Proceedings (2005, amended in 2018).

¹⁸ According to the parliament's Rules of Procedure, amendments to a draft law are deemed rejected, if they fail to receive 226 MP votes. The amendments tabled by the Speaker of the parliament on 11 July were voted by 230 MP following 16 failed attempts.

¹⁹ The draft election code had been pending in parliament since 2010 and passed its first reading in 2017. It has been subject to over 4,000 amendments, of which only half were reviewed by the Ministry of Justice. On September 14, 2019, the president vetoed the Election Code and sent it back to the parliament citing contradictions between the Code and the Constitution of Ukraine.

²⁰ The Law on condemnation of communist and national-socialist totalitarian regimes and prohibition of propaganda of their symbols was adopted in 2015. Subsequently, article 60 of the election law was amended to disqualify candidates nominated by such parties. On 16 July 2019, the Constitutional Court upheld the constitutionality of the law. The ruling was made significantly later than the six month deadline for review and in response to challenges to the law filed by the banned Communist Party in 2016 and by a group of MPs in 2017.

²¹ See the Joint ODIHR and Venice Commission opinion on [“The Law on condemnation of communist and national socialist \(Nazi\) regimes and prohibition of propaganda of their symbols”](#) and the Venice Commission opinion [“On the amendments to the Law on Elections regarding the exclusion of candidates from party lists.”](#)

²² The Ministry of Justice did not provide information on the parties denied registration, but informed that the political parties “Russian Unity” and “Russian Bloc” were deregistered in 2014.

²³ See ODIHR and Venice Commission [Joint Opinion](#) on “Draft law No. 6674 on introducing changes to some legislative acts to ensure public transparency of information on finance activity of public associations and of the use of international technical assistance and on draft law No. 6675 on introducing changes to the tax code of Ukraine to ensure public transparency of the financing of public associations and the use of international technical assistance”.

exception, are imposed only when necessary in a democratic society, are proportionate with a legitimate aim, and are not applied in an arbitrary and overly restrictive manner.

A law regulating all practical aspects of public assemblies should be adopted.

VI. ELECTION ADMINISTRATION

Parliamentary elections were administered by the Central Election Commission (CEC), 199 District Election Commissions (DECs) and 29,885 Precinct Election Commissions (PECs), including 102 abroad.²⁴ Women were well-represented at all levels of the election administration. Nine CEC members were women, including the chairperson and secretary, while women accounted for 59 per cent of members in DECs and 78 per cent in PECs.

A. THE CENTRAL ELECTION COMMISSION

The CEC is a permanent body composed of 17 members appointed by parliament on the basis of presidential nominations for renewable seven-year terms.²⁵ All political parties registered in the nationwide constituency used their right to nominate their representative with a consultative vote to the CEC. Some election stakeholders publicly questioned the CEC's impartiality, which the commission saw as an attempt to discredit its members and influence its work.

The CEC operated as a collegial body meeting all legal deadlines and managing most technical aspects of the elections in a professional manner. Its sessions were open to party representatives, observers, media and streamed online by the Civil Network OPORA; the CEC's resolutions and decisions were published on its website. However, the lack of information on a host of issues including on the sessions' agenda and on the substance of more than 150 complaints, and the long-standing practice of holding preparatory meetings behind closed doors left most of the sessions without substantive discussion thereby decreasing the transparency of the CEC's work.

While technical information about elections was available through the CEC website and its Facebook page as well as through its media briefings, voter outreach conducted by the CEC was limited and voter information in the media monitored by the ODIHR EOM was virtually absent throughout the election period. The CEC website did not provide information according to accessibility standards or in multiple formats, including in an easy-to-read and large-print format for voters with visual impairments.

The CEC should develop a comprehensive communication and voter education strategy and tools, including for several target audiences such as first-time voters, national minorities, internally displaced persons (IDPs), and persons with disabilities, based on the principles of inclusiveness and

²⁴ Polling stations were opened in 72 countries which have diplomatic missions of Ukraine. The polling stations in the Russian Federation which were abolished before the 2019 presidential election remained closed. The closure was made upon the request of the Ministry of Foreign Affairs of Ukraine based on the presence of risks and threats to the elections and the need to guarantee the security of Ukrainian citizens. Voters residing in the Russian Federation were offered to vote in Finland, Georgia and Kazakhstan.

²⁵ Presidential nominations are based on proposals of parliamentary factions and groups. The CEC composition included members nominated by: PPB (5), PF (3), Fatherland (1), Revival Party (1), the Radical Party (1), Self-Reliance (1), People's Will (1). One member was not formally nominated by a party. The two members remaining from the previous composition had been nominated by the Ukrainian Democratic Alliance for Reforms (UDAR, now part of PPB) and the Freedom Party (no longer represented in parliament). The Opposition Bloc, which argues that it is entitled to two seats on the CEC, was not represented in the CEC; the members it proposed were not put forward by the then sitting president when the CEC was formed.

transparency. The CEC could further facilitate participation of voters with disabilities by providing relevant information in accessible formats in future elections.

The CEC informed the ODIHR EOM that the 2016 Law on Public Procurement does not contain special provisions for procuring assets and services required for the implementation of early elections. Timeframes set in the law resulted in obstacles for the election administration to meet legal deadlines pertaining to key activities.²⁶ Following the call for early elections, the Ministry of Economic Development and Trade was compelled to agree with the CEC special conditions and exemptions from some of the procurement procedures by allowing the CEC to break up large purchases into several smaller ones to bypass some of the formal tendering procedures. In addition, to ease its workload, the CEC transferred certain responsibilities to the DEC which some of them found cumbersome. These temporary solutions enabled the CEC to avoid blockages.

Consideration should be given to harmonise procurement and electoral legislation in order to eliminate conflicting timeframes; the CEC should conduct procurement procedures within deadlines stipulated by the election law.

The CEC, in line with the law, printed and distributed 63,611,464 ballots for the proportional and majoritarian races. On 30 June, following a complaint by the party Servant of the People, the Sixth Administrative Court of Appeal obliged the CEC to amend the text of the ballots in nine SMDs to exclude references to the affiliation of certain self-nominated candidates with the party of Servant of the People. In addition, as a result of the court's rulings which upheld the registration of some of the candidates, while others were cancelled, ballots for five SMDs had to be reprinted close to the distribution deadline. According to the CEC, in a few instances before election day the CEC was required to reprint ballots due to candidates' names being erroneously marked by PEC members with the stamp "withdrawn".²⁷ See also section on *Candidate Registration*.

B. LOWER-LEVEL COMMISSIONS

DECs were initially composed of 18 members, met on regular basis and performed in an overall professional manner despite the heavy workload. Members were nominated by parties with parliamentary factions and those that contested the last parliamentary elections.²⁸ Contrary to a prior ODIHR recommendation, 63 per cent of the DEC members, including 478 in executive positions, were replaced late in the process, mostly by their nominating parties.²⁹ In some of the DECs, parties could not nominate replacements reducing the number of DEC members. Some ODIHR EOM interlocutors alleged that DEC positions may have been traded among nominating parties. This practice negatively

²⁶ On 24 May, the CEC adopted a resolution appealing to the president, the parliament and the cabinet of ministers. The resolution highlighted a number of problematic issues and conflicting deadlines including those for the printing of ballots. Adherence to the Law on Public Procurement would for example require at least 48 days for the process of ballot printing while the actual content of the ballot paper would not be known until 25 days before election day.

²⁷ The stamp "withdrawn" was applied to the wrong candidate's name in three SMDs: 27 (Dnipro), 32 (Krivih Rih) and 65 (Zhytomyr). Of note, in 43 out of 199 DECs, the "withdrawn" stamp was used to strike out the names of candidates who had withdrawn from the race as late as one day before election day.

²⁸ Of the 29 parties that contested the 2014 parliamentary elections, 25 exercised their right to nominate DEC members. The remaining seats were filled by drawing lots which resulted in some political parties having two members in more than half of the DECs.

²⁹ At the initial stages of DEC formation, political parties typically aimed to quickly fill their seats in DECs. At times, they did so by nominating persons who may have resided in a different area or who were simply unaware they had been nominated. These members were subsequently replaced, often due to their resignation.

affected the independence and impartiality of the DECAs, as well as the continuity in their daily work and operations.³⁰

Parties with parliamentary factions and electoral contestants could nominate their representatives to the PECs.³¹ Although the PEC nomination process was overall assessed as orderly, in some DECAs it resulted in a number of complaints and tensions with several contestants expressing mistrust in the process.³² Nomination documents submitted by electoral contestants in some of the DECAs were of poor quality and the names of some nominees were submitted by more than one electoral contestant.³³ In addition, some ODIHR EOM interlocutors alleged that so-called “technical” contestants had registered to obtain seats in PECs in order to subsequently provide them to other contenders. Such practices in addition to a high number of replacements do not ensure the commission’s stability, nor a balanced composition and proportional representation of electoral contestants in PECs as envisaged by the law and international good practice.³⁴

By law, the CEC and DECAs are responsible for the conduct of training activities at the regional and local level. In line with previous ODIHR recommendations, the CEC, through its training centre and on-line training platform, implemented a comprehensive training programme for election commissioners at the DEC and PEC levels. While trainings were overall positively assessed by the participants and ODIHR EOM observers, the reduced participation at most trainings observed and the large number of replacements of commission members diminished the value of these efforts. The short time to conduct trainings of a large number of PEC members also limited the number of election commissioners actually trained.³⁵

Consideration should be given to revising the method of formation of DECAs and PECs, including by limiting the possibility for replacements of commissioners, introducing their compulsory training and certification, at least at the DEC level, and creating a national register of election commissioners as an alternative mechanism for the recruitment of the PEC members. The possibility to establish permanent DECAs could also be considered.

No election bodies could be formed in the Autonomous Republic of Crimea and the City of Sevastopol (Crimea), or in the parts of Donetsk and Luhansk *oblasts* beyond the government’s control. Over 70 special polling stations for military personnel could not be opened as the law does not provide for that.³⁶

³⁰ Section II.3.1.77 of the explanatory report of the 2002 Venice Commission [Code of Good Practice in Electoral Matters](#) states that “bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable...”.

³¹ As a result of the lotteries carried out by DECAs for the distribution of PEC positions, 26 parties and 1,594 majoritarian candidates were represented in PECs. Due to a shortfall of nominees, some 4 per cent of PEC members were nominated by DECAs.

³² For example, following the rejection by the DEC 47 of all PEC nominees of the European Solidarity Party without legal grounds, the CEC dismissed the entire DEC and formed it anew. Tensions were observed in DECAs 26, 30, 37, 40, 47, 96, 134 and 135.

³³ Duplications were identified for example in DECAs 36, 38, 120, 133, 189, 217.

³⁴ Replacement of PEC members started immediately after their formation and by election day had reached up to 70 per cent in some districts. ODIHR EOM observers were informed by interlocutors that one of the reasons for the replacement is election commissioners’ unwillingness to take on large responsibilities with low remuneration. ODIHR EOM observers were consistently informed that although commission members are paid from the state budget, in practice it was candidates who were expected to pay the commissioners they had nominated. In some cases observed by the ODIHR EOM, PEC members nominated by one party were paid by another.

³⁵ According to the analysis provided by the CEC training centre, training was attended by 56 per cent of DEC members (2,013 out of 3,582). However 55 per cent of those trained members were replaced by political parties during the election period. Training conducted for polling station staff was only attended by 10 per cent of PEC members (44,155 out of 421,980).

³⁶ Temporary special polling stations created in exceptional circumstances were opened for the presidential election.

Voters from military units along the contact line could use the opportunity to change their voting address and vote at the nearest ordinary polling station.

The unified information and analytical system “Vyborgy” serves as the management and communication tool between DEC and the CEC. It allows for automatic allocation of executive positions in DEC and PEC, posting of DEC decisions and candidates financial reports on the CEC website, and the transmission and public display of the results on election day. Although provided by the system, DEC did not consistently post their decisions nor update information regarding replacements in PEC, which decreased the transparency of the DEC work. The ODIHR EOM was informed by the CEC that the security of the “Vyborgy” system was recently increased through the acquisition of new equipment and special working groups created at the central and regional levels. No cyber-attacks were reported before or on the election day.

VII. VOTER REGISTRATION

Citizens 18 years of age by election day are eligible to vote, unless declared mentally incapacitated by a court decision. The denial of voting rights of persons recognized by a court to lack legal capacity on the grounds of mental disability is at odds with international obligations.³⁷

In line with international obligations, restrictions on the suffrage rights of persons with mental disabilities should be removed.

Voter registration is passive and continuous. It is based on the centralized State Voter Register (SVR) administered by the CEC and updated monthly. It is continuously maintained by 27 Registration Administration Bodies and 759 Register Maintenance Bodies (RMBs), based on information provided by the local branches of state institutions including on voters’ civil status, registration, and citizenship.³⁸

Voter lists are extracted from the SVR and compiled separately for each polling station. Preliminary voter lists, together with voter invitation cards, were transferred by the respective RMB to regular polling stations within the legal deadline. PEC made preliminary voter lists available for public scrutiny the day after they received them in order to allow voters to verify their records and request amendments. Voters could also check their records, including their respective polling station, online or at the RMBs where they were registered.³⁹

According to the SVR office, the total number of registered voters on 31 July was 35,557,929. Voter lists did not include some 4.6 million voters registered in areas where voting could not take place and some 1 million voters without a registered address.⁴⁰ While the Law on SVR provides an opportunity

³⁷ Articles 12 and 29 of the [UN Convention on the Rights of Persons with Disabilities](#) require that “State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and ensure their “right and opportunity [...] to vote and be elected”.

³⁸ Eighty-two RMBs located in territories outside government control, including Crimea, are currently not functioning. According to the SVR, this impacted 4,635,770 voters.

³⁹ Voters could request amendments and corrections to their records with RMBs and local courts up to five and two days before election day, respectively.

⁴⁰ The registration system, known as the *propiska*, is permission-based rather than declarative. Citizens who move from one community to another must formally prove their right to live in a dwelling by providing proof of property ownership or rental of property. The [2001 PACE Report on the effects of the propiska system](#) notes that “Forced migrants as well as asylum seekers and refugees are more than other groups of the population suffering from the vestiges of *propiska* in different areas of life...” and they risk facing “deprivation of... social, economic and political rights.” The report recommends to “accelerate the implementation of new residence registration systems which would serve only for information purposes”.

for RMBs to establish a voting address for those who do not have one, it does not list the grounds for taking such a decision and leaves it to the discretion of the RMBs. RMBs lacked a common understanding of their mandate in this regard.⁴¹ Despite a high number of voters not having a registered address, and difficulties for them to obtain one, most ODIHR EOM interlocutors expressed confidence in the accuracy of the voter lists.

To ensure equal suffrage and facilitate the participation of disenfranchised voters, the authorities should take effective measures to alleviate obstacles imposed by the residence registration system.

The election law allows all eligible voters to change on a temporary basis their voting address, without changing their permanent registration. Requests must be filed personally by the voter no later than five days before election day to the RMB either where the voter is registered or intends to vote.⁴² In a welcome development, voters were no longer required to provide proof of absence from their place of registration. The majority of 280,922 voters who submitted such requests, intended to vote outside of their district, and were therefore only entitled to the proportional ballot.⁴³ Some ODIHR EOM interlocutors considered this to be a disenfranchisement of voters who are IDPs or internal migrants.⁴⁴

There was no targeted nationwide information or awareness campaign to inform citizens, including IDPs, of the simplified procedure for change of voting address. Some civil society organisations prepared voter education materials addressing this issue but its delayed approval by the CEC and the National Council for Television and Radio Broadcasting reduced the impact of their efforts. Some ODIHR EOM interlocutors noted that systematic and effective voter education could have contributed to an increased participation.⁴⁵

VIII. CANDIDATE NOMINATION AND REGISTRATION

While candidate registration resulted in an overall politically diverse field of candidates, disproportionate limitations on the right to stand, lack of clear instructions for filling in registration documents, and a restrictive interpretation of candidate registration rules negatively impacted the inclusiveness of the candidate registration process.

A citizen of Ukraine over the age of 21 on election day with voting rights can run for parliament. The right to stand is denied to individuals with a non-expunged criminal record for an intentional crime, regardless of its severity, and those not resident in the country for the five years prior to

⁴¹ Only 3,331 such voters were assigned a voting address. In some 440 cases, courts assigned a voting address based on various supporting documents proving residence in a given area.

⁴² The law does not provide voters with disabilities with an opportunity to submit a request through a proxy. Some RMBs met by the ODIHR EOM had a varied understanding about whether or not this category of voters can be represented by a proxy.

⁴³ Kyiv and Kyiv *oblast* received the majority of requests. The main reasons for requesting a change were: actual residence in a different location (29 per cent), registration in the parts of the territories of Donetsk and Luhansk *oblasts* not under government control (16 per cent), DEC/PEC members on duty away from their place of registration (16 per cent), holidays and/or travelling (11.3 per cent), and registration in Crimea (0.84 per cent).

⁴⁴ According to [UNCHR](#), as of 15 July there was a total of 1,392,085 IDPs registered with the Ministry of Social Policy. The draft Law on the voting rights of IDPs and other mobile groups pending in parliament since 2017 aims to lift barriers to enfranchisement imposed by the residence registration system. On 30 July, 75 non-government organizations (NGOs) called on the President to initiate the necessary legislative changes in a swift manner, as most of the IDPs and other mobile groups of voters would be disenfranchised in the next local elections.

⁴⁵ Paragraph 11 of the 1996 CCPR [General Comment No. 25](#) underscores the importance of voter education and registration campaigns as necessary measures to ensure the effective exercise of political rights by an informed community.

election day.⁴⁶ These restrictions are at odds with OSCE commitments and other international obligations.⁴⁷

Restrictions on the right to stand which conflict with OSCE commitments and other international obligations and standards should be removed.

Candidate registration lasted one month, from 24 May to 25 June. The CEC had to decide on more than 6,300 registration requests within five days of receiving a nomination, with the vast majority of documents submitted three days prior to the deadline. A total of 5,967 candidates were registered: 2,747 on 22 party lists and 3,220 in SMDs of whom 1,404 were fielded by parties and 1,679 were self-nominated.

The election law stipulates numerous requirements for the nomination of candidates, including the submission of a plethora of documents and payment of a financial deposit.⁴⁸ While political parties can provide documents on behalf of candidates on their proportional lists or in the SMD, self-nominated candidates are subject to a more cumbersome procedure as documents must be submitted in person. The differing procedural requirements challenge equality of opportunity between nominees.

The CEC developed several templates for applications but did not provide clear instructions on how to complete them. Moreover, it did not notify prospective candidates in a consistent manner about errors or omissions in their documents to allow them to make timely corrections, leaving them at times unable to correct mistakes. While the legislation states that errors or omissions detected in documents submitted by candidates for registration shall be subject to correction and shall not be a reason for refusing to register a candidate, the CEC considered nomination documents that did not contain all required data as missing.⁴⁹ Overall, 487 nominees, including lists of 3 political parties, were not registered, mostly for minor omissions.

⁴⁶ A total of 14 candidates were not registered due to non-compliance with the residency requirement. While the Law on Citizenship lists exemptions from the residency requirement, the courts took the exceptional circumstances of four candidates into account, interpreted the law broadly, and allowed them to run. Examples of exceptional circumstances included: revocation of citizenship and alleged abduction. The CEC did not register two of these candidates, contrary to court decisions, after reviewing evidence on their absence provided by law-enforcement agencies.

⁴⁷ Paragraph 15 of the [1996 UNHRC General Comment No. 25 to Article 25](#) of the CCPR states that any restrictions on the right to stand for election must be justifiable on objective and reasonable criteria and persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education or residence. The [Code of Good Practice](#), point I 1.1 c iii-iv: iii. states that “a length of residence requirement may be imposed on nationals solely for local or regional elections; iv. the requisite period of residence should not exceed six months.” Section 1.1.d of the [Code of Good Practice](#), recommends that the “deprivation of the right to stand for election must be based on a criminal conviction for a serious offence.” See Paragraph 24 of the [1990 OSCE Copenhagen Document](#) which provides that “participating States will ensure that the exercise of all the human rights and fundamental freedoms will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law”. See also the ECtHR [Hirst v. United Kingdom, no. 74025/01](#).

⁴⁸ The electoral deposit equals 1,000 minimum salaries (approx. EUR 136,000) for party lists and 10 minimum salaries (approx. EUR 1,360) for candidates in SMDs. In January 2019, the minimum monthly salary was set at UAH 4,173 (EUR 141). At the time of elections, 1 EUR equalled approximately UAH 30.

⁴⁹ 106 rejections were due to missing data in the autobiography; some 60 candidates were rejected due to lack of data about their social work, failure to provide a photo or telephone number, or other minor issues. 15 candidates were rejected due to failure to declare their willingness to resign from activities incompatible with an MP’s status if elected. More than 20 candidates were rejected as the financial deposit was not paid by them personally which was considered as a non-payment.

The CEC should provide clear instructions on how to complete candidate applications. An effective notification mechanism could be introduced to ensure that prospective candidates are informed of mistakes or omissions in their nomination documents to allow them to make timely corrections.

Some 125 CEC decisions were appealed to the Sixth Administrative Court of Appeal in Kyiv, and most of them further to the Supreme Court. In some cases, courts provided an inclusive interpretation of the law and overturned CEC denials of candidacy, and ultimately 1 out of 3 parties and 31 SMD candidates were registered based on court decisions.⁵⁰ Some of these cases remained under consideration by the courts during the campaign and up until election day thereby undermining the principle of equal opportunity to campaign. Moreover, the deadlines for appealing CEC or court decisions conflict with the legal deadline for the drawing of lots for the numbering and positioning of parties on the proportional ballot; this negatively impacted the printing of SMD ballots.⁵¹

Decisions related to candidate registration should be taken sufficiently in advance to facilitate equal campaign opportunities and avoid overlapping deadlines for drawing lots for the numbering and positioning on the proportional ballot, and the printing of ballots.

The Law on Political Parties stipulates that a 30 per cent quota requirement for either gender on electoral lists be written into party statutes; however, there is no enforcement mechanism. For these elections, 13 of 22 parties complied with the quota requirement.⁵² Only 16 per cent of SMD candidates were women.

Consideration should be given to addressing women's underrepresentation in parliament through stricter enforcement mechanisms, including proportionate and dissuasive sanctions, and/or additional special temporary measures that could create more equitable conditions for all candidates. Political parties could consider ways to further increase gender balance on their party lists.

IX. CAMPAIGN ENVIRONMENT

Overall, contestants were able to freely convey their messages to voters and fundamental freedoms of expression and assembly were respected. The campaign was competitive with a range of candidates representing a wide spectrum of political options. The elections were characterised by a phenomenon which became known as “cloning”: namely, the misappropriation by several self-nominated candidates of the brand name of a party that eventually won. Widespread vote-buying practices may have influenced voting choices and misuse of incumbency impeded equality of opportunity for contestants.

Contestants' platforms focused on the economy, the fight against corruption, the need for “*de-oligarchisation*” of political life and conflict resolution. Future relations with the EU, NATO and the

⁵⁰ For example, the CEC considered the decision of the congress of the political party *Rukh Novykh Syl* (Movement of New Forces) led by Mikheil Saakashvili as not being in line with its charter and rejected the whole party list as well as its majoritarian candidates. The decision was overturned by both the Sixth Administrative Court of Appeal and the Supreme Court on appeal.

⁵¹ On 4 July, when some 5.2 million ballots had already been printed, the Sixth Administrative Court of Appeal ruled to annul the CEC decision to not re-draw lots for numbering parties on the proportional ballot. The ruling was overturned by the Supreme Court on 8 July.

⁵² Of the total number of registered candidates, 23 per cent were female, while women representation in the nationwide constituency lists was 31 per cent. However, the average representation of women candidates in the first 10 positions was 27 per cent. This figure increased to 34 per cent for women candidates placed in the last 10 positions.

Russian Federation were the overarching issue, particularly for the main contestants.⁵³ Majoritarian candidates additionally campaigned on local issues including infrastructure and tourism development, unemployment, healthcare and the environment.

As of 5 July, President Zelenskyy, who was nominated by the Servant of the People party in the presidential election, visited different regions introducing the newly appointed heads of regional administration while also emphasizing some priorities of his presidency, which were clearly associated with the party's main electoral slogans. Prime Minister Volodymyr Hroysman – the leader of the Ukrainian Strategy party – extensively toured the country praising his government's achievements, which was also promoted through political ads marked as such.⁵⁴ Such activities undertaken by incumbents provided them and the candidates they support with an undue advantage.

The Orthodox Church of Ukraine which was created in January 2019 highlighted in its pre-electoral statement the importance of the Euro-Atlantic orientation of the country as a guarantee to prevent the revenge of forces which might reduce Ukraine's independence. The narrative of the statement was similar to the one used by the European Solidarity and could be interpreted as a support for this party.

Most ODIHR EOM interlocutors opined that the majoritarian contests were subject to significantly more malpractices than the nationwide one and often involved high expenditures by the incumbents, candidates, oligarchs and local businesspeople. While parliament was still functioning throughout most of the campaign, some 70 per cent of outgoing MPs stood for re-election.⁵⁵ A number of incumbent MPs and mayors, who stood as candidates, often misused their incumbency, including through promising and providing benefits to entice voters.⁵⁶ In some instances, the state and local administration either clearly endorsed some majoritarian candidates or granted them preferential treatment.⁵⁷

Further efforts by law-enforcement agencies are needed to ensure freedom of voters to form an opinion by effectively preventing and punishing misuse of administrative resources in campaigns. Electoral contestants should make stronger efforts to refrain from using public office and government-funded projects to gain an unfair electoral advantage during the campaign period.

Widespread reports of vote buying practices included charity works, free food or pharmacy packages, medical services, lottery tickets and awards, paying for electricity bills, free concert tickets, daily trips,

⁵³ On 10 July, leaders of the Opposition Platform - For Life were received by the Russian Prime Minister Dmitri Medvedev in Moscow; on 18 July, Victor Medvedchuk, the chairman of the party's political council met President Vladimir Putin in Saint Petersburg. Settlement of the conflict and gas supplies were discussed on both occasions.

⁵⁴ Paid-for political ads were aired on *ICTV* and *Ukraina TV* describing the achievements of the government. Between 10 June and 10 July, Prime Minister Hroysman visited Chernihiv, Kharkiv, Kyiv, Odesa, Poltava, Rivne, Vinnytsa, and Zhytomir *oblasts*.

⁵⁵ A total of 307 MPs stood for re-election; 192 of them competed in SMDs.

⁵⁶ For instance, a one-time payment to 259 socially vulnerable persons by Odesa city council on 9 July. Incumbent candidates invited voters to apply for social benefits through party offices and the local councils; used their public offices as campaign headquarters; promoted as personal achievements on their campaign materials state infrastructure projects and increase of salaries in state companies; workers on state infrastructure projects wore vests with candidates' names; mayors and incumbents organised closed campaign events for municipal employees at employment places during working hours; the Servant of the People campaign methods involved meeting local opinion leaders, often academic staff, in regional universities. Six incumbent mayors stood as candidates including in key districts in the cities of Kharkiv, Lviv, Mariupol, Odesa, Uzhhorod and Zaporizhia.

⁵⁷ For instance, mayors and their preferred candidates addressed attendees at public events in the cities of Mykolaiv, Ivano-Frankivsk, Dnipro, Kharkiv and Transcarpathian *oblasts*. The mayor of Chernihiv appeared on billboards of a self-nominated candidate. A candidate in Ivano-Frankivsk associated herself on billboards with the mayor. The mayors of Khust and Mariupol endorsed some self-nominated candidates. The ODIHR EOM received credible allegations that mayors limited equal access to billboards in the cities of Kharkiv, Mariupol, Zaporizhia as well as in Donetsk, Odesa and Poltava *oblasts*.

salary bonuses in private companies, meals, as well as cash. Over 300 criminal investigations into vote buying were initiated by the National Police.⁵⁸ The ODIHR EOM also received reports and observed instances of pressure on public and private sector employees and students to attend campaign events or to vote in a certain manner.⁵⁹

Consideration should be given to amending the law to strengthen provisions on electoral offences, including on vote-buying, and to provide proportionate and dissuasive sanctions. Law-enforcement agencies should take steps to ensure that all electoral offences, including vote-buying, are investigated effectively and promptly, in an independent and impartial manner, and that perpetrators are brought to justice in accordance with the law.

In close to one third of SMDs (55), 79 self-nominated candidates appeared on the ballot under the brand name of “Servant of the People” running against candidates who were nominated by that party.⁶⁰ In 45 SMDs, a total of 152 candidates had 69 identical or similar names and/or surnames, a persisting electoral malpractice. The police opened 46 investigations on “clone” candidates. The practice of majoritarian candidates using visual characteristics of competing parties’ campaigns misled voters, diminished their ability to make an informed choice and impacted the election results in some of the majoritarian contests.⁶¹ See also section on *Election Day – Announcement of Results*.

A variety of means were used to reach out to the electorate, including concerts, small gatherings and door-to-door canvassing.⁶² At campaign events, entertainment often prevailed over policy platforms. Television, online and social media platforms were used in abundance, as were billboards and posters, often unmarked.⁶³ Extensive campaigning was conducted on behalf of contestants by public associations affiliated to them. On 19 July, the National Anti-Corruption Bureau and the State Investigation Bureau searched the offices of companies partially belonging to the European Solidarity’s leader, former president Poroshenko.⁶⁴ Instances of physical assaults on candidates were noted.⁶⁵ In addition,

⁵⁸ The National Police are investigating pyramid schemes for vote buying whereby voters were recruited to enrol other voters into the scheme in both cases through the offer of payment or goods. Individual known as *domovoy* were in charge of gifts or cash distribution to residents in certain buildings, in some cases on behalf of more than one candidate.

⁵⁹ For instance, on 10 July, students were pressured to provide organisational support for the event of one of the frontrunners in SMD 135 in Odesa. Also on 10 July, during a campaign event organized by the Civil Platform in Lviv *oblast*, participants were forced by campaign staff to return in the pouring rain to the event whose main speaker was the head of the party. In SMD 78 (Zaporizhia *oblast*) employees of a company owned by a party-nominated SMD candidate were required to identify 10 people who would vote for the candidate. Refusing to do so would result in dismissal from the work place. In Mariupol (Donetsk *oblast*), on 27 June public sector employees, including teachers, were instructed during working hours to attend a campaign event of an Opposition Bloc candidate.

⁶⁰ The ballot stated that these majoritarian candidates were employed by the Servant of the People. The Ministry of Interior initiated actions based on a complaint filed by Servant of the People. Of note, the unified registry of legal entities held by the Ministry of Justice lists at least 44 entities with the name of Servant of the People. Self-nominated candidates used the Holos party (Voice) brand name in 5 SMDs.

⁶¹ The ODIHR EOM observed “clone” campaigns using colors and visual characteristics of the Servant of the People campaign in Dnipropetrovsk and Kyiv *oblasts* as well as in the city of Kharkiv.

⁶² The ODIHR EOM observed 159 campaign events of the main contenders across the country.

⁶³ The National Police reported 699 cases of unmarked campaign material. Facebook [removed 168 accounts, 149 Facebook pages and 79 groups](#) for engaging in coordinated inauthentic behaviour in Ukraine.

⁶⁴ The European Solidarity described the searches as aiming to discredit the party and its leader on the eve of the elections.

⁶⁵ On 16 July an Opposition Block candidate contesting SMD 132 in Mykolaiv *oblast* was found dead; a murder investigation was opened. On 13 July, a candidate nominated by Servant of the People to contest SMD 190 in Khmelnytsky *oblast* reported to the police death threats unless he withdraws his candidacy. A self-nominated SMD candidate in Sumy *oblast* was severely beaten, and another one was threatened at gun point in Vinnytsia *oblast*; a Freedom Party nominated candidate in Khmelnytsky *oblast* was attacked with a knife.

disruption of campaign events and attacks on campaign tents were reported.⁶⁶ Over 100 investigations into hooliganism were initiated by the National Police.

Whereas most contestants chose to campaign in Ukrainian, others opted for Russian. The tone of some of the main contenders polarizing and divisive; instances of inflammatory language and negative campaigning were noted.⁶⁷

Women participation in political TV programmes was limited to the five most well-known female politicians (from Fatherland, Servant of the People, and Opposition Platform – For Life). Some instances of gender stereotyping were noted in *112* and *1+1* private TV channels. On a positive note, *UA:Pershyi* strived to promote gender equality by inviting less known female political representatives. Women participated as speakers in some 35 per cent of campaign events observed, which rarely addressed issues of gender equality.

X. CAMPAIGN FINANCE

Legal amendments in 2015 partly addressed some prior ODIHR and Council of Europe’s Group of States against Corruption (GRECO) recommendations, including by partly harmonizing campaign finance rules in all types of elections and general party finances, better defining various sources of income, publishing disaggregated campaign finance reports and introducing independent auditing of party and campaign finances.⁶⁸ However, the regulatory framework, as currently implemented, does not ensure the transparency of campaign finances, allows for the undue impact of big donors on politics, clientelism, patronage and excessive influence of campaign spending on the will of voters.

A. DISCLOSURE AND REPORTING

Parties and majoritarian candidates contesting in SMDs are required to receive all campaign-related incomes and incur all expenditures through dedicated bank accounts (electoral funds). Whereas contestants are allowed to start campaigning on the day following their registration by the CEC, they have an additional ten days to open bank accounts. Furthermore, several contestants started campaigning before their registration. Whereas all parties opened electoral funds, as required by law, 778 majoritarian candidates received warnings by the CEC for failing to do so.⁶⁹ As allowed by law, electoral funds were

⁶⁶ City offices of Opposition Platform – For Life were attacked in Mariupol and Kharkiv, as were those of European Solidarity in Zaporizhia; the campaign office of a self-nominated candidate in Odesa *oblast* was also vandalized. Smoke bombs were thrown into the office of a self-nominated candidate and former head of the regional administration (dismissed on 27 June) of Zhytomyr. The campaign tents of the following parties were destroyed: Opposition Bloc in Mariupol, Fatherland in Chernihiv and Servant of the People in Kharkiv. Disruptions of campaign events were observed in Chernivtsi, Khmelnytsky, Khust, Odesa, Uzhgorod and Zhytomyr. Also, a vehicle belonging to a self-nominated candidate in Transcarpathian *oblast* was burned as was the vehicle of Svoboda (Freedom Party) in Rivne city and that of a campaign volunteer for Servant of the People in Rivne *oblast*.

⁶⁷ Including by four parties using derogatory terms against Russians: Civil Position, European Solidarity, Self-Reliance, and Freedom Party. Inflammatory and divisive language was noted by the ODIHR EOM in some 12 per cent of rallies observed. The ODIHR EOM observed instances of: mutual accusations of vote buying between competing SMD candidates; organized appearances in rallies to interfere with the speeches of contestants; negative campaigning and disinformation on billboards and leaflets. Negative campaigning through the use of SMS and social media platform messages was reported to ODIHR EOM in Chernihiv, Lviv and Vinnytsia *oblasts* as well as in the cities of Kropyvnytskyi and Kyiv.

⁶⁸ See [Second Compliance Report on Ukraine on “Transparency of Party Funding](#) and the [Addendum](#). See also ODIHR legal opinion [“On draft amendments to some legislative acts of Ukraine concerning transparency of financing of political parties and election campaigns”](#).

⁶⁹ Some majoritarian candidates stated that they did not open funds as they only used their own funds.

opened as late as 3 July, which left earlier campaign incomes and expenditures unreported. Many candidates cited obstacles by the banks whereas others may have chosen to delay the opening of accounts.⁷⁰ Banks are required by law to inform DEC's about the opening of electoral funds, which was often not done in a timely manner.

Political parties and majoritarian candidates are required to submit campaign finance reports to the CEC and the DEC's respectively, as well as to the National Agency for the Prevention of Corruption (NAPC). The interim and final campaign finance reports of 21 parties and those of a number of majoritarian candidates were published on the CEC and NAPC websites but not on party websites.⁷¹

B. INCOME AND EXPENDITURE

A political party may spend up to UAH 370 million (approximately EUR 12.6 million) whereas a majoritarian candidate up to UAH 16 million (approximately EUR 564,000).⁷² Contestants may use their own funds up to the expenditure ceiling, which allows them to circumvent the law and does not ensure transparency.⁷³ Despite a legal prohibition, several majoritarian candidates informed that they were funded by their nominating parties; this granted party-nominated candidates an unfair advantage over self-nominated ones.⁷⁴ Contestants may also receive private monetary donations. An individual may donate up to UAH 1.6 million (approximately EUR 56,400) to a party or a candidate whereas a legal entity may donate twice as much.⁷⁵ For the first time, parties which passed the threshold to enter the parliament were entitled to reimbursement from the State Budget of their actual campaign expenditures.

There is a ban on in-kind support and donations from foreign and anonymous sources, unregistered civil society, charitable and religious organizations, other political parties, and individuals and legal entities with public procurement contracts or with tax debts as well as state and public administration bodies and legal entities owned by them or affiliated with state or local administration officials. The law allows for donations to be deposited, rather than wire-transferred, into the electoral funds thus facilitating transfers of funds from untraceable sources. Despite a cumbersome procedure for donations, ODIHR EOM interlocutors raised concerns about donation schemes aimed at exceeding the legal limits or from unlawful sources, including by companies with public procurement contracts, owned by or affiliated with candidates, including current MPs. Based on the interim financial reports, almost the whole income of contestants was transferred from the political party budgets, without disclosure of the identity of donors. While this is allowed by law, it does not provide transparency prior to election day.⁷⁶

⁷⁰ Candidates informed about delays in receiving their registration documents from the CEC as well as delays by the banks due to cumbersome procedures and bank employees with insufficient knowledge.

⁷¹ The interim reports of parties and majoritarian candidates were due 5 and 8 days prior to elections and the final reports 15 and 7 days after elections, respectively. As regards majoritarian candidates, the CEC published 1,128 interim and 1,975 final reports whereas the NAPC published 1,191 interim and the same number of final reports.

⁷² Namely, 90,000 and 4,000 times the minimum salary, respectively.

⁷³ Up to 90 per cent of the income declared in the interim campaign finance reports of the parties was transferred from their regular party funds.

⁷⁴ Namely, up to 90 per cent of the income declared at the interim campaign finance reports of the parties.

⁷⁵ Namely, 400 and 800 times the minimum monthly salary, respectively.

⁷⁶ The origins of the political party funds must be disclosed in the annual financial reports of the parties, due in the year following the elections. See Paragraph 202 of the ODIHR and Venice Commission Guidelines on Political Party Regulation which states that reports submitted by political parties "should require the disclosure of incoming contributions and an explanation of all expenditures. [...] All disclosure reports should be produced on a consolidated basis to include all levels of party activities".

Extensive campaign activities, were undertaken by public associations, including charitable ones, affiliated with parties and candidates.⁷⁷ Importantly, campaign finance regulations are not applicable to such third parties, leaving their incomes and expenditures unregulated and unreported.⁷⁸

To enhance transparency, the law should be amended to ensure that all campaign related incomes and expenditures, including those incurred by public associations affiliated with contestants, are incurred via electoral funds from the call of elections. Consideration could be given to introducing limits to the use of own funds by parties and candidates. Effective measures should be taken to ensure cooperation of financial institutions and traceability of financial transactions.

C. OVERSIGHT AND SANCTIONS

The NAPC, CEC and DEC are mandated with campaign finance oversight. The CEC and DEC are required to inform the NAPC and competent law enforcement bodies about possible violations identified in campaign finance reports. The NAPC informed that it only verifies the legality of donations listed on bank statements. The CEC is required to publish conclusions on the timeliness of the reports, the accuracy of the information reported and to conduct cross-checks against the bank statements. The CEC informed that it is not required to identify unreported incomes and expenditures, which does not ensure meaningful oversight.⁷⁹

As required by law, the CEC published its conclusions both on the interim and final reports. DEC established working groups to deal with campaign finances but they were not confident about their capacity. They did not consistently post on their information stands their conclusions on the interim reports of majoritarian candidates.⁸⁰ No campaign finance violations were identified and no sanctions were imposed. There is no graduated system of effective, proportionate and dissuasive sanctions.⁸¹

To increase transparency and accountability of campaign finances, the NAPC could be designated as the sole oversight authority to monitor compliance with campaign finance regulations. The law should be amended to prescribe effective, proportionate and dissuasive sanctions for campaign finance violations.

⁷⁷ Most political parties and a large number of self-nominated candidates had affiliated associations, which paid for campaign materials and social media advertisements, organized campaign events, offered goods and services to voters for free or at discounted prices and implemented infrastructure or social projects.

⁷⁸ [Recommendation Rec\(2003\)4 of the Committee of Ministers of the Council of Europe “On common rules against corruption in the funding of political parties and electoral campaigns”](#) states that “rules concerning donations to political parties should also apply, as appropriate, to all entities which are related directly or indirectly to a political party or are otherwise under the control of a political party”.

⁷⁹ The 2015 [Joint Opinion “On the draft amendments to some legislative acts concerning prevention of and fight against political corruption in Ukraine”](#) recommended that “in the area of corruption prevention through oversight, it is crucial that the mandates of different bodies are clearly differentiated, and easily understandable to parties, wider society, as well as the respective bodies themselves. Additionally, provisions ensuring co-ordination and information-sharing between these different bodies are necessary to avoid overlapping responsibilities”.

⁸⁰ The ODIHR EOM was not able to verify whether DEC posted their conclusions on the final reports within 30 days after election day.

⁸¹ Possible sanctions include fines ranging from UAH 1,200 – 6,770 (EUR 40 – 227) and the suspension of public funding, including reimbursement of campaign expenditures.

XI. MEDIA

A. MEDIA ENVIRONMENT

The overall media landscape is diverse but marked by a lack of autonomy from political interests. Five major private media groups owned by a handful of oligarchs have a combined audience share of over 70 per cent.⁸² The editorial policy and political agenda promoted by these private media outlets, both at national and regional levels, exclusively serve the economic and political interest of their owners. These interests also determine to a large degree access to media by contestants which undermines media autonomy and public trust.

Private television is the primary source of information, followed by news websites, social media and newspapers. According to ODIHR EOM interlocutors, a number of recently privatized print media outlets are now sustainable businesses.⁸³ On 14 June a new media holding company “News” was created by Mr. Taras Kozak following the purchase of *ZIK* channel with the intention to reach an audience in western Ukraine.⁸⁴ A number of *ZIK* channel top managers and journalists announced their resignation fearing political interference in their work.

The Ukrainian Public Broadcasting Company (UA:PBC), remains severely underfunded, with its annual budget reduced for the second consecutive year, contrary to legal requirements.⁸⁵ This reduces its ability to effectively compete with private media and to perform its public-service role at the national and local level as provided by law. Moreover, UA:PBC’s low audience share shows that despite its quality programmes it does not yet represent an alternative to the deeply politicized private media sector.

Parliament should safeguard the public broadcaster’s editorial independence by providing it with sufficient funding and granting it full financial autonomy. Sufficient and sustainable funding would allow UA:PBC to fulfil its objectives as a public service broadcaster and serve as an alternative to the highly politicized and controlled private media sector.

B. LEGAL FRAMEWORK

The Constitution guarantees freedom of speech and prohibits censorship, and the legal framework provides for general media freedom. Yet, journalists’ safety remains a major concern as they face the threat of violence and intimidation; this often results in self-censorship.⁸⁶ Most recently, a prominent investigative journalist known for reporting on corruption died after a violent attack on 4 May in Cherkasy and another journalist was brutally attacked while performing his activities in Kharkiv on 7

⁸² The five major media groups are Star Light Media, 1+1 Media, Inter Media, Media Group Ukraine and *Novyny* News.

⁸³ The 2016 law “On reforming the state and municipal print media” provided for 760 communal and state-owned media to finalize the privatization process by the end of 2018. To date, according to the State Committee of Television and Radio, 593 print media have completed the transformation procedures.

⁸⁴ Mr Kozak was an outgoing MP running in 10th position on the party ticket of Opposition Platform-For Life. He is also the owner of TV channels *112* and *NewsOne* purchased in 2018. With the newly purchased *ZIK* TV, they form the new media group *Novyny* (News) with five per cent of total viewership in the broadcasting sector. Mr. Kozak is also a close ally and party proxy of Mr. Viktor Medvedchuk, a long-standing Ukrainian politician and an oligarch close to the Russian president Vladimir Putin. Mr. Medvedchuk was positioned third on the list of Opposition Party-For Life. Mr. Kozak was re-elected to parliament.

⁸⁵ The current state budget only allocates around half of the legally required funding to the public-service broadcaster. The law on Public Television and Radio Broadcasting guarantees *UA:PBC* a fixed amount of 0.2 per cent of the previous year’s state budget.

⁸⁶ See the [26th report of the Office of the United Nations High Commissioner for Human Rights](#).

June.⁸⁷ A relatively high number of violations against journalists' rights have been recorded by national and international human rights organizations, and despite legislation protecting journalists, numerous court cases are still pending.

The competent authorities should take all necessary measures to protect journalists, in particular those who investigate and report on matters of public interest, from attacks and all forms of impediments to their activities. Infringements on the freedom of the media should be duly investigated, pending cases addressed, and the law should be applied in a consistent and effective manner.

The conduct of the media during the campaign is regulated by the election law, which stipulates that both public and private media shall offer balanced and unbiased coverage of contestants. Paid political advertising has to be clearly marked as such and is allowed on public and private media after the registration of the candidate by the CEC. On 2 July, in line with the law, the CEC allocated free airtime to all contestants on public national and regional media.⁸⁸

Media compliance with legal requirements is monitored by the National Council for Television and Radio Broadcasting (NCTRB). The NCTRB chose not to exercise its powers to effectively respond to media violations during the election period.⁸⁹ Unlike in previous parliamentary elections, parliament did not adopt a moratorium on media inspections to ensure freedom of expression and uninterrupted coverage of election-related events by media outlets. On 8 July, the Prosecutor General launched criminal proceedings against *NewsOne* TV on the grounds of state treason. On 9 July, the NCTRB initiated an inspection of *NewsOne* TV following the latter's announcement to launch on 12 July a live telecast in partnership with a Russian state-owned TV Channel.⁹⁰ On 13 July, *112 Ukraina*, part of the same media holding, was subject to a grenade attack against its premises.⁹¹ On 30 July, the NCTRB announced on its website the application of sanctions to *NewsOne* TV on the grounds of incitement to hatred.⁹²

On 1 August, *Ukrinform* news agency was attacked by the far right-wing organization "Tradition and Order" during a joint press conference held by two European Solidarity SMD candidates who described irregularities which took place in DEC 50 (Pokrovsk, Donetsk *oblast*). Media workers were injured and equipment damaged.⁹³

The independence of the NCTRB should be guaranteed. Legislation governing the NCTRB should be amended to strengthen sanctions for violations of media-related provisions and prescribe short

⁸⁷ The OSCE Representative on Freedom of the Media (OSCE RFoM) strongly condemned the attacks. See statements from [6 May 2019](#), [11 June 2019](#) and [20 June 2019](#).

⁸⁸ A CEC resolution defines the modalities for allocating free airtime and space in public and state broadcast and print media through a lottery system. Contestants will receive up to 60 minutes in the national public media divided in two blocks of 30 minutes each. Allocation of free airtime in the regional public media are to be decided locally by UA: PBC local branches.

⁸⁹ The NCTRB consists of eight members appointed for a five-year term renewable once. Parliament and the president each appoint four members. The body was not fully operational until 7 July due to an inability to meet the quorum.

⁹⁰ The telecast 'We Need to Talk' was an initiative by *NewsOne* TV and *Russia24* TV Channel – the latter has been banned in Ukraine since 2014. The NCTRB initiated an inspection based on the outlet's alleged violation of legal provisions which prohibit incitement of hatred and challenges to Ukraine's territorial integrity. Public protests, criticism from President Zelenskyy and a special session held by the National Security and Defence Council on 7 July prompted the station to cancel its plans.

⁹¹ See OSCE RFoM [statement from 13 July 2019](#) condemning the attack.

⁹² During the 2019 presidential election the NCTRB sanctioned *News One* for hate speech and anti-Ukrainian reporting. Regrettably, *NewsOne TV* and *112 Ukraina* were not available to meet the ODIHR EOM, despite repeated requests by the EOM.

⁹³ The attack was condemned by the [OSCE RFoM on his official Twitter account](#) on 2 August.

timeframes for it to react to violations. The oversight body should be proactive and duly exercise its mandate to ensure the broadcast media's compliance with existing legislation, including during elections. It should enforce the law in a timely manner, including on unmarked promotional campaign materials within news editions and publish its decisions.

C. MEDIA MONITORING FINDINGS

[Click Here to Read Media Monitoring Results](#)

The monitored media widely covered the contestants mostly within the format of debates and talk shows.⁹⁴ *UA:PBC* invited small parties and a number of SMD candidates to present their platforms and provided a neutral approach during its coverage. In line with the law, free airtime was allocated to 22 political parties on the public TV and Radio.⁹⁵ All but one party used this opportunity.

Private TV Channels failed to comply with the provisions to provide balanced and unbiased coverage. Some journalists and hosts showed a strong bias towards certain parties and candidates by favouring particular invitees, making partisan declarations as well as announcing results of opinion polls without disclosing the methodology used, as required by law. This violates professional journalistic standards and affects the ability of voters to make an informed choice due to a lack of access to objective and pluralistic information.⁹⁶

The informational channel *112 Ukraine* favoured representatives from Opposition Platform-For Life in terms of time dedicated and tone of the editorial coverage. Overall, Victor Medvechuk was the most visible political figure regularly presented through extensive broadcasting of his achievements.⁹⁷ The informational channel *Priamyi* showed a strong support toward European Solidarity and displayed negative coverage of Servant of the People during political programmes.⁹⁸ *I+I* extensively and positively covered Servant of the People while European Solidarity representatives and its party leader were covered negatively. *Ukraina TV* favoured the Radical Party and Opposition Bloc during its election coverage.⁹⁹ *ICTV* allocated 16 per cent of its election coverage to Fatherland, 14 per cent to the Ukrainian Strategy mainly through their leaders Yulia Tymoshenko and Prime Minister Hroysman who were widely covered during the campaign. There was an absence of coverage devoted to Opposition Platform-For Life in both *UkrainaTV* and *ICTV*.

Paid campaign advertising is allowed on public and private media but has to be clearly marked as such after candidates are registered by the CEC. Throughout the campaign, paid advertisements were extensively used by eight parties in particular during the last week of the campaign.¹⁰⁰

⁹⁴ The ODIHR EOM monitored six TV channels with nationwide coverage during prime time (18:00-24:00): public *UA:Persnyi* and the five private channels *Ukraina TV*, *I+I*, *ICTV*, *112 Ukraine*, and *Priamyi*. The ODIHR EOM also followed election-related content in national and regional news websites and social media accounts of some of the contestants.

⁹⁵ The parties received up to 60 minutes divided in two blocks of 30 minutes each. Allocation of free airtime in the regional public TV was decided locally by DEC's in cooperation with *UA:PBC* local branches.

⁹⁶ Paragraph 19 of the 1996 CCPR [General Comment No.25](#) requires that voters should be able to form opinions independently, free of violence or threat of violence, inducement or manipulative interference of any kind.

⁹⁷ *112Ukraina* devoted 56 per cent of its election coverage to Opposition Platform for Life, 12 to Fatherland and 5 to Servant of the People.

⁹⁸ *Priamyi* provided 52 per cent of its total editorial coverage to European Solidarity, 9 to Opposition Platform - For Life, 4 to Servant of the People often negative in tone, 6 to Radical Party, 4 to Ukrainian Strategy, 3 to Voice and 2 to Fatherland.

⁹⁹ *Ukraina TV* devoted 17 per cent of its coverage to Opposition Bloc and 16 to radical Party.

¹⁰⁰ The eight parties were as follows: Radical Party, Voice, European Solidarity, Servant of the People, Fatherland, Opposition Bloc, Ukrainian Strategy and Opposition Platform - For Life.

Regrettably, contrary to the election law, a high number of unmarked promotional material (a practice known as *jeansa*) was noted in the prime-time news of most of the monitored private TV channels predominantly featuring the Opposition Platform-For Life, European Solidarity, Radical Party, and Opposition Bloc. Representatives of regional and local media informed the ODIHR EOM that it is a widespread practice for media to publish political content in exchange for payment especially during election periods. This misleads voters and does not provide genuine information on political platforms.

XII. PARTICIPATION OF NATIONAL MINORITIES

The Constitution guarantees the equality of all citizens and provides for full political, civil, and social rights for national minorities.¹⁰¹ It also provides for the use of the national minority languages, while rendering Ukrainian the state language.¹⁰²

The legal framework relevant to national minorities is fragmented and outdated.¹⁰³ It does not provide for any special measures promoting national minority representation. While the law does not prohibit political party activity based on a linguistic or ethnic basis, the requirement that a political party form its base from two-thirds of the country's *oblasts* and the five per cent threshold for party lists discourage the emergence of parties promoting the interests of national minorities.

Overall, no particular obstacles to the participation of national minorities in the electoral process were reported. While general references to the issue of language and culture were made by most main electoral contestants, the election programmes of political parties included very few references to issues pertinent to national minorities.¹⁰⁴ The number of national minority representatives in nationwide party lists was limited. Seven representatives of the Crimean Tatar population were included in nationwide lists of five political parties.¹⁰⁵ National minority candidates in Transcarpathia noted that the current boundary delimitation in SMDs is established in a manner not favourable to national minority representation.¹⁰⁶ Several ODIHR EOM interlocutors expressed concern that this issue coupled with the existence of "clone" candidates could result in reduced representation of the Hungarian national minority in parliament.¹⁰⁷

If the current electoral system is retained, the CEC should complete the implementation of Article 18 of the election law regarding the delineation of single-mandate electoral districts well in advance of the next election cycle, and in full consultation with national minorities.

¹⁰¹ According to the last census of 2001, the majority of citizens are Ukrainians (77.8 per cent), followed by Russians (17.3 per cent). Other national minorities include Belarusians, Moldovans, Crimean Tatars, Bulgarians, Hungarians, Romanians, Poles, Roma, Jews and many other smaller groups.

¹⁰² Ukraine has ratified the Framework Convention for the Protection of National Minorities, and the European Charter for Regional or Minority Languages.

¹⁰³ The Law on National Minorities dates back to 1992, before the adoption of the current Constitution in 1996.

¹⁰⁴ General references to the issue of language and culture were made by Civic Position, European Solidarity, Fatherland, Opposition Platform – For Life, Self-Reliance, Servant of the People, Strength and Honour, Freedom Party and Voice.

¹⁰⁵ European Solidarity, Voice, Party of Greens of Ukraine, Strength and Honour, and Ukrainian Strategy of Hroysman.

¹⁰⁶ According to the election law, 'where possible' SMD boundaries should be established taking into consideration the interests of national minorities residing in the respective territory. Where the number of the national minorities living in the territorial unit is higher than necessary for the creation of one SMD, the districts should be delimited in a way that in one of the districts the national minority population constitutes the majority.

¹⁰⁷ Two out of 16 self-nominated candidates in SMD 73 had the same name, surname, and patronymic. One of them was a member of parliament, while the other was a local resident without prior experience in politics. No Hungarian minority representative was elected to parliament.

Some interlocutors informed the ODIHR EOM of the limited participation of Roma in elections, mostly due to the lack of identification documents and low levels of awareness. At the same time, it was pointed out that the number of Roma without identification documents has decreased.¹⁰⁸

The pre-election period coincided with the entry into force of the new law ‘On ensuring the functioning of the Ukrainian language as a State language’ which makes Ukrainian the sole language for the conduct of elections and referenda. According to the law, all election materials, including ballot papers and voter lists must be produced in the Ukrainian language. Campaign materials may be produced in Ukrainian and other languages in specific areas of the country. However, the legislation does not define areas of settlement of national minorities, or the minimum threshold of national minority population for this provision to become applicable. Nevertheless, national minority representatives were able to use minority languages along with the Ukrainian one in campaign materials and while campaigning.

The electoral framework should consider provisions to overcome potential obstacles, such as the language barrier, to voting and campaigning once the relevant provisions of the law “On ensuring the functioning of the Ukrainian language as a State language” enters into force.

During the pre-election period a number of high level officials from Hungary visited Transcarpathia. On 17 July, the Ukrainian Ministry of Foreign Affairs raised concerns with regard to the illegal involvement of foreign citizens in the campaign in areas populated by the Hungarian minority.¹⁰⁹

XIII. COMPLAINTS AND APPEALS

Despite an expedient process provided for by law, the dispute resolution, as currently implemented, does not ensure effective protection of electoral rights and transparency could be improved. Complaints may be filed by parties, candidates, election commissions and observers. Contrary to good practice, voters may file complaints only on violations of their personal rights.¹¹⁰ Most types of complaints may be filed either to a higher election commission or a court, at the complainant’s discretion. Concurrent jurisdiction resulted in inadmissibility of some complaints.¹¹¹ Complaints against the CEC are lodged to the Sixth Administrative Court of Appeal in Kyiv, and appeals to the Supreme Court’s Administrative Cassation Chamber which also reviews complaints against the CEC decision on the election results.

The CEC informed that it received over 10,000 applications and some 370 complaints, mostly on the composition of DECs, vote buying and campaign irregularities.¹¹² The courts reviewed some 1,000

¹⁰⁸ It should also be noted that one Roma self-nominated candidate contested SMD 136, in Odesa *oblast*. A [study](#) prepared by the ODIHR Contact Point for Roma and Sinti in 2018 and the [report](#) by Minority Rights Group Europe of 2019 indicate that while there is no countrywide comprehensive reliable data about Roma, existing information indicates that more Roma are receiving identification documents. This was reiterated to the ODIHR EOM by different Roma interlocutors in Odesa district.

¹⁰⁹ See the [statement of the Ministry of Foreign Affairs](#).

¹¹⁰ Paragraph 99 of the [Code of Good Practice](#) states that “all candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections”.

¹¹¹ The CEC denied admissibility to complaints filed against DEC decisions, citing that only DEC inactions may be challenged to the CEC whereas decisions and actions should be challenged to court. Paragraph 97 of the [Code of Good Practice](#) states that “the appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction (whether positive or negative). Neither the appellants nor the authorities should be able to choose the appeal body.”

¹¹² Between 23 May and 22 August, 370 complaints were received. 276 were not considered due to not meeting formal requirements; 9 were withdrawn and 85 discussed during CEC sessions. All decisions were published.

complaints and appeals, mainly on candidate registration, membership in election commissions and voter registration.

By law, complaints and appeals are to be considered by both election commissions and courts in open sessions with decisions made public.¹¹³ Courts complied with this requirement, informed the CEC about complaints received, and depersonalized court decisions were published online on the national registry for court decisions. Contrary to good practice, there is no template for complaints that could reduce inaccuracies.¹¹⁴ The CEC secretariat decided on the admissibility of complaints received, rejecting half of them due to technical inaccuracies, contrary to international good practice, and these decisions were not published.¹¹⁵ Subsequently, only half of the total number of complaints submitted to the CEC were reviewed in session with decisions published. DEC's did not inform the CEC about complaints received nor did they upload their decisions on complaints on the *Vybory* online system. The CEC informed that it would obtain information on complaints from DEC's and would publish statistics, but only after the elections, which does not provide sufficient transparency.

On complaints upheld, the court in some cases ordered the CEC to register the nominees and parties denied registration whereas in other cases only to reconsider their applications.¹¹⁶ In some cases of reconsideration, the CEC issued again the same decision as the one overturned by the court, contravening the law.¹¹⁷ Moreover, in some cases the court denied admissibility of the complaints filed by candidates' proxies by applying an overly restrictive interpretation of proxies' rights.¹¹⁸

To enhance transparency, the CEC could consider publishing information on all complaints received and decisions in a timely manner. All complaints should be reviewed in open sessions and all decisions should be made public in a timely manner. In line with good practice, a template for complaints could be provided and decisions on inadmissibility of complaints on formal grounds should be avoided.

The National Police registered 11,275 possible election-related criminal and administrative offences on an online portal. It initiated investigation into some 950 criminal and over 1,150 administrative cases, mostly linked to unmarked campaign materials, clone candidates, vote buying and hooliganism. The Prosecutor's Office informed that ten individuals have been indicted for vote buying, hooliganism and violation of secrecy of vote and that an investigation was initiated against the party Opposition Bloc for treason. The ODIHR EOM has not been made aware of any action taken to stop violations or any sanctions imposed.

¹¹³ The complainant, the respondent and other interested persons must be notified in advance of the time and place of the consideration of the complaint. They should also be provided with copies of the complaint and supporting documentation, at latest by the beginning of the session on the complaint.

¹¹⁴ Paragraph 96 of the [Code of Good Practice](#) stipulates that "the procedure must also be simple and providing voters with special appeal forms helps to make it so".

¹¹⁵ Namely, missing contact information of the complainant and complaints, filed after the legal deadline. Paragraph 96 of the [Code of Good Practice](#) reads that "it is necessary to eliminate formalism, and so avoid decisions of inadmissibility, especially in politically sensitive cases".

¹¹⁶ The Sixth Administrative Court of Appeal in Kyiv ordered the CEC to register O.Onishchenko, Y.Polino and the Liberal Party of Ukraine whereas the same court ordered the CEC to reconsider the applications of A.Kornatskyy, Y.Plastun, O.Molodtsova, A.Yevlakhov and the party *Rukh NovykhSyl* (M. Saakashvili).

¹¹⁷ The election law stipulates that "the election commission shall adopt a decision in accordance with the court's judgment [...] may not issue, may not adopt a decision essentially repeating the one found by the court to be illegal, unless the previous decision was invalidated for formal reasons".

¹¹⁸ For instance, the Luhansk Administrative Court reviewed on merit a complaint filed by a candidate's proxy (Case 360/3172/19) whereas it denied admissibility of another complaint filed by a candidate's proxy (Case 360/3212/19) on the grounds that the complaint was not filed explicitly on behalf of the candidate.

Cases of alleged offences should be examined promptly, thoroughly and effectively by the competent authorities and perpetrators should be held accountable in a timely manner. As prescribed by law, the competent law enforcement bodies should take immediate action to stop a violation.

XIV. CITIZEN AND INTERNATIONAL OBSERVERS

The law provides for observation of the electoral process by international and citizen observers, including non-governmental organizations (NGOs) whose statutes include election observation. In addition, each majoritarian candidate has the right to nominate proxies and observers to represent the candidate and observe the entire electoral process.

An amendment to election laws adopted in February 2019 effectively prohibited citizens of the Russian Federation and persons whose nomination was initiated or submitted by the Russian

Federation from observing elections in Ukraine.¹¹⁹ This is at odds with paragraph 8 of the 1990 OSCE Copenhagen Document.¹²⁰ Following the reinstatement of voting rights of the Russian delegation to the Parliamentary Assembly of the Council of Europe, the Ukrainian authorities withdrew their invitation to the Assembly to observe the elections.

Of the 170 NGOs which applied to the CEC, 163 were granted permission to have official observers, including 143 that applied to observe nationwide.¹²¹ Most of these NGOs were only recently created. In a number of cases, their names were similar to those of several political parties, which raised concerns about their affiliation to particular parties or candidates. Misuse of citizen observation can negatively impact the perception of impartiality of citizen observers and their role in the electoral process.¹²² The ODIHR EOM noted only a few NGOs active throughout the country in the pre-election period. According to the CEC website, a total of 27,879 citizen observers were accredited, most of whom were from four NGOs.¹²³ The CEC registered over 1,719 international observers from 33 organizations or foreign states.

Political parties, candidates and citizen observer organizations should not misuse citizen observation and respect a clear separation of partisan and non-partisan election observation.

¹¹⁹ The amended legislation bans “participation of the nominees or citizens of the aggressor state or the occupying power, as determined by the Verkhovna Rada”. The Director of ODIHR in a [statement](#) of 7 February expressed her regret over this decision, as did the OSCE Chairperson-in-Office in a [statement](#) of 8 February.

¹²⁰ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that “participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process...”. The ODIHR EOM’s request for accreditation included short-term observers seconded by the Russian Federation, but they were not accredited by the authorities.

¹²¹ Seven were rejected by the CEC on the grounds of late submission of documents or lack of election observation activities listed in their statutes. None of them appealed the decision.

¹²² Paragraph 8 of the [Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations](#) states that “no one should be allowed to be a non-partisan citizen election observer or monitor unless she or he is free from any political, economic or other conflict of interest that would hinder that person from conducting her or his election observation and monitoring activities in a non-discriminatory, impartial accurate and timely manner”.

¹²³ Civil Network OPORA, Committee of Voters of Ukraine, Civil Movement Ukrainian Strategy, and Leading Legal Initiatives.

XV. ELECTION DAY

Election day was generally peaceful, with turnout announced by the CEC at 49.84 per cent. The practice of replacement of DEC and PEC members continued throughout election day and during the tabulation process.¹²⁴ Preliminary election results by polling station were posted on the CEC website starting from 22:00 on election night.

Campaign silence must commence at midnight on Friday before election day. Nevertheless, campaign materials were not removed in most *oblasts* across the country and new unmarked posters and billboards appeared.¹²⁵ Extensive use of political advertisements on the Facebook pages of the main parties also continued.¹²⁶ Throughout election day, *Priamyi TV* in partnership with *Channel 5* aired a live broadcast entitled “Stop Revenge” – one of the main slogans of European Solidarity. Party representatives used the telecast to inform voters of policy successes of the party and its leader Petro Poroshenko. Television channel *112 Ukraine* aired at least three prayer services in the name of ‘For Life’, a clear reference to the electoral contestant Opposition Platform – For Life. Mr. Rabinovich – second on the party list – appealed to voters to exercise their right to vote otherwise ‘For Life’ would lose.

The MoIA announced that some 2,100 election related applications were lodged with the police concerning irregularities on election day. Over 70 criminal investigations were opened on interference in electoral rights, vote-buying and falsification of election documents.

A. OPENING AND VOTING

Opening procedures were assessed positively in 97 per cent of 197 polling stations observed. With few exceptions, established procedures were followed. Voting was assessed positively in 99 per cent of 2,565 polling stations observed. IEOM observers characterized the process as transparent and well organized with a high level of adherence to established procedures.

Issues related to the secrecy of the vote were noted; voters did not always mark their ballots in secrecy in 5 per cent of observations and did not always fold their ballot prior to casting it in two-thirds of observations. Overcrowding was reported in 3 per cent of observations, possibly also contributing to challenges to the secrecy of the vote. In 10 per cent of observations, one or more voters were not allowed to vote mostly due to not presenting proper identification documents, not being in the voter list and subsequently redirected to another polling station which is indicative of voters not being adequately informed of their assigned polling station. Some 61 per cent of polling stations were not accessible to

¹²⁴ On election day, following the request by the Self-Reliance party, DEC 94 (Kyiv *oblast*) replaced Self-Reliance PEC members in 54 polling stations. A complaint filed by the party on election day which requested the dismissal of the entire DEC 94 was not considered by the CEC. In DEC 198 (Cherkasy *oblast*) two commissioners were replaced. DEC 124 (Lviv *oblast*), a Secretary and DEC member were replaced on the morning of the election. On 24 July, in DEC 207 (Chernihiv *oblast*), the Chairperson was replaced for impediment to the work of the commission and for sabotaging the tabulation process. The replacement took place upon the request and complaint filed by the DEC to the CEC.

¹²⁵ For example, on 20 July numerous newly erected billboards appeared throughout Zhytomyr and Poltava with the slogan of Servant of the People “let’s beat them one more time”. While the billboards did not contain the party name, they used the same colours and patterns as those used on the party’s campaign materials. In Chernihiv, Kharkiv and Pokrovsk, Opposition Bloc erected billboards that no longer contained the party logo but were otherwise identical to those used during the campaign. In Dnipro, Opposition Platform – For Life erected billboards with the party logo, but no text. In Melitopol (Zaporizhia *oblast*), the incumbent mayor and self-nominated candidate advertised a concert through billboards with the same graphic design and colours as those of his campaign materials.

¹²⁶ European Solidarity, Fatherland, Freedom, Opposition Party - For Life, Power and Honour, Servant of the People, and Voice.

persons with physical disabilities, and in 24 per cent of observations the layout inside the polling station was not suitable for them.

Additional measures should be taken to further facilitate independent access and participation of voters with disabilities. In doing so, the principles of universal design and reasonable accommodation should be followed wherever possible.

Persons not authorized to be inside the polling station were noted in 5 per cent of observations, approximately half of them police or security officials. Candidate and party observers were present in 97 per cent of observations and citizen observers in 31 per cent.

B. CLOSING AND COUNTING

The vote count was assessed positively in 89 per cent of 286 polling stations observed. Counting was transparent, and candidate and party observers were present at almost all counts observed, while citizen observers were present at one third. Unauthorized persons inside the polling station were noted in 5 per cent of observations and were mostly police or security officials. Undue interference in the count was noted in 9 per cent of observations, usually by candidate or party observers.

IEOM observers reported that basic reconciliation procedures were often not followed, including the PEC failing to announce the numbers of voters on the voter list (21 per cent), voters' signatures on the main and homebound voter lists (21 and 20 per cent of observations respectively), used ballot counterfoils (in 21 per cent of observations). In 27 per cent of counts observed, the figures established during reconciliation were not entered into the protocols before the ballot boxes were opened. In 26 per cent of counts observed, the validity of contested ballots was not determined through a vote, as required by law. In over one third of observations, the sequence of steps prescribed for completing the protocol was not strictly adhered to. PEC members had pre-signed the results protocols in 16 per cent of observations. Attempts to deliberately falsify the results were noted by IEOM observers in 2 cases. In 23 per cent of observations PECs had problems completing the protocols. In one quarter of observations they were not posted at the PEC.

C. TABULATION AND ANNOUNCEMENT OF RESULTS

The tabulation process was assessed negatively in one quarter of DEC observed (33 out of 137) which shows significant shortcomings. The chaotic nature of the process, tensions in or around the DEC and inadequate conditions at the DEC resulted in overcrowding and limited transparency, and, combined with restrictions on observers' access, contributed to the overall negative assessment.¹²⁷ Observers reported 92 cases of changes being made to the figures in PEC protocol in the premises of 62 different DEC which contravenes the law and undermined the integrity of the tabulation process. Deliberate falsification of the PEC result protocols was observed in 4 cases. Tabulation was interrupted in at least 2 DEC and resumed in the days following election day.

Practical aspects of the tabulation process could be rearranged, so as to facilitate the receipt and processing of election materials on election night and allow for the simultaneous processing of several PECs, while at the same time ensuring the transparency of the process.

Citizen and candidate or party observers were present in the large majority of DEC. Most of the observed cases of interference in the work of DEC were by party/candidates representatives and observers. In 36 DEC, not all those present had a clear view of the tabulation process, and in 37 DEC,

¹²⁷ 44 DEC were overcrowded; inadequate conditions and poor organization was observed in 40 DEC; tension in or around the DEC was observed in 17 cases.

IEOM observers were restricted in their observation. In 39 DEC, IEOM observers could not fully observe the data entry of results, which limited transparency. ODIHR has previously recommended the introduction of technical means (e.g. projectors) in order to allow observers to fully follow the data-entry process. Copies of the protocols were not provided to candidate/party representatives and observers in 38 different DEC.

By law, the CEC must establish voting results no later than 15 days after the elections (5 August). The CEC started posting on its website detailed preliminary election results by polling station on election night with the last results being available on 26 July. Official DEC results protocols were received by the CEC by 30 July. However, the CEC, after verification, returned 51 result protocols to DEC for the latter to draw up new, corrected protocols.¹²⁸ The main types of mistakes identified in the protocols were of a technical nature and mostly related to incorrect figures of registered voters and ballots received.

Election results in some SMDs provoked tensions between candidates and public protests which negatively affected the work of the DEC concerned.¹²⁹ According to the CEC, electoral contestants filed 74 appeals to the results in 23 SMDs.¹³⁰ Partial recounts were conducted in over 90 PECs in 47 DEC and none of them resulted in a change of the result.¹³¹ In order to avoid manipulation and potential destruction of election materials in DEC 50 (Pokrovsk in Donetsk *oblast*), a recount of ballots from a few polling stations, ordered by the court, was conducted by the CEC. Final results for the nationwide constituency and all but one SMD were announced by the CEC on 3 August.¹³²

Of the 307 outgoing MPs who ran in these elections 81 were re-elected (41 and 40 through the proportional and majoritarian components respectively). In total, 20 per cent of seats in the new parliament were won by women candidates, resulting in the highest number of women members of parliament since the first elections the independent Ukraine held in 1994. However, only 13 per cent of incoming MPs elected in SMDs are women.¹³³

So-called “clone” candidates misled voters and impacted the election results of the majoritarian contests in eight constituencies.¹³⁴

¹²⁸ The CEC may ask the DEC to fill in a new (“Corrected”) protocol, if they identify inaccuracies (a slip of the pen or an erroneous number). In case of identified inaccuracies at the PEC level, the DEC may either ask the PEC to fill in a “corrected” protocol or order a recount.

¹²⁹ On 22 July, security forces were called to the DEC 64 (Zhytomyr *oblast*). The following day police forces were also called as some 25 men disrupted the DEC session and members departed. In DEC 119 (Lviv *oblast*), during the recount of two PECs, repeated tensions, aggressions and threats between candidates and commissioners erupted. Tensions, demonstrations and a heavy police presence were also noted in DEC 49 (Druzhkivka in Donetsk *oblast*) and DEC 50 (Pokrovsk in Donetsk *oblast*).

¹³⁰ Of 74 appeals, 42 were denied, 14 satisfied, 5 left without consideration and 13 are pending. Reasons implied by the contestants related to: ballot box stuffing, vote buying, and improper filling in, corrections or mistakes in the PEC protocols.

¹³¹ Partial recounts took place following a decision taken by the DEC or a court.

¹³² Due a pending court case, results in the DEC 198 (Cherkasy *oblast*) could not be established for over a month after the elections.

¹³³ From the nationwide party lists, 26 per cent of the newly elected parliamentarians are women. The highest proportion of women representatives were elected from the party lists of Voice (41 per cent) and European Solidarity (39 per cent). Both parties are eligible to receive additional funding available to parties with more than 30 per cent of women MPs elected from their party lists.

¹³⁴ In 7 SMDs Servant of the People candidates lost to the winning candidate with margins less than votes received by the competing “clone” candidates who registered “Servant of the People” as their employer. The instances were noted in the following DEC: 37 (Dnipropetrovsk *oblast*), 64 (Zhytomyr *oblast*), 78 (Zaporizhia *oblast*), 119 (Lviv *oblast*), 146 (Poltava *oblast*), 198 (Cherkasy *oblast*) and 210 (Chernihiv *oblast*). In all of the aforementioned cases, the “clone” candidate appears to have detracted enough overall votes (though with small margins) from the Servant of the People candidate. Additionally, in DEC 106 (Luhansk *oblast*) the Servant of the People candidate won as a result

Effective measures should be taken to prevent the misleading of voters through misrepresenting contestants by using their name or by associating with their political party for campaigning or candidate registration purposes.

XVI. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Ukraine and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed.¹³⁵ The ODIHR stands ready to assist the authorities of Ukraine to further improve the electoral process and to address the recommendations contained in this and previous reports.

A. PRIORITY RECOMMENDATIONS

1. To ensure the equality of vote, the law should prescribe a requirement for regular review of electoral districts, in line with international good practice.
2. As previously recommended, consideration should be given to adopting an election code applicable to all types of elections in an inclusive process following consultations with relevant stakeholders.
3. To fully guarantee freedom of association, bans on political parties should be reviewed as should the wide discretionary powers of authorities to deny registration or deregister political parties on unclear and subjective criteria. Any restrictions on fundamental freedoms should have the character of exception, are imposed only when necessary in a democratic society, are proportionate with a legitimate aim, and are not applied in an arbitrary and overly restrictive manner.
4. Consideration should be given to revising the method of formation of DEC and PEC, including by limiting the possibility for replacements of commissioners, introducing their compulsory training and certification, at least at the DEC level, and creating a national register of election commissioners as an alternative mechanism for the recruitment of the PEC members. The possibility to establish permanent DECs could also be considered.
5. In line with international obligations, restrictions on the suffrage rights of persons with mental disabilities should be removed.
6. Restrictions on the right to stand which conflict with OSCE commitments and other international obligations and standards should be removed.
7. Decisions related to candidate registration should be taken sufficiently in advance to facilitate

of votes being diverted from the second candidate by another self-nominated candidate with the same surname. In 5 out of 8 of the affected districts, complaints were filed with the respective district administrative court. As a result, recounts were ordered in DECs 198 (Cherkasy *oblast*) and 210 (Chernihiv *oblast*).

¹³⁵ According to paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations from the final report on the October 2014 early parliamentary elections is assessed by ODIHR as follows: recommendation 15 is mostly implemented, recommendations 6, 11 and 13 are partly implemented. See also [paragraph25.odihhr.pl](#).

equal campaign opportunities and avoid overlapping deadlines for drawing lots for the numbering and positioning on the proportional ballot, and the printing of ballots.

8. Consideration should be given to addressing women's underrepresentation in parliament through stricter enforcement mechanisms, including proportionate and dissuasive sanctions, and/or additional special temporary measures that could create more equitable conditions for all candidates. Political parties could consider ways to further increase gender balance on their party lists.
9. Consideration should be given to amending the law to strengthen provisions on electoral offences, including on vote-buying, and to provide proportionate and dissuasive sanctions. Law-enforcement agencies should take steps to ensure that all electoral offences, including vote-buying, are investigated effectively and promptly, in an independent and impartial manner, and that perpetrators are brought to justice in accordance with the law.
10. To enhance transparency, the law should be amended to ensure that all campaign related incomes and expenditures, including those incurred by public associations affiliated with contestants, are incurred via electoral funds from the call of elections. Consideration could be given to introducing limits to the use of own funds by parties and candidates. Effective measures should be taken to ensure cooperation of financial institutions and traceability of financial transactions.
11. Parliament should safeguard the public broadcaster's editorial independence by providing it with sufficient funding and granting it full financial autonomy. Sufficient and sustainable funding would allow UA:PBC to fulfil its objectives as a public service broadcaster and serve as an alternative to the highly politicized and controlled private media sector.
12. The competent authorities should take all necessary measures to protect journalists, in particular those who investigate and report on matters of public interest, from attacks and all forms of impediments to their activities. Infringements on the freedom of the media should be duly investigated, pending cases addressed, and the law should be applied in a consistent and effective manner.
13. Effective measures should be taken to prevent the misleading of voters through misrepresenting contestants by using their name or by associating with their political party for campaigning or candidate registration purposes.

B. OTHER RECOMMENDATIONS

Legal Framework

14. A law regulating all practical aspects of public assemblies should be adopted.

Electoral System

15. In line with international commitments, elected candidates should be duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

Election Administration

16. The CEC should develop a comprehensive communication and voter education strategy and tools, including for several target audiences such as first-time voters, national minorities, internally displaced persons (IDPs), and persons with disabilities, based on the principles of inclusiveness and transparency. The CEC could further facilitate participation of voters with disabilities by providing relevant information in accessible formats in future elections.
17. Consideration should be given to harmonise procurement and electoral legislation in order to eliminate conflicting timeframes; the CEC should conduct procurement procedures within deadlines stipulated by the election law.

Voter Registration

18. To ensure equal suffrage and facilitate the participation of disenfranchised voters, the authorities should take effective measures to alleviate obstacles imposed by the residence registration system.

Candidate Registration

19. The CEC should provide clear instructions on how to complete candidate applications. An effective notification mechanism could be introduced to ensure that prospective candidates are informed of mistakes or omissions in their nomination documents to allow them to make timely corrections.

Electoral Campaign

20. Further efforts by law-enforcement agencies are needed to ensure freedom of voters to form an opinion by effectively preventing and punishing misuse of administrative resources in campaigns. Electoral contestants should make stronger efforts to refrain from using public office and government-funded projects to gain an unfair electoral advantage during the campaign period.

Campaign Finance

21. To increase transparency and accountability of campaign finances, the NAPC could be designated as the sole oversight authority to monitor compliance with campaign finance regulations. The law should be amended to prescribe effective, proportionate and dissuasive sanctions for campaign finance violations.

Media

22. The independence of the NCTRB should be guaranteed. Legislation governing the NCTRB should be amended to strengthen sanctions for violations of media-related provisions and prescribe short timeframes for it to react to violations. The oversight body should be proactive and duly exercise its mandate to ensure the broadcast media's compliance with existing legislation, including during elections. It should enforce the law in a timely manner, including on unmarked promotional campaign materials within news editions and publish its decisions.

National Minorities

23. If the current electoral system is retained, the CEC should complete the implementation of Article 18 of the election law regarding the delineation of single-mandate electoral districts well in advance of the next election cycle, and in full consultation with national minorities.
24. The electoral framework should consider provisions to overcome potential obstacles, such as the language barrier, to voting and campaigning once the relevant provisions of the law “On ensuring the functioning of the Ukrainian language as a State language” enters into force.

Complaints and Appeals

25. To enhance transparency, the CEC could consider publishing information on all complaints received and decisions in a timely manner. All complaints should be reviewed in open sessions and all decisions should be made public in a timely manner. In line with good practice, a template for complaints could be provided and decisions on inadmissibility of complaints on formal grounds should be avoided.
26. Cases of alleged offences should be examined promptly, thoroughly and effectively by the competent authorities and perpetrators should be held accountable in a timely manner. As prescribed by law, the competent law enforcement bodies should take immediate action to stop a violation.

Citizen and International Observers

27. Political parties, candidates and citizen observer organizations should not misuse citizen observation and respect a clear separation of partisan and non-partisan election observation.

Election Day

28. Additional measures should be taken to further facilitate independent access and participation of voters with disabilities. In doing so, the principles of universal design and reasonable accommodation should be followed wherever possible.
29. Practical aspects of the tabulation process could be rearranged, so as to facilitate the receipt and processing of election materials on election night and allow for the simultaneous processing of several PECs, while at the same time ensuring the transparency of the process.

ANNEX I: FINAL ELECTION RESULTS¹³⁶

2019 Early Parliamentary Elections Results Protocol		Total number in final protocol	Out-of-country polling stations
1.	Number of voters included in the voter lists at polling stations where voting was organized and conducted	29,973,739	450,680
2.	Number of voters in the extract for mobile voting at polling stations where voting was organized and conducted	703,308	–
3.	Number of voters who received ballots in the polling station premises	14,146,704	32,764
4.	Number of voters who received ballots for mobile voting	615,809	–
5.	Total number of voters who received ballots	14,762,519	32,764
6.	Number of voters who participated in the proportional elections in the polling station premises (ballots found in the stationary ballot boxes)	14,092,552	32,764
7.	Number of voters who participated in the proportional elections using the mobile ballot box (ballots found in the mobile ballot boxes)	613,866	–
8.	Total number of voters who participated in the proportional elections	14,759,548	32,764
9.	Number of invalid ballots	146,269	113
10.	Number of votes for the candidate list of each party (the table below)		

¹³⁶ Source: CEC website. Results were announced by the CEC on 3 August and published on 7 August in *Holos Ukrainy* and *Uriadovyy Courier*.

Electoral Contestant	Number of votes for proportional race	% of votes	Number of proportional seats	Number of majoritarian seats	Total seats
Servant of the People	6,307,793	43.16	124	130	254
Opposition Platform - For Life	1,908,111	13.05	37	6	43
Fatherland	1,196,303	8.18	24	2	26
European Solidarity	1,184,620	8.10	23	2	25
Voice	851,722	5.82	17	3	20
Radical Party of Oleh Lyashko	586,384	4.01			
Strength and Honor	558,652	3.82			
Opposition Bloc	443,195	3.03		6	6
Ukrainian Strategy of Hrovsman	352,934	2.41			
Shariy Party	327,152	2.23			
Freedom	315,568	2.15		1	1
Civic Position	153,225	1.04			
Party of Greens of Ukraine	96,659	0.66			
Self-Reliance	91,596	0.62		1	1
Agrarian Party of Ukraine	75,509	0.51			
Movement of New Forces of Mikheil Saakashvili	67,740	0.46			
Power of the People	27,984	0.19			
Power of the Law	20,340	0.13			
Patriot	16,123	0.11			
Social Justice	15,967	0.10			
Independence	7,970	0.05			
Torch	7,739	0.05			
Bila Tserkva Together	-	-		1	1
United Centre	-	-		1	1
Self-nominated	-	-		46	46
Total	14,613,286		225	199	424

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

OSCE Parliamentary Assembly

Ikka	Kanerva	Special Co-ordinator	Finland
Sereine	Mauborgne	Head of Delegation	France
Maximilian	Unterrainer	MP	Austria
Friedrich	Ofenauer	MP	Austria
Maxim	Misko	MP	Belarus
Donald Neil	Plett	MP	Canada
Josee	Forest-Niesing	MP	Canada
Gwenneth Marie	Boniface	MP	Canada
Grant	Mclaughlin	Delegation Staff	Canada
Kyriakos	Kyriakou- Hadjiyianni	MP	Cyprus
Karla	Marikova	MP	Czech Republic
Pavel	Plzak	MP	Czech Republic
Lassi Vilhelm	Junnila	MP	Finland
Frederic	Petit	MP	France
Stephane	Demilly	MP	France
Aline	Baffalie	Delegation Staff	France
Stephanie	Koltchanov	Secretariat Staff	France
Tim	Knoblau	Secretariat Staff	Germany
		Chief of Secretariat	
Amb. Andreas	Nothelle	Staff	Germany
Bettina	Stark-Watzinger	MP	Germany
Zsolt	Csenger-Zalan	MP	Hungary
Noemi	Fantoni	Staff	Italy
Paolo	Grimoldi	MP	Italy
Laura	Lai	Delegation Staff	Italy
Guido	Almerigogna	Secretariat Staff	Italy
Anna	Di domenico	Secretariat Staff	Italy
Francesco	Pagani	Secretariat Staff	Italy
Gianluca	Castaldi	MP	Italy
Mauro	Del barba	MP	Italy
Vito	Vattuone	MP	Italy
Juta	Strike	MP	Latvia
Inese	Ikstena	MP	Latvia
Romans	Naudins	MP	Latvia
Igors	Aizstrauts	Delegation Staff	Latvia
Vitalijs	Orlovs	MP	Latvia
Laurynas	Kasciunas	MP	Lithuania
Dimitrije	Todoric	Secretariat Staff	Serbia
Catalin-Daniel	Fenechiu	MP	Romania
Victor-Paul	Dobre	MP	Romania
Costel Neculai	Dunava	MP	Romania
Petru	Movila	MP	Romania
Ionut	Sibinescu	MP	Romania
Peter	Osusky	MP	Slovak Republic
Marian	Kery	MP	Slovak Republic
Johan	Buser	MP	Sweden
Margareta	Cederfelt	MP	Sweden
Sven-Olof	Sällström	MP	Sweden
Erik	Ezelius	MP	Sweden
Margareta	Kiener nellen	MP	Switzerland

Albert	Van den Bosch	MP	Netherlands
Arjen	Westerhoff	Delegation Staff	Netherlands
Ahmet	Arslan	MP	Turkey
Haydar	Akar	MP	Turkey
Gavin	Shuker	MP	United Kingdom
Nigel	Mills	MP	United Kingdom
John	Whittingdale	MP	United Kingdom
		US Helsinki	
Kyle	Parker	Commission	United States
		US Helsinki	
Alex	Tiersky	Commission	United States

NATO Parliamentary Assembly

Madeleine	Moon	Head Of Delegation	United Kingdom
Svitlana	Svyetova	Secretariat Staff	Belgium
Pavel	Zacek	MP	Czech Republic
Helena	Langsadlova	MP	Czech Republic
Philippe	Michel-kleisbauer	MP	France
Andrea	Varga-damm	MP	Hungary
Adriano	Paroli	MP	Italy
Andrea	Orsini	MP	Italy
Fabrizio	Ortis	MP	Italy
Riccardo	Nencini	MP	Italy
Roberta	Pinotti	MP	Italy
Pia	Califano	Delegation staff	Italy
IVANS	Klementjevs	MP	Latvia
Aleksandrs	Kirsteins	MP	Latvia
Andrius	Avizius	Secretariat Staff	Lithuania
Menno	Knip	MP	Netherlands

European Parliament

David	McAllister	Head Of Delegation	Germany
Johana	Marescaux	Secretariat Staff	Czech Republic
Rune	Glasberg	MP	Finland
Karl	Minaire	Secretariat Staff	France
Myriam	Goinard	Secretariat Staff	France
Viola	Von Cramon-Taubadel	MP	Germany
Lars Patrick	Berg	MP	Germany
Gerrard	Quille	Staff	Ireland
Paolo	Bergamaschi	Political Group	Italy
Sandra	Kalniete	MP	Latvia
Petras	Austrevicius	MP	Lithuania
Ryszard	Czarnecki	MP	Poland
Robert Andrzej	Golanski	Political Group	Poland
Wojciech	Danecki	Political Group	Poland
Isabel	Santos	MP	Portugal

ODIHR EOM Short-term Observers

Andon	Kume	Albania
Kujtim	Morina	Albania

Theresia	Töglhofer	Austria
Kirsten	Saxinger	Austria
Philipp	Freudenthaler	Austria
Christina	Griessler	Austria
Anna	Renaud	Austria
Matthias	Pühringer	Austria
Thomas	Muehlmann	Austria
Kornelia	Lienhart	Austria
Klaus	Kapper	Austria
Gleb	Khmelyov	Belarus
Katsiaryna	Maksimenko	Belarus
Cathy	Buggenhout	Belgium
Laura	Cornelis	Belgium
Slobodan	Jeremic	Bosnia and Herzegovina
Sinisa	Bencun	Bosnia and Herzegovina
Emil	Georgiev	Bulgaria
Kristin	Blades	Canada
Trafton	Koenig	Canada
Kristen	Carson	Canada
Troy	Myers	Canada
Paul	Hogue	Canada
Patricia	Tymchatyn	Canada
Ines	Nkanira	Canada
Illarion	Shulakewych	Canada
Farah	Shroff	Canada
Patrick	Gardiner	Canada
Nadia	Melnycky	Canada
Erin	Mooney	Canada
J. Lance	Martel	Canada
Rhonda	Belous	Canada
Peter	Schalk	Canada
Erika	Ritchie	Canada
Nancy	Gerrard	Canada
Dana	Bagan	Canada
Jacques	Moise	Canada
John-Paris	Philips	Canada
Helen	Vaughan Barrieau	Canada
Pierre	Mychaltchouk	Canada
Marsha	Lake	Canada
Keith	Swinton	Canada
Darrell	Dexter	Canada
Grace	Levy	Canada
Nicholas	Ryan	Canada
Sara	Greenblatt	Canada
Blair	Ostrom	Canada
Dragan	Vucenovic	Canada
Nima	Ghomeshi	Canada
Danylo	Korbabicz	Canada
David	Mulligan	Canada

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Bruce	Passmore	Canada
Corin	Chater	Canada
Beatrice	Fuchs	Canada
Jasmine	Wahhab	Canada
William	Schultz	Canada
Jenna	Dixon	Canada
Jacqueline	Nixon	Canada
Elena	Nicolinco	Canada
Nicolas	Contessi	Canada
Nadia	Mychailyshyn	Canada
Jean-Jacques	Lauzier	Canada
Thomas	Morrow	Canada
Martin	Barrette	Canada
Christopher	Millar	Canada
Boguslaw	Szubelak	Canada
Judith	Zeller	Canada
Kathia	Legare	Canada
Abdulhamid	Mohamed	Canada
Victor	James	Canada
Christine	Poulin	Canada
Zahra	Dabir	Canada
Olivier	Girouard	Canada
Terra	MacKinnon	Canada
Benny	Guttman	Canada
Mavis	Mains	Canada
Lyudmyla	Shutova	Canada
Peter	Moller	Canada
Emily	Horonowitsch	Canada
Alain	Bouffard	Canada
Tuong-Vi	Nguyen	Canada
Maxime	Robert	Canada
Leanna	Buzak	Canada
Stephen	Reimer	Canada
Abiola	Sunmonu	Canada
Brian	Luty	Canada
Stamatios	Christopoulos	Canada
Florence	Bolduc	Canada
Julia	Goloshchuk	Canada
Kimberly	Kippen	Canada
Rebecca-Lynn	Meijer	Canada
Bohdan	Tomiuk	Canada
Aimée	Lavoie	Canada
Dominic	Roszak	Canada
Cheickh	Bangoura	Canada
Kristina	Lukianenko	Canada
Andrij	Teliszewsky	Canada
Octavie	Bellavance	Canada
Sukhrob	Kurbanov	Canada
Barbara	Shaw	Canada

Nestor	Woychyshyn	Canada
Kelly	Patrick	Canada
Lowella	Kagaoan	Canada
Melinda	Miller	Canada
Taylor	Rubens-Augustson	Canada
Halady	Prabhu	Canada
Justin	Laku Sr.	Canada
Katrina	White	Canada
Sophia	Ilyniak	Canada
Flutura	Mazreku	Canada
Julie	Clark	Canada
Sheila	Coutts	Canada
David	Burback	Canada
Alexandria	Mitchell	Canada
Nicholas	Krawetz	Canada
Michael	Kennedy	Canada
Peter	Parker	Canada
Bohdan	Maslo	Canada
Leo	MacGillivray	Canada
Ashifa	Jiwa	Canada
Kristen	Olver	Canada
Susan	McMahon	Canada
Alexander	Andrusevich	Canada
Diane	Pezzini	Canada
Uday	Dayal	Canada
Saeed	Ahmed	Canada
Maryana	Nikoula	Canada
Francine	Gagné	Canada
Petr	Piruncik	Czech Republic
Anna	Dumont	Czech Republic
Adam	Drnovsky	Czech Republic
Darab	Gajar	Czech Republic
Petr	Pojman	Czech Republic
Marianka	Mackova	Czech Republic
Olga	Nezmeskalova	Czech Republic
Tomas	Vlach	Czech Republic
Patrik	Taufar	Czech Republic
Kristyna	Danova	Czech Republic
Lubor	Kysučan	Czech Republic
Jan	Blinka	Czech Republic
Kristýna	Kabzanová	Czech Republic
Michaela	Ptackova	Czech Republic
Eliška	Flídrová	Czech Republic
Anemette	Vestergaard	Denmark
Torsten	Juul	Denmark
Lene	Schacke	Denmark
Bo	Flindt	Denmark
Birgit	Hjortlund	Denmark
Henrik	Fosseldorff	Denmark

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Jasmina	Pless	Denmark
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Helle	Ibsen	Denmark
Karin	Bergquist	Denmark
Michael	Sternberg	Denmark
Mette	Grumløse	Denmark
Inge	Christensen	Denmark
Stig	Skovbo	Denmark
Peder	Larsen	Denmark
Kirsten	Lind	Denmark
Bo	Weber	Denmark
Grethe	Bille	Denmark
Jørgen	Poulsen	Denmark
Christian	Faber-Rod	Denmark
Pia	Christmas-Møller	Denmark
Grete	Skov	Denmark
Hanne	Severinsen	Denmark
Michael	Trangbæk	Denmark
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Kristina	Kallas	Estonia
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Matthias	Vazquez	France
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Mathieu	Lemoine	France
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Cécile	Polivka	France
Catherine	Pascal	France
Catherine	Wallisky	France
Claire	Schmitt	France
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Pascal	Delumeau	France
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Arthur	Langlois	France
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Paul	Ruotte	France
Axelle	Nos	France

Peggy	Corlin	France
Nadia	Yakhlaf-Lallemand	France
Jean-Charles	Lallemand	France
Aurelie	Duchesne	France
Myriam	Gaume	France
Benedicte	Williams	France
Hervé	Hutin	France
Rémi	Pellerin	France
Salomé	Gueorguiev	France
Kristina	Tolordava	Georgia
Dimitri	Tsertsvadze	Georgia
Aron	Mir Haschemi	Germany
Wilfried	Jilge	Germany
Martin	Nölle	Germany
Martin	Hortig	Germany
Martin	Schroeder	Germany
Joachim	Franke	Germany
Julia	Baumann	Germany
Hildegard	Rogler-Mochel	Germany
Helmuth	Schlagbauer	Germany
Jakob	Preuss	Germany
Kirsten	Müller	Germany
Stefan	Lesjak	Germany
Juergen	Wintermeier	Germany
Hendrik	Buurman	Germany
Konrad	Menny	Germany
Hartwig	Kaboth	Germany
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Michael	Jelonek	Germany
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Ukraine
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Frank	Aischmann	Germany
Jan	Schoffer Petricek	Germany
Yanki	Puersuen	Germany
Edith	Weber	Germany
Andreas	Wittkowsky	Germany
Natalie	Krieger	Germany
Anca	Stan	Germany
Wolfgang	Lichter	Germany
Robert	Neumeier	Germany
Sebastian	Breuer	Germany
Márton	Nagy	Hungary
Györgyi	Bezdán	Hungary
Erik	Baktai	Hungary
Krisztina	Tóth	Hungary
Tünde Éva	Hagymási	Hungary
Gábor	Horváth	Hungary
Péter	Horváth	Hungary
Sara	Ögmundsdóttir	Iceland
Janus	Gudmundsson	Iceland
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Alessia	Pappalardo	Italy
Daniela	Massarelli	Italy
Valeria	Verdolini	Italy
Pietro	Rizzi	Italy
Daniele	Sferra	Italy
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Giuliano	Salis	Italy
Luca	Di Gennaro	Italy
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Alibek	Adambek	Kazakhstan
Chingiz	Lepsibayev	Kazakhstan
Kanat	Sultanaliev	Kyrgyzstan
Nazik	Moldotasheva	Kyrgyzstan
Edvīns	Severs	Latvia
Darius	Valatkevicius	Lithuania
Donatas	Butkus	Lithuania
Ryte	Kukulskyte	Lithuania
Cornelia	Calin	Moldova
Vasile	Mircos	Moldova
Guyenbaatar	Terbish	Mongolia
Munkhnaran	Avirmed	Mongolia
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Henrik	Skjerve	Norway
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Anna	Rogalska Hedlund	Sweden
Eva	Jakobsson	Sweden
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Hans	Nareskog	Sweden
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Mattias	Wandler	Sweden
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Stefan	Ziegler	Switzerland
Martin	Damary	Switzerland
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Martin	Minder	Switzerland
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Philip	Redding	United Kingdom
Patricia	De'Ath	United Kingdom
Susan	Trinder	United Kingdom
Elsa	Court	United Kingdom
Leila	Fitt	United Kingdom
Kiron	Reid	United Kingdom
George	Platt	United Kingdom
Terence	Duffy	United Kingdom
Milan	Patel	United Kingdom
Peter	Hurrell	United Kingdom
David	Taylor	United Kingdom
David	Hainsworth	United Kingdom
Roy	Martin	United Kingdom
Bernard	Quoroll	United Kingdom
Sara	Fradgley	United Kingdom
Stephen	McNamara	United Kingdom
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Nathan	Cooper	United Kingdom
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Christopher	Jones	United Kingdom
Neil	Scanlan	United Kingdom
Dominic	Howell	United Kingdom
Mark	Pascoe	United Kingdom
John	Earls	United Kingdom
Gillian	Gloyer	United Kingdom
Valerie	Solomon	United Kingdom
Janet	Wynne	United Kingdom
Richard	Shelley	United Kingdom
Teresa	Etim-Gorst	United Kingdom
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Steven	Lee	United Kingdom
Derek	Chappell	United Kingdom
John	Hampson	United Kingdom
Andrew	Caldwell	United Kingdom
Kenneth	Jaques	United Kingdom
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Alexander	Folkes	United Kingdom
Yolanda	Foster	United Kingdom
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Marc	Tilley	United Kingdom
Paula	Keaveney	United Kingdom
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Matthew	Frear	United Kingdom
Anna	Shevchenko	United Kingdom
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David	Ballard	United States
Kyle	Wood	United States
Annee	Tara	United States
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Kathryn	Gest	United States
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Peter	Sawchyn	United States
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Nasser	Ishaq	United States
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Robert	Downes	United States
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Shannon	Bruder	United States
Anthony	Kolankiewicz	United States
Mitchell	Polman	United States
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Deborah	Alexander	United States
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Nicholas	La Strada	United States
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Anastasiya	Matchanka	Belarus
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Mario	Barfus	Switzerland
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Roger	Bryant	United Kingdom
Alexander	Anderson	United Kingdom
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Sandra	Gale	United Kingdom
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Joseph	Worrall	United Kingdom
Melanie	Leathers	United Kingdom
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ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).