



**MISSION CANADA 2019
UKRAINE ELECTIONS**

FINAL REPORT

Canada

 **CANADEM**
CANADA'S CIVILIAN RESERVE
RÉSERVE CIVILE DU CANADA



UKRAINE ELECTION MISSION CANADA

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List of Acronyms

CEC	Central Election Commission
DEC	District Election Commission
EECP	Exit-Entry Check Points
IDP	Internally Displaced Person
IFES	International Foundation for Electoral Systems
LGBTQ	Lesbian, Gay, Bisexual, Transgender, Queer
LTO	Long-term observer
NAPC	National Agency on Corruption Prevention
NATO	North Atlantic Treaty Organization
NCCRI	National Commission for the State Regulation of Communications and Informatization
NCTRB	National Council of Television and Radio Broadcasting
PEC	Precinct Election Commission
PS	Polling Station
PWD	Person with disability
RMB	Registry Maintenance Body
SBU	Security Service of Ukraine
SMD	Single Mandate District
SSSCIP	State Service of Special Communication and Information Protection of Ukraine
STO	Short-term observer
SVR	State Voter Registry
UA:PBC	Ukraine Public Broadcasting Company

Foreword – The Honourable Lloyd Axworthy

This final report provides an assessment of Ukraine’s Presidential and Parliamentary electoral process, with observations and recommendations.

Ukraine’s Presidential and Parliamentary elections met international standards for free and fair elections and resulted in a peaceful transition of government to Volodymyr Zelenskyy, and the Servant of the People Party.

I was appointed by the Honorable Chrystia Freeland, Canada’s Minister of Foreign Affairs as Head of Mission receiving a mandate to observe all aspects of the Presidential and Parliamentary elections in Ukraine, including monitoring the participation of women, internally displaced persons and minorities in the electoral process. I was encouraged to explore the intervention of outside players, in particular Russian activity.

Mission Canada arrived in Kyiv on 22 January 2019. Mission Canada’s Head of Mission and Deputy Head of Mission, as well as the analyst team, held meetings with a wide range of stakeholders at the national and regional levels. This included the Central Election Commission (CEC), state security organizations, other international and domestic election observation missions, women’s and minority groups, and representatives of political party campaigns. Mission Canada would like to thank all its interlocutors and recognize the efforts and openness of all those involved in the preparation and conduct of the 2019 parliamentary election, and the access granted to our observers throughout the process.

All three elections we monitored resulted in an overwhelming endorsement of Volodymyr Zelenskyy as President and a parliamentary majority victory for his party. This is a powerful base on which to initiate reforms.

It also raises concerns that such a broad dominance of the executive and legislative agencies of government might lead to abuse.

Ukraine’s further democratic development and the establishment of a fully functioning representative democracy depends in large part on the strengthening of checks and balances between the branches of government. Continued judicial reform and the consolidation of the independence of the judicial branch, must be a priority for the new President and Parliament. The impartial application of the rule of law is a necessary precondition for the creation of the democracy that all Ukrainians, and indeed, all citizens around the world, demand and deserve. Canada is uniquely positioned to effectively and efficiently assist Ukraine in this journey.

As I traveled across the country and visited polling stations on election day, I was struck by the reception we received as representatives of Canada. The positive feelings about Canadians and the role Canada is playing in Ukraine were communicated to me by Ukrainians and by our observers in the field from all parts of the country. The bonds of kinship between our peoples is rooted, I believe, in the commitment we share to common values of freedom, pluralism and peace. Likewise, the engagement of hundreds of Canadians in monitoring Ukraine’s electoral process has strengthened the resolve, civic engagement and



public service of these Canadians as they have returned to Canada with a renewed value in involvement and community mindedness.

Canada has taken a principled stand in supporting the Ukrainian people' right to independence and self-determination. These bonds have only grown stronger through our continued involvement. The investments in support of Ukraine that Canada has made – from military training to economic development to the consolidation of democracy – are paying dividends, both for Ukraine and for Canada. It is my firm belief that Canada needs to continue to play a leadership role in the international community's support of Ukraine.

This becomes all the more urgent as the political ambitions of the US President have drawn Ukraine's new President into the Washington maelstrom and the pressure of some European countries to have Ukraine weaken its stand on Russia's efforts the undermine Ukraine has also comprised the new President. Ukrainian voters demonstrated their desire for democratic reform which would include a strong stable un-corrupt economy and an independent country. Recent events show that there must be constructive, sustained and predictable international support to counter the unsavory tactics of some of its allies.

Canada, post its own election, must take on leadership in supporting the democratic goals of the Ukrainian people as a priority.

Dr. Lloyd Axworthy
Head of Mission

Mission Mandate and Methodology

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

Mission Canada endorses the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers. The Declaration and Code provide the basis for Mission Canada's election observation activities and methodology. Mission Canada's observation was conducted in line with the principles of integrity, impartiality and respect for human rights and the laws of Ukraine. Mission Canada's objective was to contribute to the strengthening of democracy for the benefit of the people of Ukraine, in line with the democratic principles included in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (CSCE). Mission Canada collaborated in its work with other international and domestic election observation missions.

CANADEM conducted an open and transparent recruitment process to select long and short term observers (LTOs and STOs). The composition of the Mission for both the presidential and parliamentary elections was representative of the diversity of Canada, including on geographical distribution, gender, age and minorities.

Mission Canada arrived in Kyiv on 22 January 2019 to observe, record, and report on all aspects of Ukraine's electoral processes, both presidential and parliamentary. Mission Canada was composed of 50 long-term observers, including a core team and analysts, a total of 342 short-term observers for all three election days¹, as well as locally engaged personnel. Mission Canada deployed LTO and STO teams to all oblasts of Ukraine where voting took place. Prior to election day, Mission Canada observed candidate registration, campaign activities, election administration, the media and information environment, cyber security, electoral dispute resolutions, as well as the role of civil society, the participation of women, internally displaced persons and minorities in the electoral process. Mission Canada observed these processes in all regions of Ukraine in which the voting took place. Mission Canada's LTOs provided the core team and analysts with daily and weekly reports on their observations throughout the duration of the observation period for both the presidential and parliamentary electoral processes. Mission Canada's team of analysts collated the information contained in those reports to identify trends in regions or nationwide.

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

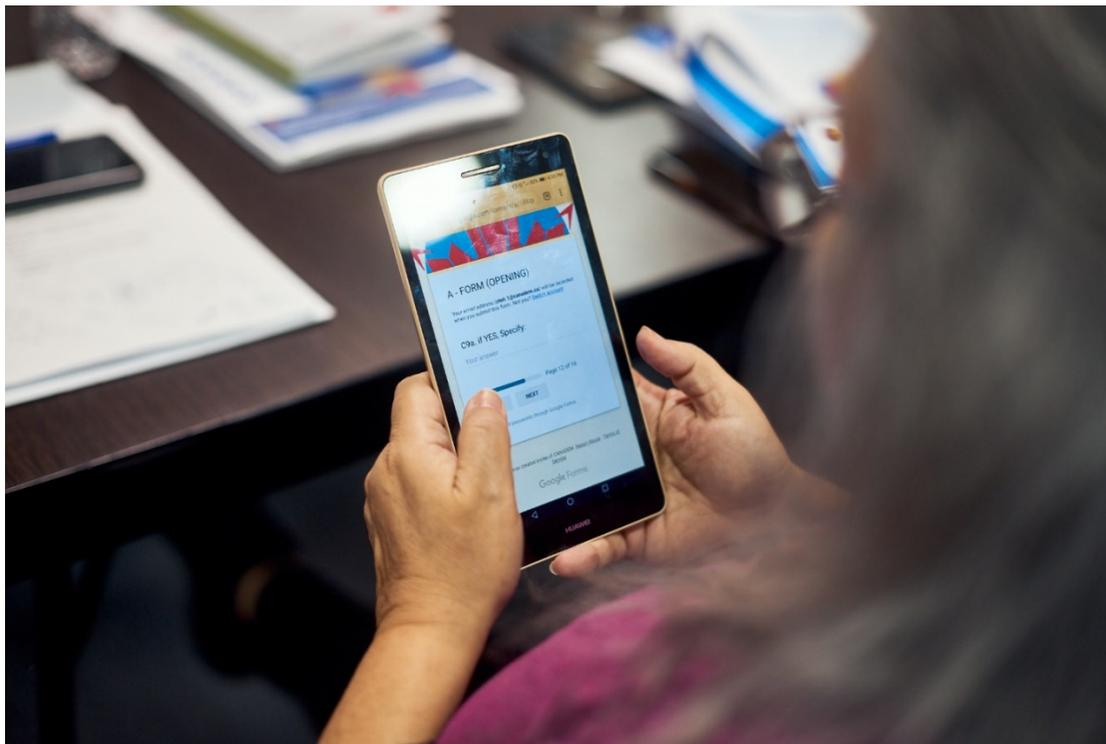
¹ 108 for the first round of the presidential election; 106 for the second round; and 128 for the parliamentary election

preparation and conduct of the 2019 presidential and parliamentary elections, and the access granted to its observers throughout the process.

On 31 March, election day of the first round of the presidential election, Mission Canada visited 980 polling stations to observe the voting, counting and transmission of results. During the second round of voting, held on 21 April 2019, Mission Canada visited 1,063 polling stations to observe the voting, counting and transmission of results. During election day of the parliamentary election, held on 21 July 2019, Mission Canada's observers visited 1,079 polling stations and 194 District Election Commissions (DECs) to observe the voting, counting and transmission of results.

Mission Canada developed a series of seven electronic forms using Google Forms to enable LTO and STO teams to report on their observations in real time. Using tablets, teams provided Mission Canada's core team and analysts with observations throughout election days and into the two following days to cover the opening of polling stations, the voting period, the counting of ballots and the transmission of results. Mission Canada conducted all its observation in respect of the principle of non-interference; therefore, observers did not intervene even in cases of incidents. When observers witnessed an incident, including any form of violence, serious infractions to election procedures, intimidation of voters, etc. they filled an incident form that included a narrative explanation of the incident. All forms were collated electronically to provide statistics and graphs to the core team and analysts and observations were analysed to identify trends and report on serious violations. Mission Canada included these observations in its three preliminary statements published on 1 April, 22 April and 22 July, as well as in this report.

The core team and analysts were available to observers throughout election days to answer any questions, follow up on incidents and coordinate security with other election observation missions, the Ukrainian police and the Canadian embassy.



Main Findings

- The 2019 presidential and parliamentary elections in Ukraine were, for the most part, organised according to international standards for democratic elections. Overall, election administration institutions (CEC, DECs and Precinct Election Commissions, PECs) fulfilled their mandate appropriately in the preparations for and the conduct of election days. Although there is room for improvement, the current regulatory framework by and large meets international standards.
- The 2019 Presidential Election in Ukraine was held in the context of a war waged against Ukraine by the Russian Federation, and the illegal occupation of sovereign Ukrainian territory in the Autonomous Republic of Crimea and parts of the Donetsk and Luhansk oblasts. Given the challenges posed to Ukraine by foreign occupation and aggression, the Ukrainian people deserve admiration for successfully conducting these elections. Intimidation and fear, along with challenges in crossing to mainland Ukraine from occupied Crimea and in crossing the line of contact between the occupied regions of Donetsk and Luhansk and government controlled territory in the east, negatively impacted the voting rights of Ukrainian citizens living in these occupied territories.
- Despite new regulations making it easier for internally displaced persons (IDPs) and other internal migrants to register to temporarily change their voting address, they remain significantly disenfranchised by the electoral process. Parliament has been formed without the full participation of 1.3 million IDPs and many internal migrants. Issues with regard to the requirements of residency registration remain unresolved and are the main obstacle to the full enfranchisement of these voters.
- The short timeframe between the first and second rounds of the presidential election, and the short campaign for the early parliamentary election, led to challenges around voter registration and re-registration, especially for IDPs and Ukrainian citizens residing in occupied Crimea and occupied parts of Donetsk and Luhansk oblasts. These short timeframes also presented challenges to the reconstitution of District and Precinct Election Commissions, with new members unable to receive training.
- Mission Canada welcomes the high number of female members working tirelessly in all levels of the electoral administration.
- Mission Canada applauds the increase in the number of women included in the party lists for the parliamentary election along with the significant increase of the number of women elected to the Verkhovna Rada. However, Mission Canada notes that the issue of gender equality remained absent from political party platforms and candidates' campaigns. The lack of a gender lens in Ukrainian public life along with relatively low numbers of women elected to parliament ultimately means that women will continue to struggle to have an impact on the laws and policies of the country.
- The Roma community remains excluded from the electoral process and the socio-economic factors impeding its participation are not taken into account in public and political discourse.

- The election campaigns were competitive, spirited and pluralistic. The general ability of parties and candidates to campaign freely contributed to an electoral environment conducive to the conduct of democratic elections. However, the high concentration of traditional media ownership at national and regional levels limited access to balanced coverage and information about different platforms and views. It also posed barriers for the entry of new political forces and polarized public opinion along key socio-political issues.
- Mission Canada observed campaigning infractions before and after the official campaign periods. The law does not define ‘political agitation and political campaigning’ to the extent necessary, leading to the inability of the regulatory agencies to monitor and issue sanctions in case of violations.
- Mission Canada observed more infractions and violations of electoral law, procedures and regulations in the parliamentary elections than in the presidential, in particular in the single mandate district (SMD) portion of the campaign. The SMD part of the electoral system created incentives for vote buying by candidates, given the relatively low number of votes that are sometimes the difference between winning and losing an election in an SMD.
- Reports of the misuse of administrative resources were present throughout the campaigns. These incidents, however, were localized, and there was no sense that state institutions were being misused in a centralized way to influence the outcome of the election. The general non-interference of the central state in consecutive election cycles is a positive development in national electoral politics.
- Although the transparency and regulatory framework of campaign financing has improved over recent election cycles in Ukraine, campaign finance remains generally opaque, and allegations that spending takes place outside the parameters set out in the law are voiced regularly.
- Ukraine’s media environment offers voters a broad range of sources of information and opinions. However, many of the media outlets support a specific party or candidate, therefore denying objective coverage to voters.
- The role of new/online media and social media in political campaigning and advertising is rising, including proliferation of negative PR, unmarked political content (jeansa) and disinformation. More focus on the unregulated online space and online media as sources of relevant information and instruments of political influence is required.
- The plight of Ukrainian investigative journalists and anti-corruption activists remains a significant concern due to incidents of intimidation and physical assaults, some lethal.
- Law enforcement bodies were generally adequately prepared to ensure security during the elections. Mission Canada noted good cooperation between law enforcement and domestic electoral NGOs on training law enforcement agencies on their role in ensuring security during the elections. Sporadic violence was related directly or indirectly to the campaigns took place throughout the electoral processes. These incidents were not systemic.
- While malicious cyber activity against electoral systems and staff remained a significant concern, the volume of such activities was lower in the parliamentary election than the presidential

election. During the short interval between the two 2019 electoral cycles, the relevant Ukrainian authorities were able to enhance their cybersecurity preparedness and sustain a high operational readiness.

- The injection of propaganda narratives into online platforms continues and more attention is required to strengthen the national information space.

Recommendations

Based on its observations of the 2019 presidential and parliamentary electoral processes in Ukraine and international principles and guidelines², **Mission Canada recommends:**

Legislative Issues

- That Parliament prioritizes the adoption of the revised Electoral Code, in line with international standards for the conduct of democratic elections and to harmonize current electoral laws. Parliament should consider proposed amendments to the current version of the Electoral Code and consider the following:
 - Reconsider the current proposal to allocate seats in Parliament from party lists based on voter turnout and to base the allocation of seats on the number of voters registered;
 - Simplify the procedures for internally displaced persons and migrants to change their voting address and allow them to participate in all aspects of the electoral process;
 - Include an enforcement mechanism for gender quotas in the nomination of candidates by political parties;
 - Allow for a longer period than the two day deadline for adjudicating electoral issues;
 - Allocate greater discretion to the Central Election Commission on the appropriateness of the registration of domestic observer groups, including whether these domestic observer groups have political affiliations with candidates or parties;
 - Address the obstacles regarding the participation of people with disabilities in electoral processes.

Election Administration

- That the government consider changing the rules on procurement of electoral materials to take into account the short timeframes of early elections and allow the CEC to procure materials well on time.
- That a roster of election experts, certified by the CEC be established after a training session outside of the electoral period. It is from this pool of these trained individuals that the positions of Chair, Deputy and Secretary of DEC and PECs would be filled.
- That better remuneration for PEC and DEC members be provided to enhance the quality of their work, encourage stronger applications and cancel the need for an additional payment after midnight on polling day. This would also promote gender equality since the majority of PEC and DEC members are women.
- That voters' change of polling place be maintained throughout all rounds of voting, therefore eliminating the need to re-register between elections.

² Including the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, the International Covenant on Civil and Political Rights, UNHRC General Comment No 25 and opinions and guidance from the Venice Commission.

- That PEC members be allowed to vote in their polling station of work after signing a sworn declaration. This would help ensure that PEC members can exercise their right to vote, and promote women’s rights since the majority of PEC members are women.
- That a procedure be established to improve and speed up the transfer of PEC protocols to the DEC.
- That the CEC consider the use of media and social media networks to educate voters on procedures regarding voter registration, electoral lists, and voting procedures be increased.
- That efforts be made by the CEC to make polling stations accessible to persons with disabilities.

Campaign Regulations

- That articles on campaign financing in the Law on Presidential Elections, Law on Parliamentary Elections, and the Law on Political Parties be amended to strengthen penalties for non-compliance with campaign financing regulations.
- That the timing of the debate between the two candidates who participate in a runoff as mandated by the Law on the Presidential Elections take place one week prior to the runoff vote in order to allow for enough time for a fulsome and meaningful discussion of issues and positions raised by the candidates by civil society, the media and the public.
- That campaigns endeavor to negotiate between themselves on holding additional debates between candidates in order to provide the electorate with a greater opportunity to familiarize themselves with the respective policy positions of the candidates.
- That consideration be given to establishing a limit as to the percentage of a presidential candidate’s campaign fund that a candidate can donate out of their own personal funds.
- That clearer definitions for what constitutes “political campaigning” and “political advertising” be formulated to include acceptable behaviours.

Women and Gender Issues

- That Parliament ensure that a gender quota and an effective enforcement mechanism remain as part of any election legislation, in order to guarantee the meaningful participation of women in Ukrainian politics.
- That the government ensure that those political parties who meet the gender requirements of the Political Finance Reform Law receive the full amount of funding to which they are entitled on annual basis.

- That political parties comply with the gender quotas detailed in the electoral framework and develop measures to increase women's representation within their internal governing structures, including women's caucuses to encourage the increased engagement of women within the party and in political life.
- That the CEC provide gender disaggregated data, including candidates, voter registration and voter turnout, as well DEC and PEC membership, including the troika positions, to provide a more accurate assessment of trends in women's political participation.
- That political parties consult with a broad range of under-represented groups, including minority groups and the LGBTQ community, to ensure that their policies and campaign platforms reflect the diversity of Ukrainian society.
- That political parties develop youth wings within their parties to provide a forum for youth participation and engagement in the workings of the party.

Internally Displaced Persons, Internal Migrants and Minorities

- That Parliament adopt legislation that facilitates the full enfranchisement, including for both national and local elections, of IDPs, internal migrants, and those who have the right to vote but have never been registered, in compliance with international standards.
- That the government take practical measures to enable IDPs and internal migrants to exercise their right to participate in the political life of the country by ensuring there are no barriers based on registration of the place of residence.
- That the government take practical measures to eliminate obstacles for citizens who are not currently registered or who are only partially enfranchised, through the reform of the residence registration system, including simplifying voter registration procedures and separating the voting address from the permanent place of residence.
- That the government conduct widespread information and educational campaigns among voters, particularly IDPs and internal migrants in order to raise awareness of the procedures for changing their place of voting.
- That Parliament adopt legislation to address the obstacles regarding the participation of people with disabilities.
- That the CEC broaden their voter education programs in order to increase the awareness of disadvantaged groups of their electoral rights.
- That the government take concrete measures to eliminate barriers to registration for the Roma community, with programs specifically targeting Roma women.

Cybersecurity

- That the CEC be designated as a national Critical Infrastructure to enhance the cybersecurity preparedness of the State Voter Registry, Vybory system and relevant ICT infrastructure and assets. The designation would allow CEC to benefit from a transparent, predicted and sustained approach to planning, budgeting, establishment of sustainable information sharing and incident management practices, and ensure a continuous improvement cycle for personnel and technologies alike. Moreover, the move would indirectly strengthen the public trust in CEC and democratic process.
- That Ukrainian authorities invite a trusted international organization with significant technical and security credentials to conduct a 'friendly audit' of the CEC cybersecurity protection layers and its readiness in accordance with international standards. This should be done as early as feasible to allow CEC personnel enough time to address any possible shortcomings.

Media and Social Media

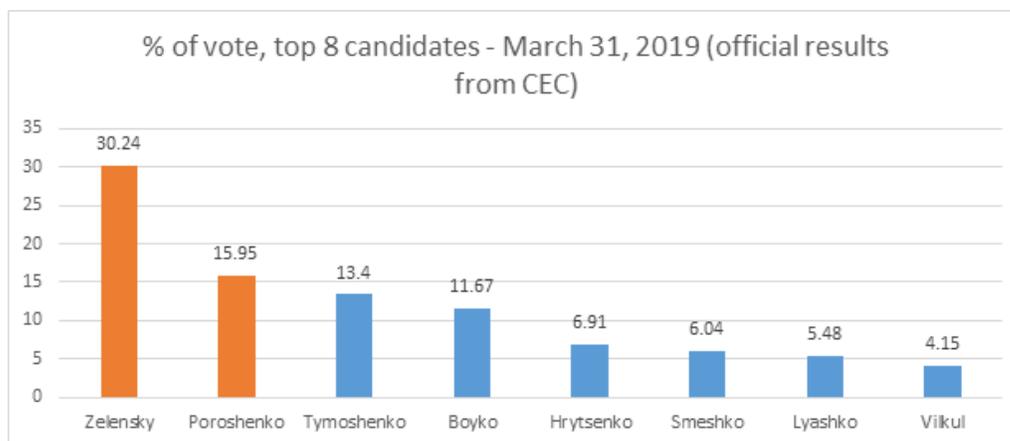
- That Parliament consider introducing or modifying legislation to demonopolize ownership of media at the national level. This should be coupled with rules for transparent financing of all media outlets, establishment of editorial board policies independent of ownership control, and institutionalization of greater professional standards and responsibility of media for published content.
- That a comprehensive approach to the regulation of information environment be devised, which includes a clear definition of what constitutes a 'media outlet' online with clear rules, responsibilities and behaviours associated with portals that purport to be purveyors of news and socio-politically important content.
- That the National Council on TV and Radio Broadcasting be reformed to become a politically independent body with capacity for timely oversight and ability to impose incremental sanctions.
- That the government, in cooperation with the national broadcaster and relevant stakeholders, consider devising a more balanced approach to using the National Public Broadcasting Company of Ukraine (UA:PBC) for airing political advertising during campaign periods that does not impede its ability to develop as a provider of popular content.
- That UA:PBC be given the authority and budgets to develop new and attractive content for broadcasting in all key minority languages.
- That the government of Ukraine consider developing proactive, transparent and balanced rules for regulating the online information space. This should include, among others, clear definitions of what constitutes online media, the extension of existing rules for traditional media to online portals, transparency of ownership and requirements for adhering to accepted standards of journalism.

- That the government explore further opportunities with social media platforms (e.g. Facebook, Instagram, YouTube) to curb abusive and malicious political content online spread before and during campaigns by registered groups and pages.
- That any legal definition of campaigning include activities that occur in any and all social network channels, current and future.
- That the Unified Judicial Information and Telecommunications System be launched.



Background and Political Context

On 31 March 2019, Ukraine held regular presidential elections, which resulted in a run-off election between Volodymyr Zelenskyy and incumbent President Petro Poroshenko. Thirty-nine candidates ran for the office of President. The Central Election Commission (CEC) established the official result of the election on 7 April within the ten-day period set by the Law on the presidential election.³ None of the candidates challenged the official results established by the CEC.



On 21 April 2019, the second round of the election was held and on 30 April, the CEC announced the official results of the election. 30,105,004 Ukrainian citizens were registered in the voters' lists at polling stations where the election took place with a total of 18,491,837 voters taking part in the election. Volodymyr Zelenskyy obtained 13,541,528 votes (73.22%) and Petro Poroshenko obtained 4,522,450 votes (24.45%).⁴ On the eve of the election, soon after the publication of exit polls, Mr. Poroshenko conceded and called Mr. Zelenskyy to congratulate him on his victory.

On 20 May 2019, Volodymyr Zelenskyy was sworn in as Ukraine's sixth President. On 21 May 2019, President Zelenskyy signed a decree dissolving Ukraine's Parliament and setting early parliamentary elections for 21 July 2019. The constitutionality of President Zelenskyy's dissolution of Parliament was challenged in the Constitutional Court and on 20 June 2019, the Court upheld its constitutionality and by extension of the election date of 21 July 2019.

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

³ Law of Ukraine "On the Election of the President of Ukraine," Article 84, Part 1.

⁴ Protocol of the Central Election Commission on the results of repeat voting in Ukraine's Presidential Election, 30 April 2019, https://cvk.gov.ua/info/protokol_cvk_30042019.pdf

Over 13,000 people have been killed, over 30,000 wounded or injured and over 1.3 million people have been internally displaced since the start of the conflict.

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

Ukraine’s civil society and civic life is vibrant and pluralistic. Fundamental freedoms of speech, peaceful assembly, association, expression, thought and religion are respected and guaranteed on the territory of Ukraine under the control of the Ukrainian government. The 2019 elections took place in a societal climate of increased optimism and expectation that the new executive and legislative authorities would deliver on an articulated desire for change and as a result implement wide ranging reforms.

On 16 August, the Central Election Commission announced the final results of the parliamentary election:

Party	Popular vote %	Party list seats	SMDs	Total
Sluha Narodu	43.16	124	130	254
Oppositsyina Platforma	13.05	37	6	43
Batkivshchyna	8.18	24	2	26
Evropeyska Solidarnist	8.10	23	2	25
Holos	5.82	17	3	20
Independents			46	46
Other parties			10	10
Vacant				26
				Total: 450

Electoral Administration

The Central Election Commission is responsible for the organization and conduct of elections in Ukraine. The CEC established 199 District Election Commissions (DECs) countrywide with the exception of the Autonomous Republic of Crimea, the City of Sevastopol and certain areas of the Donetsk and Luhansk regions which are temporarily not under the control of the Government of Ukraine. The CEC also performs the role of the election commission for the Foreign District comprising 102 Precinct Election Commissions (PECs).

DECs are responsible for the formation of PECs. During the presidential election, 30,001 PECs were formed, and 29,886 during the parliamentary election, including regular and special Polling Stations. Out of country voting was available at Ukrainian diplomatic missions in 72 countries. Notably, polling was not available in the Russian Federation following a CEC decision that the security of the vote could not be guaranteed.

The CEC is a state body comprised of 17 members appointed for a seven-year renewable term by Parliament. These members are nominated by the President and reflective of proposals put forth by all deputy factions and groups in the Verkhovna Rada. At the time of both the presidential and parliamentary elections, the CEC was composed of 16 commissioners, nine women and seven men, with one seat remaining vacant due to a lack of political consensus on the last nomination. It is important to note that following the elections, President Zelenskyy requested that parliament dismiss all CEC members, as he was of the view that CEC members were politically biased in favor of the former president, who appointed them. Parliament adopted the motion with a sizeable majority on 13 September 2019 and appointed a new CEC on 4 October 2019, with 17 members.

The CEC held its public sessions preceded by closed pre-sessions on a regular basis (at least once a day and more if necessary). Information concerning these scheduled sessions were posted on the Commission's official website. The website also provided the full text of all CEC resolutions as well as other relevant information concerning the electoral process. Mission Canada remarked upon the timely publication of the results of all polling stations on the CEC website, which constitutes the most fundamental mark of openness and transparency in electoral matters. The Commission conducted its sessions in an open manner with observers and media granted full access, including the ability to live stream from the session hall. Overall, Mission Canada noted that the CEC performed its duties in an efficient and transparent manner, noting in particular the professionalism under which it addressed the challenges associated with the organization of the early parliamentary election.

In May 2019, the CEC addressed the President, the Parliament and the government stating that given the time constraints due to the early parliamentary election call, it would be impossible for the electoral administration to carry out the necessary public procurement procedures in keeping with the procurement legislation. The Ministry of Economic Development and Trade responded by granting special provisions to the CEC to procure goods and services.

For the presidential election, the CEC registered 44 presidential candidates, among them four women. In total, 93 individuals applied and 47 were rejected by the CEC. Most of these rejections were due to the failure of the candidate to provide the required deposit, to incomplete applications or to political programs which contained provisions violating constitutional norms, calls to violence or violations of human rights. Five candidates withdrew by the deadline of 7 March, which left 39 candidates competing.

In order to be elected, a candidate requires an absolute majority of votes (50% + 1). Citizens of Ukraine are eligible to run for President if they are at least 35 years old, speak the Ukrainian language and have lived in Ukraine for at least 10 years prior to the election.



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

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

District Election Commissions and Precinct Election Commissions

During the presidential round of elections, Mission Canada observed DEC and PEC in all 24 oblasts. As each candidate in the election may appoint his or her representative to the DEC, each DEC had the potential to have up to 39 members. However, some presidential candidates were suspected of being only "technical candidates" or "ghost candidates" in order to allow the main candidates to have greater number of members aligned with their candidature within the DEC. Given the high number of potential members in each DEC, Mission Canada observed difficulty and at times, the inability for DEC to reach quorum for meetings. In addition, many replacements of DEC members occurred, including the Chair.

The CEC provided training in Kyiv on 26 February to DEC Chairs, Deputy Chairs and Secretaries. In addition, training was provided in collaboration with national and international NGOs for all DEC members. These sessions were efficiently run both in terms of organization and content. Unfortunately, however, given the high turnover rate in DEC membership, Mission Canada estimates that at least one third of DEC members did not receive formal training. In addition, there were complaints regarding the lack of financial and material resources, and inadequate premises. While DEC were operating properly overall, these issues had had an effect on the commission's efficiency.

Precinct Election Commissions were created by DEC's no later than 12 March and held their first meeting within two days of their creation. Based on Mission Canada's observations, this was well organized. However, there were similar concerns expressed over the number of commission members, the frequent substitutions and the ability to achieve quorum at meetings.

In preparation for the second round of the Presidential election, all DEC's and PEC's were reconstituted. Each candidate was required to submit an equivalent number of candidates for the membership of the 199 DEC's and 28,808 PEC's (seven each for the DEC's and six to eight for the PEC's, depending on their size). To avoid unfairness, the position of Deputy was abolished for the second round and the positions of Chair and Secretary were shared between the two candidates. The fact that each commission had an even number of members (12, 14 or 16) equally shared between the two candidates presented a problem in terms of split voting on important issues at meetings. Mission Canada particularly noted this issue when DEC's were appointing technical staff.

During the second round of the election, both presidential candidates were required to propose a high number of commission members within a short time, with around 1,400 individuals at the DEC level and 200,000 individuals at the PEC level. Neither of the two candidates succeeded in achieving this and several DEC's were forced to appeal to the public by invoking section 85.12 of the Law on the Presidential Election to fill vacancies in the membership of the PEC's. PEC members were nominated as follows for the second round:

- 195,026 on submission of candidate Zelenskyy;
- 147,228 on submission of candidate Poroshenko;
- 59,210 on proposal of the DEC's.

The final results of the first round of the presidential election were announced on 7 April 2019, leaving only two weeks for the closure of the DEC's and PEC's from the first round (archiving of files, financial operations, etc.) and the setting up of new commissions for the second round. Thus, some PEC's began their operations less than a week prior to election day. This very short timeframe had a significant impact on the training of new DEC and PEC members. IFES had offered to the CEC training for new DEC members, but the CEC decided that it was not necessary given the tight timeframe. Mission Canada did not observe any new training sessions for PEC's prior to the second round.

During the parliamentary election, the CEC formed all 199 DEC's with a maximum composition of 18 members, all before the legally defined deadline of 31 May. Mission Canada did not note any major issues pertaining to the DEC formation process. The total number of commissioners was 3,553, with around 38% of them having previously worked as commission members during the presidential election 2019. Some 59% of commissioners were women. According to Mission Canada's observations, the turnover amongst DEC members ranged from 30% to 50%.

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

For the parliamentary round, the CEC ensured proportional distribution of the executive positions in the DEC among the political parties, including other members in the DEC. No court cases challenging the distribution of executive memberships on the DEC were noted.

Mission Canada visited a total of 194 DEC during the parliamentary pre-election process. Mission Canada was not able to visit five DEC (four in Donetsk oblast and one in Luhansk oblast) due to security reasons, including the presence of landmines on the roads, close proximity to the Line of Contact and the possibility of shelling. Mission Canada observers were unable to visit DEC 59 located in Marinka in Donetsk oblast given security concerns. However, Mission Canada did conduct a phone conversation with the DEC, in which DEC members informed Mission Canada that they had formally requested a relocation for security reasons, addressed to the CEC, the Office of the President of Ukraine, the Cabinet, the Regional Council of Marinka, and the Office of the Civil Military of Donetsk Oblast. The members expressed concern about the increase in kinetic activity in the area at night, when PECs would be bringing their ballots and protocols to the DEC. No contingency plan was in place should the area become too dangerous for PEC members to travel to the DEC. Moreover, the furthest PEC was 170 km away. Despite the appeal for relocation, neither the DEC nor the PECs under its jurisdiction were given the authority to change locations.

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

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

Voter Registration

Voting lists are created from the State Voter Registry (SVR), a centralized database maintained by the CEC. It is operated by 27 Registration Administration Bodies and 759 Registry Maintenance Bodies (RMBs). During both the presidential and parliamentary elections, Mission Canada visited a number of registry management bodies in every region and had a positive assessment of their performance.

Voters had the opportunity to verify their information on the CEC website or at SVR maintenance bodies, where they were also able to make amendments to the list. The electoral register did not raise any significant controversy and its credibility was not questioned by political parties. Voters were able to consult the preliminary list at each DEC and request a change up to three days prior to the election. 315,725 voters changed their voting address for the first round of the presidential election.

Given the short time period between the two rounds of voting for the presidential election, a provisional voter list was not produced or posted. As in the first round, State Voters Register offices were required to deliver a final list of voters to each PEC no later than two days before the second round of voting, by 18 April 2019. Voters wishing to register or change their voting location to vote at their temporary place of residence were able to do so until 15 April 2019. Young voters who reached the legal age to vote between the two rounds were automatically added to the final list of voters.

For the presidential elections, the total number of citizens registered in the State Voter Register was 29,657,746. This included citizens currently living in occupied Crimea and non-government controlled parts of Donetsk and Luhansk Oblast. Internally displaced persons (IDPs) were required to register their change of address at their State Voters Register offices again for the second round. The same rule applied to any other citizen who may be temporarily away from their registered residence, such as citizens working or studying in a different city. The period of time for this process was limited to nine days, between 7 April 2019 (the day the second round was officially announced) and 15 April 2019, five days prior to election day. This resulted in lengthy and time-consuming queues. It took up to several hours to complete some registrations. A total of 325,604 Ukrainian citizens changed their addresses temporarily to vote in the second round, which is slightly higher than the first round. No additions to the voter lists were allowed on election day, 21 April 2019, and only voters listed were eligible to vote. Mission Canada did not observe any additions to the voter lists on election day.

Voter registry numbers were updated at the end of each calendar month. As of 30 June 2019, the total number of registered voters was 35,550,428. As of 15 July 2019 (the deadline specified for this election), 280,922 voters temporarily changed their voting location, with 65,016 coming from Crimea, Donetsk and Luhansk regions. Out of those who changed their place of voting, 76% chose a PEC outside of their registration district, which in turn limited their voting to the nationwide constituency. As such, they were only entitled to receive one ballot. Following up on the experience of the 2019 presidential elections, the CEC simplified the procedure for changing voting place. Previously, evidence demonstrating a voter's reason for changing their location (e.g. employment letter, rental agreement for new location, etc.) was required. This process was simplified with the voter now being required to provide an application with a reason of a more general nature along with their identification document. Mission Canada views this streamlined process as a positive development.

Electoral Procedures

The elections went generally well in all polling stations of the country. However, Mission Canada noted the following weaknesses in electoral procedures:

- Polling stations were largely inaccessible to voters with limited mobility.
- Polling stations officials were only identified by a badge and it was difficult for voters to distinguish them from observers or candidate representatives.
- Candidate observers at times bore signs that identified them with their candidate.
- Candidate observers circulated too freely in polling stations and sometimes stood too close to polling booths, ballot boxes and voting tables.
- Voters sometimes used their phone to photograph their ballot, thus undermining the fundamental principle of the secrecy of the vote. This principle was also compromised when voters did not fold their ballot before depositing it in the transparent ballot box, thus making it possible to see for which candidate they had voted.
- The arrival of results protocols and materials in DEC's often occurred in chaotic and physically demanding conditions for PEC members. Certain DEC's provided a schedule for PEC members to deliver their protocols, with mixed results.

Campaign Environment

Presidential election

Ukraine's presidential election campaign period officially began on 31 December 2018. The campaign environment was vibrant, highly competitive, and pluralistic. Campaign rhetoric was heated and often personalized. The main issues around which the campaign centred were the war in the east and national security; the return of occupied territories to Ukrainian government control; the struggle to overcome corruption; economic issues and the alleviation of poverty; the effectiveness or ineffectiveness of sectoral and governance reforms; the cost of energy tariffs; the future foreign policy orientation of the country, and questions of national and civic identity.

Before the first round, Mission Canada met with 186 campaign representatives across the country. Campaign activities focused on traditional methods of campaigning – political rallies, informational tents, the distribution of campaign materials and literature, “door-to-door” campaigning and television, radio and newspaper advertising. While candidate campaigns generally reported the ability to access media, purchase advertising and place billboards, several campaigns noted the prohibitively high cost of campaign advertising in traditional media such as newspapers and television. In some cases, regional campaign representatives noted the difficulty of purchasing space for campaign billboards, due to alleged pressure on advertising agencies, although these allegations were anecdotal. There were limited incidences of damage to campaign billboards. Some campaigns also used social media in combination with other campaigning methods with the Zelenskyy campaign focusing heavily on social media for the duration of the campaign period.

Between the first and second rounds of the election, Mission Canada observers met with 76 regional representatives of campaigns, including the campaigns of those candidates who did not make the second round of the election. Regional campaign representatives with whom Mission Canada met were generally satisfied that there were no systemic violations affecting the result of the election on 31 March. Regional representatives remarked on a general absence of intimidation, noting the ability to campaign freely. In a limited number of cases, representatives of campaigns reported difficulty in accessing media for advertisements, and alleged that the misuse of administrative resources negatively impacted the fairness of the campaign.

In many regions, Mission Canada observers noted that during the so-called “quiet period”⁵ campaign billboards or posters were not removed. Following the first round of the elections, there were also several instances reported of campaign billboards and campaign literature published without the information on campaign materials required by law.⁶ Campaign billboards using the same fonts, colors, and styles of campaigns (without candidate names) were also put up in several regions of Ukraine.⁷

⁵ According to the Law of Ukraine “On the Election of the President of Ukraine,” Article 64, Part 17, active campaigning is to cease at midnight on the Saturday before election day, and campaign materials including posters, billboards, etc. are to be removed at that time. Campaigning for the second round election resumes following the announcement of official results of the first round by the CEC.

⁶ According to the Law of Ukraine “On the Election of the President of Ukraine,” Article 59, Part 3, printed campaign material must contain information about the institution that printed the material, the circulation figures, and information about which campaign ordered their issuing.

⁷ One of the more interesting examples of this type of campaigning may be found in court case No. 855/90/19 where the presidential candidate Yurii Tymoshenko used the same style, colours and symbols as the candidate Yuliia

Exchanges between the two campaigns in the period preceding the second round were highly personalized and heated. Much of the discourse that emerged from the campaigns focused on the possible organization of debates. Between the first and second rounds, there was much publicity surrounding drug and alcohol testing, to which the two candidates submitted. In between the two rounds, the Zelenskyy campaign continued to engage the public primarily through social media, combined with some “traditional campaigning” such as printed leaflets for distribution to potential voters and printed billboards. The campaign also continued a strategy of limited mass media access to the candidate, generally eschewing appearances of candidate Zelenskyy on live political talk shows on television or radio programs, with Zelenskyy campaign representatives and campaign proxies frequently appearing in such fora. On the Thursday before the end of the campaign, candidate Zelenskyy appeared on the live political talk show *Pravo Na Vladu* on the 1+1 station, which airs the *Sluha Narodu* and *Vechirnyi Kvartal* comedy series in which he acts. The Poroshenko campaign continued to use mostly “traditional” methods of campaigning and the campaign focused on a strategy of increasingly frequent appearances of candidate Poroshenko on live political talk shows on television and radio, combined with the appearances of campaign representatives and campaign proxies.

Parliamentary election

The parliamentary election campaign was competitive, spirited and pluralistic. Twenty-two parties registered candidate slates in the national proportional ballot with over 3,000 candidates registered in the 199 Single-Mandate Districts (SMDs) in which elections took place. Of these candidates, 1,404 were nominated by parties and 1,679 were self-nominated.⁸ Ukrainian voters had a wide array of choice among parties and candidates when exercising their franchise.

The main themes of the campaign included traditional campaign issues such as energy tariffs, salaries, alleviation of poverty, pensions and access to health care. The SMD portion of the election allowed candidates to campaign on local issues, such as the improvement of public infrastructure, including roads and schools as well as the improvement of the provision of local services. The question of how best to address Russia’s aggression against Ukraine and return peace to Ukraine featured prominently in the campaign. The struggle against corruption was a central campaign issue. President Zelenskyy’s introduction of draft legislation on 11 July that would extend lustration, the prohibition of serving in official government positions to officials who served in Ukraine’s government from February 2014 to May 2019 – was cause for considerable debate and deliberation during the campaign.⁹ European Solidarity focused its campaign messaging and rhetoric heavily on questions of foreign policy.

A further theme that emerged in the campaign of several parties was the rejection of the political establishment of the country. Two of the prominent parties in the campaign, *Sluha Narodu* and *Holos*, focused a fair amount of their campaign rhetoric on a complete renewal of the political leadership of the

Tymoshenko in his billboards in Donetsk Oblast. He mentioned only his surname and initials and placed compromising slogans, such as “Leave the market price for gas”, “Terminate rail connection with Russia”, “Conduct general mobilization to protect the Fatherland (*Batkivshchyna*” - *the same as the name of Yuliia Tymoshenko’s political party*). However, the court dismissed the claim against him.

⁸ Central Election Commission, <https://cvk.gov.ua/pls/vnd2019/wp032pt001f01=919.html>

⁹ Draft Law 10444, submitted to Parliament by the President on July 11, 2019.

http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66202

country. This theme was contrasted with the presence of many candidates with long records of participation in electoral politics, particularly on the SMD ballots.

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

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

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

Mission Canada noted the presence in several SMDs of so-called “clone” candidates. The registration of “clone” candidates, namely those candidates with little or no campaigning presence but with identical or similar names to a leading candidate in an SMD, is a tactic used to confuse voters and draw votes away from the more prominent candidate¹⁰. Mission Canada’s observers also reported cases of candidates not affiliated with one of the more prominent party campaigns using the colors, fonts and symbols of that campaign in an apparent attempt to associate themselves with that campaign and create confusion.

Additionally, a number of SMD candidates have claimed an association with similarly named political parties, charities, companies or NGOs. The objective is to provide a false impression that the candidate is a member of a well-known popular party, in the hopes of gaining support from uninformed voters. One NGO reported 93 such candidates of which 86 claim to be associated with Sluha Narodu, or a similar named “party” and/or entity.

The general ability of candidates to campaign freely, for campaign volunteers and officials to operate in the main without intimidation, the ability of candidates to hold public meetings and rallies with voters and generally be able to access media, contributed to a campaign environment conducive to the conduct of democratic elections.

¹⁰ For example, in SMD 133 (Odesa oblast) – of 50 candidates, there are 4 candidates with the surname “Baransky” registered; 2 “Dmytruk”; 2 “Tantsiura”; in SMD 137 (Odesa oblast) – of 24 candidates, 3 “Honcharenko”; 2 “Klymov” and 1 “Klimov”; in SMD 92 (Kyiv oblast) – of 21 candidates, 4 “Hudzenko”; 3 “Ferenets”; in SMD 33 (Dnipropetrovsk oblast) – of 19 candidates – 2 “Babenko”; 2 “Lyadenko”; 1 “Kolesnyk” and 1 “Kolesnik”

Campaign Rallies

Mission Canada observed 47 political rallies and public campaign events during the presidential election. The vast majority of these events took place before the first round, as the two candidates who took part in the run-off election generally did not hold rallies or public events. One of the exceptions was a campaign event held by candidate Poroshenko in Kyiv at the Olympic Stadium on 14 April.¹¹

In all cases observed by Mission Canada, law enforcement behaved appropriately and no cases of violence were reported. Rallies and campaign events were generally calm and peaceful, and though oratory at campaign events was sometimes heated, candidates and speakers did not use inflammatory or incendiary rhetoric. There were no reports of the use of language targeting minority groups by candidates or other speakers.

Minor incidents of attempts to disrupt rallies were reported in a limited number of cases, to which law enforcement agencies responded promptly and adequately. However, reports of incidents of limited violence and clashes between counter-protestors and police at political rallies increased as the 31 March election day drew nearer. In several of the incidents, law enforcement officers were injured.

Mission Canada observed and reported on 39 campaign rallies leading up to the parliamentary election. A similar dynamic was observed as in the presidential election although fewer disturbances were noted than in the presidential elections. In all observed cases, law enforcement behaved appropriately. One incident of limited violence, such as pushing and shoving between the supporters of a party and counter-demonstrators was reported. No incidents of incitement or hateful or incendiary rhetoric were reported. In several cases, campaign rallies were combined with concerts or performances.

Presidential candidate debates

Article 62 of the Law on Presidential Elections, together with CEC Resolution No. 472 (as of 5 May 2014, and as amended on 27 August 2014) and CEC Resolution No. 834 (18 April 2019), establishes the requirements for a second round televised debate to be aired by the National Public Broadcasting Company (Suspilne) between the two candidates on the last Friday (19 April 2019) before election day. Although mandated by law, there is no legislated penalty or fine for non-participation.

In addition to the debate mandated by law, presidential campaigns and media organizations may also organize candidates' debates at the discretion of the two campaigns, with funding emanating from the electoral funds of each candidate. The two campaigns agreed on only one such debate. On 19 April 2019, the two candidates participated in a live debate from 7:00 to 8:00 pm at the Olympic Stadium in Kyiv, where several thousand people gathered to watch. The debate was broadcast live on most major TV networks, as well as on radio and online. Given the scheduling of this debate arranged by the candidates, the CEC was obliged to move the timing of the official debate, to be aired on the National Public Broadcaster to 19 April 2019 from 8:00 pm to 9:00 pm. Only candidate Poroshenko participated in this

¹¹ The 14 April event in Kyiv was presented by the Poroshenko campaign as a debate between the two candidates. However, the Zelenskyy campaign did not agree to have their candidate present at the debate, and the Poroshenko campaign held a concert and rally outside the stadium, followed by candidate Poroshenko answering questions from the media.

official debate. Moreover, since the debate took place 36 hours before the election, there was very limited time for public discussion and analysis on issues raised, including by the media.

According to a survey by the Kyiv International Institute of Sociology released on 16 April 2019, 68.6% of those surveyed considered debates important and 24.7% considered debates “completely unnecessary”. In regards to expected results of debates, 34.5% stated that they wished to become more familiar with the candidates’ programs and their position on important questions; 17.8% wanted to see how the candidates communicated; and 30% wanted “to become convinced that my candidate is the same person for whom I will vote.” Mission Canada considers debates between candidates an important part of the democratic process of elections, and of the democratic tradition. Candidate debates allow voters to familiarize themselves further with candidates, their platforms, programs and positions.

Campaign Financing

Presidential election

Campaign financing is governed primarily by Chapter VI, Articles 41-43 of the Law on Elections of the President of Ukraine. Presidential campaigns must open a campaign fund account, from which campaign spending is executed on a cashless basis. The law has not undergone significant changes since the 2014 presidential election, with the exception of the amendments regarding the transparency of forming of a candidate’s election fund and reporting for its use. Notably, on 8 October 2015, the Ukrainian parliament adopted the law On Making Amendments to Certain Legislative Acts of Ukraine on Prevention and Counteraction of Political Corruption, which, *inter alia*, clarified and extended the procedure of reporting on the use of election funds. Additionally, amendments were made to the Code on Administrative Offenses and the Criminal Code, stipulating any administrative liability for violation of the procedures or terms for submitting the financial report on the receipt and use of election funds, as well as criminal liability for knowingly reporting false information.

During the 2019 presidential election, presidential candidates’ managers of election funds were obliged to submit interim financial reports confirming the receipt and use of election funds to political parties (except for the self-nominated candidates), the CEC and the National Agency on Corruption Prevention (NAPC) five days prior to election day. These financial reports were then published on the websites of the political parties (if available), the CEC and NAPC no later than the day following their receipt. This same procedure was repeated for the second round of the election, with the deadline for submission of the interim financial report four days prior to election day.

Campaigns must notify both the CEC and the NAPC on the opening of their account and provide banking details. Five days before the election, the CEC and the NAPC must make public the interim financial reports of the respective campaigns. In the case of individuals, donations to campaigns are limited to approximately 1.7 million UAH (400 times the minimum monthly salary); in the case of legal entities, donations are limited to approximately 3.4 million UAH (800 times the minimum monthly salary). Foreign citizens, foreign legal entities, as well as legal entities who have entered into a public procurement contract in accordance with the Law on Public Procurement are prohibited from making campaign donations.

The CEC did provide further clarification on the question of political campaign spending, outlining that agreements signed between campaigners and campaigns may not have any monetary reward. However,

the reimbursement of expenses of campaigners (for example, gasoline, transport, phone bills, etc.) would be considered legitimate campaign expenses.

The NAPC reported that financial statements of 26 of the candidates contained violations, the most common of which was the acceptance of donations from individuals or legal entities having outstanding tax debts, as well as the absence of required details governing the purpose of the payment. On 24 May 2019, the NAPC stated that it had opened 128 administrative protocols regarding possible administrative violations relating to campaign funds and had turned over to the National Police 12 cases of possible criminal violations related to candidates' campaign funds.

Campaign expenditures: Top 5 presidential campaigns

Candidate	Campaign Fund Total (UAH)	Donations - individuals %	Donations - legal entities %	Funds from political party %	Personal from Candidate %	Total campaign expenditures (UAH)	Expenditures - campaign materials (%)	Expenditures media advertising (%)	Expenditures - Services (%)	Other expenditures (%)
Poroshenko	584,507,590	0	0	0	100	584,507,590	20.7	59.2	14.7	6.4
Jurashenko, Yulia	228,917,754	0	0	100	0	228,917,754	11.5	74.25	13.28	0.97
Vilkul	165,225,523	93	7	0	0	159,063,277	4.32	87.21	8.18	0.29
Zelenskyy	145,961,700	40.3	4.9	45.1	8	143,361,700	2.2	76.7	16.9	4.2
Horshenko	123,744,047	68.08	0.25	31.67	0	112,404,192	16.4	55.09	25.8	2.71

Parliamentary election

The financing of parliamentary campaigns is governed primarily by the Law of Ukraine entitled On the Election of People's Deputies. Political parties who register a slate in the proportional ballot, and candidates registered in the SMDs must open an electoral fund from which they pay campaign expenditures. Electoral funds for national parties are limited to 90,000 times the minimum salary, which for this election meant a spending limit of approximately 370,000,000 UAH (approximately 14.5 million USD). The campaign fund for a candidate in an SMD is limited to 4,000 times the minimum salary, or approximately 16,500,000 UAH (approximately 650,000 USD).¹²

Parties and candidates must appoint a manager for the electoral fund, and expenditures are to be paid out on a cashless basis. Five days prior to election day, the manager of the party's electoral fund must submit an interim financial report to the NAPC and the CEC; the manager of a candidate's electoral fund must submit an interim financial report eight days prior to election day to the party that nominated the candidate (unless they are self-nominated) and the respective DEC. Fifteen days after election day, the final financial report by a party must be submitted to the NAPC and the CEC; seven days after election day, the final financial report for SMD candidates must be submitted. DEC, the CEC and the NAPC are responsible for verifying these reports – violations or non-compliance are subject to fines or suspension of public financing of the party. The reports are to be made public by the respective institution to which they were submitted.¹³

Individuals may donate up to 400 times the minimum salary (approximately 1.6 million UAH or 64,000 USD) to a political party or candidate; legal entities may donate twice that amount (approximately 3.2

¹² Law on Election of Peoples' Deputies. Article 48, Part 1

¹³ Law on Election of Peoples' Deputies, Article 49, Parts 5-7

million UAH or 128,000 USD).¹⁴ Candidates may also use their own funds to fund their campaign. There is no limit on the amount of their own funds a candidate may donate.

National parties are eligible for reimbursement of campaign expenditures from the state budget if they clear the threshold for entry into Parliament (5% of the vote).¹⁵

Mission Canada observed during both the presidential and parliamentary elections that campaign financing continues to be opaque. Significant amounts of campaign spending occur outside the parameters of the campaign fund account. Regulations on campaign financing have seen a marked improvement in transparency since previous election cycles in Ukraine, especially in the requirements for the disclosure statements mandated by law. Importantly, campaign financing is becoming an issue of increasing interest and attention for civil society organizations and the non-governmental sector. Regulatory and legal reforms that continue to increase the transparency of campaign finance and provide effective remedy for campaign finance violations will be important steps in the continuing consolidation of Ukraine's democratic institutions.

Use of administrative resources

Presidential election

Broadly defined, the use of administrative resources in the context of a political campaign refers to the use of public or state resources for the purposes of campaigning, to the advantage of one or another candidate.¹⁶ Campaign interlocutors in several oblasts raised the issue of the misuse of administrative resources in the campaign with Mission Canada.¹⁷ This included access to campaign venues being limited by local officials, state officials allegedly campaigning during working hours, and employees of the state or university students being compelled to attend campaign events. Several interlocutors mentioned a new development in this area. Ostensibly due to decentralization reforms, different candidates, who themselves or through the parties who support them have power bases in different parts of the country, are able to use state resources in different regions. Previously in Ukraine, only the incumbent (or their chosen successor and/or their party) could access administrative resources. Although numerous campaigns tended to raise the issue of misuse of administrative resources as an issue of concern, they rarely filed formal complaints. However, the vast majority of accusations of misuse of state resources were still made against the incumbent. These included campaigning during working hours by state officials and pressure on state employees to support the incumbent.

¹⁴ Law of Ukraine on Political Parties, Article 15

¹⁵ Law of Ukraine on Political Parties, Article 17-4

¹⁶ More precisely, the Venice Commission defines administrative resources as the following: "*Administrative resources are human, financial, material, in natura and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector staff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence that stem from their position as elected or public officers and which may turn into political endorsements or other forms of support.*" [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2013\)033-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2013)033-e)

¹⁷ For example, in Ternopil, Ivano-Frankivsk, Luhansk, Zhytomyr, Chernivtsi, Khmelnytsk, Odesa. The most frequent and numerous allegations came from Kharkiv.

The widespread use of administrative resources in election campaigns can undermine the level playing field for candidates necessary for a democratic election. However, it is Mission Canada's assessment that the use of administrative resources did not result in undermining the overall fairness of Ukraine's presidential election.

Parliamentary election

Most of the allegations concerning the misuse of administrative resources reported to Mission Canada during the parliamentary campaign centered on the use of municipal resources for campaigning,¹⁸ with claims by candidates that the implementation of public works projects were subscribed to a specific candidate. Other examples of allegations included the use of public funds for billboards and other campaign advertising,¹⁹ and the use of local, municipal resources to organize events where a candidate campaigned.²⁰

During the campaign, the misuse of administrative resources was a local phenomenon. There was no indication that the wider state power was used in a centralized way in an attempt to influence the outcome of the election. The general non-interference of the central state in the election campaign is a continuing positive development in Ukrainian electoral politics.

Vote Buying

In its 2016 judicial review, the High Administrative Court of Ukraine concluded that vote buying can refer to one of three types of offences: criminal (Article 160 of the Criminal Code of Ukraine), administrative (Article 212-10 of the Code of Ukraine on administrative violations), or electoral, which entails the application of measures that are constitutional in nature.

Presidential election

Allegations of large-scale vote-buying were commonly raised by Mission Canada interlocutors, both from campaigns and civil society representatives during the presidential election. The majority of these allegations were made before the first round of the election and centred on accusations from two of the campaigns (Yulia Tymoshenko and Petro Poroshenko) against each other. The Ministry of Internal Affairs, the State Security Service and the General Prosecutors' Office, all publicly raised vote buying as an issue of particular concern before the first round. Several investigations by law enforcement into alleged vote buying were opened in the lead-up to the second round of voting in Volyn and Chernihiv oblasts on 11 April.²¹

¹⁸ For example, in Mykolaiv and Kyiv oblast

¹⁹ For example, in Rivne oblast

²⁰ For example, Kyiv oblast

²¹ The National Police stated on 11 April that investigations had been opened into alleged vote-buying in Volyn and Chernihiv oblasts. https://www.npu.gov.ua/news/vibori/na-volini-ta-chernigivshhini-policziya-rozsliduje-fakti-jmovirnogo-pidkupu-viborciv/?fbclid=IwAR0itr4KQglOWvM7Qo1eiXSkG-D8h-Z_tHEBk25P8DAe97iTPPkfvZ2UZ08

On many occasions, voters complained to observers that they received calls from unknown mobile numbers and were offered, on average, 500 UAH for their vote. In one case, a hierarchical criminal organization was allegedly created for mass bribery of voters and falsification of results.²² In another case, the court did not consider the presidential candidate Zelenskyy's announcement of a distribution of free tickets for the debates at Olympic stadium on his Facebook account as a case of vote buying.²³

Parliamentary election

Interlocutors with whom Mission Canada met noted that the SMD component of the election provides an incentive to candidates to attempt to influence voters through either direct or indirect vote buying – given that in many cases a relatively low number of votes in an SMD can make the difference between winning and losing. Allegations of vote buying by campaign interlocutors increased as election day approached in most regions of the country. In Donetsk oblast (Mariupol city), Mission Canada observed an attempt at indirect vote-buying, whereby a candidate's campaign event was followed by the disbursement of packages of groceries to attendees. Law enforcement services opened several dozen investigations into alleged vote buying attempts throughout the campaign period.

Election Security

Presidential election

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

Another positive development since the last national election cycle in 2014 was the advent of the "Police with Dialogue" (Поліція Діалогу) deployed at mass events. This model of law enforcement is based on the premise that speaking with non-threatening police about a potential incident is a more effective way to de-escalate than having the presence of a large number of armed law enforcement.

The campaign period, the immediate post-election period following the 31 March vote and the 21 April vote were generally calm and peaceful in the regions of Ukraine where campaigning and voting took place. No major incidents of election-related violence or unrest were reported.

On 19 April 2019, during the candidates' debate at Olympic Stadium in Kyiv, which was attended by several thousand people, Police, National Guard and State Security Service officials effectively and successfully maintained law and order. No breach in security or violence was observed.

²² Criminal investigation No. 4201900000000310 of 11.02.2019 (entered to the Unified Register of Pre-Trial Investigations)

²³ According to the court, there were no calls to vote for a certain candidate and the relevant post was "addressed not only to his supporters, but also to all visitors of his account on the Internet".

The overall coordination of election-related security matters between branches of law enforcement was generally positively observed during the campaign, in between the two rounds of the election and immediately following the second round of the election.

Parliamentary election

In several oblasts,²⁴ law enforcement agencies reported to Mission Canada a significant increase in bomb threats during the parliamentary campaign. Such threats emanated from online sources both from inside and outside the country, aimed at disrupting the electoral process.

Sporadic violence related either directly or indirectly to the election took place throughout the parliamentary campaign.²⁵ These incidents were not systemic. Mission Canada observed damage to campaign tents, campaign vehicles, vandalism of campaign offices and alleged intimidation of campaign workers and volunteers in several oblasts.

The war in the east negatively impacted the administration of the election in Ukrainian territory under the government's control. In Donetsk oblast, District Election Commission 59 appealed to the CEC, the Oblast Military-Civil State Administration, the Cabinet of Ministers and local authorities to move the DEC premises, given the proximity of the town where the DEC is located Marinka to the line of contact. Areas near the town have come under shelling from Russian occupation forces and the Marinka police department and city courts were moved to Kurakhove, approximately 20 km further from the line of contact.

Throughout election day, law enforcement agencies ensured order and security in all regions where voting took place. No major security incidents related to the election took place in the immediate post-election period observed by Mission Canada. Security officials with whom Mission Canada met in the immediate post-election period generally noted that they felt they were adequately trained in the procedures of ensuring security in an election. Several law enforcement representatives noted that an increase in personnel and resources would have been welcome for the election period.

²⁴ For example – Kharkiv, Rivne, Mykolaiv oblasts

²⁵ On 16 July, a candidate in Mykolaiv oblast was found dead from a gunshot wound. Police stated that they are investigating the death as a suicide. In Zhytomyr oblast, a candidate reported that they had flour thrown at them while meeting with voters. In Kyiv city on 13 July, the headquarters of a TV station was hit with a grenade launcher. Nobody was injured and the Security Service of Ukraine is investigating the incident as a terrorist act. On 14 July, a candidate in Khmelnytsk was apparently attacked and stabbed – in a meeting with Mission Canada he accused a campaign rival of ordering the alleged attack. The rival, in turn, publicly stated that the attack was fabricated by the first candidate in order to discredit him. On 9 July, a candidate was attacked with tear gas in Kyiv City. On 10 July, police reported that a suspect had been detained. On 16 July, police reported that a candidate in Rivne had a grenade attached to the door handle of his car, and the car's windows had been vandalized.

Cybersecurity in the Ukrainian elections²⁶

Recent global events demonstrate that cybersecurity is a matter of growing concern to all democracies. A significant cyber incident could undermine citizens' trust in the integrity of political and electoral processes. Mission Canada's assessment concludes that the technical staff at the CEC and representatives from relevant government agencies of Ukraine attempt to take concerted measures to address them in line with best international practices. However, there still exists a significant gap between the leadership and those institutions governing the national cybersecurity system, both at the presidential and government levels. This leads to a lack of attention to and financing of cyber protection of critical infrastructures or processes, including the electoral system. Despite the adoption of the national cybersecurity strategy, no regulatory document has been established in the country to provide a direct link between cybersecurity and elections despite its vital importance for the country's democratic transition.

The time span allotted for setting up the electoral network for the presidential election was limited. The critical levels of threats emanating from cyberspace in Ukraine, the strategic importance of ensuring transparency and integrity of the electoral process, all demanded that relevant processes be conducted with sufficient lead time. Despite these challenges, both the presidential and parliamentary elections occurred without major incident.²⁷

The CEC systems and personnel were subjected to a high volume of constant attacks, including massive DDoS attempts against the CEC website, spear phishing, attempts to hack staff passwords and system probing aimed at detecting vulnerabilities throughout the entire electoral period, especially in the first round of the presidential election. The Ukrainian Cyber Police attributed some of these attacks to the Russian Federation.²⁸ It was noted that both the volume and sophistication of malicious attacks decreased significantly during the parliamentary election. The coordinated efforts by the CEC Working Group tasked with ensuring the integrity and availability of the upgraded CEC systems can be credited with successfully protecting the electoral process during both periods. At the same time, the manner in which this process was conducted in terms of organizational and institutional planning, budgetary support and adequate resourcing has revealed the need for numerous improvements with respect to technical and human operator preparedness, capacity and capabilities in advance of subsequent rounds of elections in Ukraine.

²⁶ The purpose of Mission Canada's observation mission was to acquire an overall impression of the process, resources and levels of preparedness associated with the Presidential and Parliamentary elections at the national level only. No technical assessment of cybersecurity systems, data collection and transmission, or other associated processes and procedures was conducted. The assessment relied exclusively on open source information and interviews with CEC, Security Service of Ukraine (SSU), State Service of Special Communication and Information Protection of Ukraine (SSSCIP), the Verkhovna Rada representatives, IFES and voluntary information they provided, as well as own sources. As a result, the high-level assessment and recommendations provided herein are based on limited access and incomplete information only.

²⁷ "The CEC says that while there are cyberattacks, nothing harmful happened" (in Ukr), *Ukrinform*, 27 March 2019, <https://bit.ly/2OnyyP6>; "The SBU declares that it provided cybersecurity of the elections to the Verkhovna Rada" (in Ukr), *Interfax-Ukraine*, 26 July 2019, <https://bit.ly/2SHvqMx>

²⁸ "Hacking the election. Review of cyberattacks on the eve of the presidential elections in 2019" (in Ukr), *Internet Freedom*, 7 April 2019, <https://bit.ly/2yfhPmc>, and "The Cyberpolice records the growth of cases of cyber-attacks from the RF on the eve of the election" (in Ukr), *RBC-Ukraine*, 11 March 2019, <https://bit.ly/2CdxCV6>

Issues specific to the presidential election

Given that Ukraine was subject to repeated and numerous cyber-attacks for many years, including a successful attack on its digital infrastructure on the eve of the May 2014 presidential election, it was widely expected that CEC systems would be subjected to attacks in 2019. It appeared that due to timely assistance from international partners, including IFES, Canada, NATO and others, the CEC succeeded in introducing a number of cybersecurity improvements to enhance its cybersecurity posture. Those included segmenting the office network (the workload network) and critical networks, as well as installing a modern network monitoring system. Aware of the risks posed by cyberattacks to the elections, the newly formed CEC in October 2018 appointed a commission member to oversee cybersecurity preparations. As the legal and operational authority responsible for ensuring the integrity of the electoral process, the CEC's IT department formed a Working Group comprised of representatives from the SSSCIP, the SSU, the National Security and Defence Council of Ukraine, the Ministry of Defence and the Foreign Intelligence Service in November 2018. The National Cyber Police was eventually added as a member. The purpose of the Working Group was to coordinate the planning, procurement, information sharing and other aspects of cyber readiness and preparedness, as well as to establish and operate a central NOC/SOC for monitoring alerts and timely responses. A special focus was placed on training the CEC secretariat and regional DEC staff on cybersecurity hygiene.

In advance of the first round of the presidential election on 31 March, Mission Canada assessed the CEC's readiness to ensure the availability and integrity of electoral electronic systems and identified several reasons for concern. These were predominantly related to limited resources of the CEC. Moreover, the short time allocated to the CEC for the 2019 election preparations resulted in scrambling for resources. Technical personnel interviewed by Mission Canada at CEC, SBU and State Service of Special Communication and Information Protection of Ukraine (SSSCIP) exhibited a clear understanding of challenges, risks and tasks ahead. They noted the need for various improvements to strengthen the institutional capacity, operational readiness, and human preparedness at all levels.

The operational team of the Working Group was only constituted two weeks prior to the first round of the presidential election. They were tasked with identifying and addressing various types of cyber-attacks using a recently procured technical system, including procedures for information sharing and coordination. The Working Group therefore had a limited time to address any operational gaps.

The SSSCIP, as part of the CEC Working Group, is involved in the roll-out of the system and performs a standard internal audit and technical certification process confirming its performance readiness. As this audit was conducted one week prior to the first round of presidential elections, it left little time to address any shortcomings in the system itself or in processes surrounding its administration and physical security. Without diminishing the oversight role of the SSSCIP, transparency and public trust in the capabilities of Ukrainian cybersecurity agencies would only improve if a reputable and trusted third-party international agency could conduct periodic audits and provide practical recommendations in line with NIST Guidelines 2.0 and ISO/IEC 27000/1 standards.

Mission Canada considers that the designation of the CEC election infrastructure as critical could lead to the institutionalization of relevant processes, including budgetary considerations, timely system upgrades, recruitment and retention of personnel. The existing legal and regulatory framework allows the Cabinet of Ministers to designate a service or organization as critical if its "...activities are directly related

to the...functioning of society and public safety...".²⁹ Ukraine does not, at the moment, have an established list of critical infrastructure although work is underway in this regard.



²⁹ Article 1/16 of the Law on Cybersecurity of Ukraine

Participation of Women and Gender Issues

Gender issues were largely absent from the radar of the candidates and their campaigns for both the presidential and parliamentary elections. Parties, candidates or their representatives informed Mission Canada that gender equality had already been achieved in the country, pointing to the rights that women already have under Ukrainian law and therefore no need to include 'gender' as part of their campaigns. Others declared that this was not the time to speak of gender because the war is the most pressing issue facing the country and all other concerns needed to be sublimated to efforts to end the conflict.

The exception to the lack of female inclusion in the electoral process was the heavy representation of women in the administration of the electoral process. This includes the CEC where 9 of its 16 members were women, including the Chair. For both electoral processes, Mission Canada observers reported anywhere from 30-70% at the DECS, including in the troika positions of Chair, Deputy Chair and Secretary. Female representation became heavier at the PEC level, up to 100%, including the troika positions.

Some electoral officials told Mission Canada that the over-representation of women was indicative that the electoral process is rooted in 'gender equality'. However, women's rights advocates stated that the fact there are so many female members of DECS and PECs is due to the reality that these jobs are low paying with long hours.

Mission Canada recognizes that numbers do not reflect the full story of women's participation in these elections. We note that the broader political environment of both the presidential and parliamentary campaigns had several challenging aspects regarding gender equality. According to women's rights advocates Mission Canada spoke with, Ukraine remains a conservative society with regards to women's issues, deep-rooted in traditional stereotypes of male and female roles. Many public officials as well as ordinary citizens see the concept of 'gender' as a foreign import planted here to undermine Ukrainian society. As such, even politicians who may be sympathetic to gender issues refrain from speaking about it in public, preferring to emphasize family values rather than women's rights. While domestic laws and international conventions that Ukraine is party to provide a certain measure of gender equality in Ukraine, significant obstacles remain for women to fully participate in public life, including the ability to influence state policy.

Against this backdrop, gender advocates that Mission Canada met with spoke of a well-organized "anti-gender campaign," providing a strong, public voice to a "traditional family values" movement. Draft resolution #8521 on "Ensuring the Protection of Family Values and the Institution of the Family in Ukraine," was registered in Parliament in June 2018 and was waiting first reading before the end of the VIII Convocation of Parliament. Similar resolutions have been adopted by over 100 local and oblast councils requesting Parliament to adopt the "pro-family" actions listed in #8521. The draft Resolution calls for a series of initiatives to "promote and foster family values," expanding the legal right to life definition to begin at conception, (in effect, banning abortion, currently legal in Ukraine), the recognition of marriage only between consenting males and females, and the creation of an "executive body" for family affairs.³⁰

However, there have also been some successes. A record number of 87 women MPs were elected to parliament on 21 July, increasing the number of female parliamentarians from 11.6 to 20.5%. An amendment to the criminal code, which came into effect in January 2019, redefined rape as sex without

³⁰ http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=64284

consent, including between spouses or partners, as well as criminalized domestic violence.³¹ And according to several polls conducted in the first six months of 2019, over 60% of the population supports the “adoption of measures to promote the participation of women in politics.”³²

The new draft electoral code is a significant step forward in guaranteeing women’s participation in politics. It provides for 40% female representation through a so-called zippered approach (two out of every five candidates for each party list are to be women to ensure their integrated placement on the list). Gender advocates state that even if the code is not signed into law and a new electoral law is adopted by parliament, gender quotas will likely remain.

Presidential election

None of the candidates made issues of concern to women part of their political platforms or mentioned women’s rights and gender equality on the campaign trail. This included the four female candidates who were on the ballot in the first round of the elections.³³ One of them, Olha Boholomets, spoke to the traditional role of women as “wives and mothers”, while the majority of the candidates in the first round campaigned on “family values.” Candidates Tymoshenko, Boholomets, and Vilkul offered child bonuses as part of their campaign platforms.³⁴

In an effort to have the candidates publicly state their positions on gender equality and women’s rights during the first round of the elections, an alliance of 157 women’s NGOs drafted a manifesto on gender issues that was then sent to each of the 39 candidate campaign offices asking them to respond. Issues included gender quotas, the ratification of a Council of Europe Convention as it concerns protection from domestic violence (the Istanbul Convention³⁵), the number of women appointed to higher positions and pay equity. None of the candidates responded to the protocol itself or the issues outlined in it.³⁶

With regard to the two candidates in the second round, neither Mr. Poroshenko nor Mr. Zelenskyy spoke about, or included, gender issues in their campaigns. In November 2018, Mr. Poroshenko was invited to speak to the Annual Ukrainian Female Congress, organized by the Equality Opportunities Caucus of the Verkhovna Rada. He publicly spoke of the need for women to take a stronger role in public life and of the

³¹ <https://zakon.rada.gov.ua/laws/show/2227-viii>

³² However, in the poll conducted in February 2019, in response to a question on the recent sexual and domestic violence amendments only 34% of women and 29% of men in favour of the changes to the Criminal Code. <https://www.sapiens.com.ua/en/publication-single-page?id=62>.

³³ Gender interlocutors stated that 3 of the 4 female candidates were technical candidates. Olha Bohomolets is number 3 on the party list of Petro Poroshenko Bloc; Yulia Lytvynenko is a journalist with Pryamyi TV, which is co-owned by Mr. Poroshenko, and Inna Bohoslovska is widely regarded as being connected to the Opposition Bloc.

³⁴ Tymoshenko offered 50,000 UAH for the birth of the first child, 100,000 for the birth of a second child, and 150,000 UAH for the birth of a third child and all subsequent children.

³⁵ The ratification of the Convention was defeated by 1 vote in parliament.

http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60492. According to a member of the Equal Opportunities Caucus, which brought forward the Convention, the Caucus was informed by some parliamentarians that if the word gender was dropped from the document they would vote in favour of it.

³⁶ Mr. Hrytsenko, in one of the presidential debates held on Suspilne public television, when specifically asked by a gender expert panelist to comment on the issues contained in the manifest provided an answer that included both the need for women to consider themselves as “guardians of the family”, as well as the importance of ensuring the application of laws that support women’s rights. He began his remarks with the comment, “I love women.” <https://bykvu.com/bukvy/113450-lyashko-i-bojko-ne-prishli-na-debaty-s-gritsenko>

importance to pursue policies that would help women achieve gender equality. He then reversed this position when he spoke at the “All-Ukrainian Forum of Traditional Values” in March 2019, organized by the national civic movement, “Ukraine for the Family,” where he spoke in support of women embracing their traditional roles.³⁷

Women’s advocates informed Mission Canada that while there was a lack of information regarding Mr. Zelenskyy’s position on gender equality, given that he neither spoke about the issue during the campaign nor was there anything on his political platform, they expressed concern with regard to Mr. Zelenskyy’s well-known sexist jokes and comments in his comedy routines.³⁸ Mission Canada observers reported a predominance of men in campaign offices and if women were present at the meetings, they did not speak.



The participation of women in election administration increased slightly between the first and second presidential rounds. In the first round, the overall percentage of female representation in the DECAs was 56.5% and for the second round, 60% - an overall increase of approximately 3.5%. Male membership in the DECAs decreased by 3.5% from 43.5% to 40%. This represents an 11.5% increase in women’s participation in election

administration from the previous presidential election in 2014 where female membership in the DECAs constituted 48.5%.

³⁷ Both Ms. Boholomets and Ms. Tymoshenko also attended the Forum, although only Ms. Tymoshenko spoke, calling for an increased role in the Church in matters relating to social public policy. Gender advocates view an increased engagement of the Church in state policy as breaking down the official separation of church and state that exists in Ukraine. However, Ms. Tymoshenko also released a statement on 8 March 2019, on the occasion of International Women’s Day. Her statement included the following comment: “This day should be a reminder.... that we women have the same rights as men. But very often we burden ourselves with only duties. In my opinion, women should be everywhere – in politics, in management systems, in public bodies, in public work.”

³⁸ One well-known women’s rights advocate posted a video to her Facebook page on 18 April stating, “Mr. Zelenskyy, we don’t know much about you, but we know your homophobic, anti-women, racist, xenophobic jokes. Objectively speaking, you do not respect me, so why should I respect you?” The video has been widely viewed, shared and tweeted:

<https://www.facebook.com/larysa.denysenko/timeline?lst=520231516%3A1069594599%3A1556524892>

On 18 April 2019, Mr. Zelenskyy announced the appointment of a gender equality official, Maryna Bardyna, when he made public the team that would be part of his administration if elected. Ms. Bardyna’s main role was to prepare for the Parliamentary elections, identifying female candidates for Mr. Zelenskyy’s political party, “Servant of the People.”

Among the heads of DECs, the number of women was 53 % and among commission secretaries, 72% were women. Among members delegated to the DECs by Mr. Poroshenko, 64% were women, while Mr. Zelenskyy appointed 56% of women to the DECs.³⁹

Parliamentary election

Mission Canada notes that with this election the number of female representatives in Parliament increased to its highest number ever, 87 women, since Ukraine's independence. 61 were elected through party lists and 26 in single mandate constituency seats⁴⁰, in large part, due to the 'Green Wave', (21 of the 26 female SMCs were elected as Servant of the People candidates).

Several parties made an effort to ensure better gender parity in their party lists. While Voice (Holos) and European Solidarity (Europeiska Solidarnist) came slightly under the gender quota requirement for their party lists (28 and 29% respectively), both parties included a significant number of women in their top 20 candidates.⁴¹ As a result, they are the only parties in the new parliament that will be entitled to additional public funding under the Political Finance Reform law having met the 30 %threshold of female MPs (with 45 and 39% respectively).⁴²

While other parties, including the Radical Party of Oleh Lyashko, Opposition Bloc, and Opposition Platform - For Life (Oposutsijna Platforma Za Zhuttya) met the 30% gender quota in current election legislation with their party lists, many of the women were placed within the bottom tier.⁴³ As a result, despite having 38% of women in their party list only 13.5% of Opposition Platform - For Life (Oposutsijna Platforma Za Zhuttya) representatives in the new Parliament will be women.

Only 15% of all single constituency candidates were women and there were 25 single mandate districts with no female candidates.⁴⁴ Women majoritarian candidates told Mission Canada that their male colleagues running in other districts were better financed and supported by the party they represented. Independent female candidates spoke of the challenges of raising money for their campaigns, stating that donors preferred to support male candidates, often because they had ties to local business and political elites, avenues generally closed to women.

Female candidates (both independent and party affiliated) also spoke of the challenges of overcoming gender stereotypes, expressing frustration that they were judged on their physical appearance and attire rather than on their competence, skills or experience. They noted that both male and female voters were

³⁹ <https://www.oporaua.org/en/news/vybory/vybory-prezydenta/vybory-prezydenta-2019/17564-h>

⁴⁰ By comparison, in the 2014 parliamentary elections, only 2 women were elected by majoritarian ballot.

⁴¹ For the top ten, Self-Reliance Party (Samopomich) led the list at 60%, followed by Voice (Holos) at 50% and European Solidarity (Europeiska Solidarnist') at 40%. Servant of the People (Sluha Narodu) had 30% of women in their top 10. Fatherland Party (Batkivshchyna Party) did not meet the gender quota requirement in their party list.

⁴² Servant of the People has 21.65% female MPs while Fatherland Party has 20.83% women MPs.

⁴³ Voice had 40 percent women in their top 20 and European Solidarity 35% women. Both Opposition Platform – For Life and Opposition Bloc had only 2 women in the first 20 representing 10% women, while the Radical Party of Oleh Lyashko had 20%. Svoboda had no women in the top 20 of its list.

⁴⁴ Voice had the highest percentage of female SMD candidates with 29%, followed by European Solidarity at 19%. Servant of the People had 17% women SMD candidates, while Fatherland Party had 15% and Opposition Platform - for Life had 10%.

less likely to vote for a woman because of societal biases that women do not possess the leadership qualities necessary for public life.

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

Mission Canada notes that women’s engagement in the administration of the electoral process increased by 2% between the presidential and parliamentary elections.⁴⁵ According to the CEC, for the parliamentary elections, women accounted for 49.75% of DEC heads, 56 % of deputy heads and 69 % of secretaries. These numbers were even higher for the PECs with 78% of heads, 77% of deputy heads and 87% of secretaries were women. Overall, 78% of PEC members were women.⁴⁶

LGBTQ

During both the presidential and parliamentary campaigns, none of the candidates spoke out in favor of Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) rights or included policies or programs supporting the LGBTQ community in their platforms. A few candidate representatives, as well as other politicians, privately acknowledged to Mission Canada that publicly supporting LGBTQ rights would be damaging to their political careers. Several candidates are well-known for their anti-LGBTQ stand.⁴⁷

While LGBTQ advocates did not report any obstacles to participating as individuals in the presidential elections, they highlighted issues regarding their ability to publicly advocate for their rights or engage in political life as an openly LGBTQ person without fear of threats or attack. In the middle of the campaign, one high-profile activist was forced to move out of her oblast after she was attacked and her home address published because of her public advocacy with regard to LGBTQ rights.

There was also concern expressed by the LGBTQ community towards Mr. Zelenskyy as a presidential candidate. While some supported his candidacy in the hope for a complete change of power, many were strongly opposed to his election. According to advocates, both his comedy routines and programs

⁴⁵ Almost 59% of DEC members were women for the parliamentary election as compared to 57% for the presidential elections.

⁴⁶ The CEC only calculates and publishes a gender breakdown of DEC membership, although not by troika position. However, they shared the above data with Mission Canada upon request.

⁴⁷ During the presidential campaign, in a televised debate between Ms. Bohomolets and Ruslan Koshulinsky, the Presidential candidate for *Svoboda* Party on state Suspilne TV on March 22, 2019, Ms. Boholomets stated the following sidestepping a question about the Istanbul Convention: “I do not support (gay marriage). I support Christian values. I support there should be more Ukrainians in families where there is a mother, father and five children.” In 2018, Oleksander Vilkul submitted a draft bill to the Verkhovna Rada proposing to establish criminal responsibility “for the promotion of same-sex relationships”. The explanatory note to the draft law stated that it will “strengthen the protection of public morals, protection of the family and traditional family values, strengthening of social protection of the family and children.”

produced his studio "Kvartel 95," have repeatedly produced homophobic, transphobic and sexist jokes on television, thus legitimizing intolerant attitude to the LGBTQ community among the Ukrainian population.



Participation of Internally Displaced Persons (IDPs) and Internal Migrant Workers

International standards and human rights legal provisions guarantee IDPs the right to participate in elections.⁴⁸ They currently make up just under four percent of the total voting electorate.⁴⁹ Under the current legal framework of Ukraine, IDPs have the right to fully participate in Presidential elections but are only partially enfranchised for Parliamentary elections.⁵⁰

Despite two separate CEC regulations in 2019 which made it easier for IDPs and internal migrants to temporarily change their place of voting in order to participate in elections⁵¹, less than 10% chose to do so for either the presidential or parliamentary elections. There were a variety of reasons for this, including a lack of awareness of their rights. For the presidential election, a major issue was the need to register a temporary place to vote for each round, and for parliamentary elections the lack of full enfranchisement was cited as a significant barrier to their participation.

Mission Canada notes the additional burden placed on those still living in the occupied territories to exercise their right to vote. Aside from navigating the dangers of crossing a checkpoint, including the presence of land mines and armed personnel, those wishing to vote had to endure long line-ups, averaging 2-3 hours, as well as the possibility of border closures, thus further disenfranchising citizens in the occupied territories from exercising their electoral rights. Only one percent of approximately 4.5 million voters living in non-government controlled areas were able to exercise their political rights in either electoral process.⁵²

During the presidential electoral period, IDPs, civil society organizations assisting IDPs, and domestic observer organizations advocated for the adoption of Draft law No. 6240, “On Ensuring the suffrage of internally displaced persons and other mobile citizens within the country.” Government representatives with whom Mission Canada spoke also favoured the passage of the law, including the Ministry of Social Policy, their local and oblast offices, the Ministry of Temporarily Occupied Territories and IDPs, and the

⁴⁸ *Principle 22 of the Guiding Principles on Internal Displacement* affirms the right of IDPs to political participation regardless of their location in the country whether their area of origin, place of displacement, or elsewhere in the country.

⁴⁹ This percentage is based on CEC data of all registered voters, (30,470,342), provided to PECs, both domestic and foreign, as of 31 March 2019. The complete voter registration list of 35,566,121, accumulated by the SVR, which includes the occupied territories, as of 31 March 2019. The number of IDPs that were eligible to vote, (18 years old or older), was 1,177,469:

<https://www.facebook.com/grupa.vplyvu/photos/a.412447715811062/1012330852489409/?type=3&theater> out of a total 1,376,517 registered IDPs (as of 22 April 2019): <https://www.msp.gov.ua/news/16996.html>.

⁵⁰ Under current Ukrainian law, IDPs and internal migrants are able to vote for party list candidates but not for single district mandate candidates – and are wholly disenfranchised from local elections.

⁵¹ As per CEC regulation #129 of 5 September 2018, IDPs only needed to show their internal passports, they were able to register in any part of the country without further documentation. In contrast, for the presidential election, non-IDP voters seeking to change their place of residence in order to vote had to provide additional proof of the reason for their temporary location, such as for study or employment, and register at the state voter registry closest to their current residence or work. CEC regulation #893 of 23 May 2019 equalized the registration requirements of all other Ukrainians in the country who are not currently living in their place of permanent residence.

⁵² Data supplied by the national IDP advocacy NGO, Civil Holding GROUP OF INFLUENCE.

Central Election Commission. The draft law proposed broadening the enfranchisement of all Ukrainians, who live, study or work in places outside their official permanent residence, including IDPs, to fully participate in all electoral processes – presidential, parliamentary and local.

While the draft was a joint effort between government and civil society, most interlocutors acknowledge that No. 6240 was controversial with lawmakers. As one IDP advocate told Mission Canada, “IDPs are not considered an important constituency.” While No. 6240 was on the agenda for the VIII Convocation it was not brought forward before the end of the Parliamentary session.

IDP advocates are planning to bring forward a revised version of No. 6240 during the IX Convocation of Parliament. The revised version will broaden its scope to address issues of registration for all who have never been registered, (including homeless people, Roma who have never been registered because they have no proof of citizenship, and IDP youth who have turned 18 but are not able to be registered because their place of residence is listed in the occupied territories), or those who have been de-registered, as well as those reside away from their permanent place of registration. In total, approximately 5,500,000 Ukrainians are either fully or partially disenfranchised due to current registration issues.⁵³

Advocates informed Mission Canada that the registration system should be overhauled to allow for a change of voting registration address, de-linking it from one’s permanent place of residence. Many IDPs would prefer not to change their place of residence registration as this provides some guarantee of maintaining their ownership of housing. Of equal importance to IDPs is the fact that registration of a permanent place of residence in the occupied territories enables easier crossing of checkpoints. Not only does this reduce safety concerns, but it also facilitates IDPs to maintain connections with their original place of residence, as well as relatives and friends.⁵⁴ They also state that the process of registration should be changed from one that is permission-based to one that is declarative. This is similar to what exists in many western countries, whereby citizens are free to change their place of residence without compromising the ability to exercise their political and social rights.

On 29 July 2019, President Zelenskyy issued a decree (#558/2019) that would allow for a three-month timeline for online registration to temporarily change one’s place of voting. However, the decree did not address the issue of the various registries that are responsible for adding people to the state registry, namely the Unified Demographic Registry of the State Migration Service, local registries and the State Voter Registry.

On 30 July 2019, a group of 75 NGOs and civic initiatives issued a public appeal to the president urging him to place voting rights for IDPs and internal migrants as a priority before local elections are held as these groups are wholly disenfranchised from participating in them.

Presidential election

Only 6.5% of eligible IDPs changed their place of voting for the first round of the presidential election. Approximately the same number of IDPs registered their electoral address for the second round, despite

⁵³ This includes over 700,000 who have no registration, over 3 million internal migrants, and almost 1.5 million IDPs.

⁵⁴ According to a survey of IDPs conducted by the NGO, Civil Holding GROUP OF INFLUENCE. <https://www.vplyv.org.ua/archives/3287?lang=en>

a short window of opportunity – eight days – as compared to the first round, where those needing to register a temporary address had over three months to do so.⁵⁵

Interlocutors pointed to a low awareness of voting rights amongst the IDP population. Older IDPs in particular had little or no access to the internet and social media, where information on voting rights was readily accessible. Overall, there were few awareness raising campaigns and voter outreach programs that specifically targeted IDPs. As such, efforts to promote procedures and provide voter education to IDPs were inadequate. Mission Canada observers did report however that some municipalities and local administrators made a concerted effort to inform IDPs of the procedures through posters displayed in public buildings as well as television and radio advertisements in the local media. In the east, where the concentration of IDPs is the highest, at least one SVR went to an IDP settlement to register their change of electoral address for the first round. This particular settlement reported a high number of people with mobility challenges, citing both distance and transport as major impediments in applying for a temporary change of address.

Both Mission Canada observers and NGOs working with IDPs estimated that at least 50% of IDPs were not aware either that they had a right to vote or what the procedure was to temporarily change their address in order to vote.

In the week before the first round, human rights groups that monitor the entry-exit checkpoints (EECP) between the occupied territories and the government controlled areas noted a significant increase in the number of people crossing the EECP at Stantysia Luhanska, culminating on 26-27 March with 16,000 people crossing during a 24 hour period⁵⁶. However, only 6,000 people crossed on election day. This is considered to be attributed in part to information broadcast on television from the authorities in the occupied territories, as well as leaflets distributed near the EECP, warning people not to cross on 31 March 2019 due to the possibility of “provocations” as well as claims that the government-controlled side of the EECP would be closed.

Between the two rounds of voting, groups monitoring the EECP stated that there was no change in the number of people crossing and that there were no advertisements from the occupied territories warning people not to cross.

Challenges continued in the second round with regards to the legal requirements to register a temporary address with the State Voter Register for those not living at their permanent residence. This included IDPs, students, internal labor migrants and others. Mission Canada observed long line-ups, delays and confusion as to which documents were needed to register a temporary electoral address at State Voter Register offices for the second round. There were however some regional variations. In Zakarpattia oblast, Mission Canada did not observe any queues to register during the eight-day registration period from 7 to 15 April, while in Luhansk oblast, people waited in queues for several hours, with at least one State Voter Register reporting that they were processing upwards of 300 applications a day.

There were also differences in the actual registration process compared to the information provided, depending on the individual State Voter Register. Most registrants across Luhansk oblast were told to

⁵⁵ The SVR began processing registrations on 31 December 2018.

⁵⁶ According to the UNHCR funded Right to Protection NGO in Severodonetsk, the average number of people who cross the EECP in a 24-hour period is 10,000-11,000, with an equal number crossing from both non-government controlled areas and the government-controlled side

come back a second time to receive their “certificate of registration”. At the State Voter Register in Pechersky district, Kyiv City, people waited for up to five hours to obtain their certificate following registration. While there is nothing in the legislation that states that certificates must be issued at the time the person registers to change their address, State Voter Register offices took different approaches depending on how they interpreted the legislation in determining whether or not an individual should wait or return later to receive their certificate.⁵⁷

In general, the process disenfranchised Ukrainian citizens residing in the non-government controlled parts of Donetsk and Luhansk oblasts, as well as in Russian-occupied Crimea. The requirement for voters to cross the Line of Contact in Donetsk and Luhansk oblasts and from Russian-occupied Crimea to mainland Ukraine several times to change their voting address put them at risk each time and discouraged many of them from exercising their right to vote. The fact that voters were required to register again for the second round further compounded this issue.

There was also confusion surrounding whether voters needed to bring their certificates with them in order to vote. Some State Voter Registers informed people registering their temporary address that in order to cast a ballot, they should bring the certificate to the polling station. Other State Voter Registers told those registering that they only needed to bring their (internal) passport. According to current Ukrainian law there is no obligation to show the certificate when voting.⁵⁸

Although the total number of people registering to change their electoral address increased by 10,000 between the two rounds, the number of IDPs registering a temporary address remained the same.

In the lead up to the presidential elections, twelve cities, (Uzhhorod, Vinnytsia, Kherson, Korosten, Dobropillya, Mariupol, Kryvyi Rih, Bilhorod-Dnistrovsk, Kharkiv, Shostkiv, Popasnyanske, Zaporizhzhia) and one oblast (Zaporizhzhia), sent letters to Parliament urging it to pass draft law No. 6240. Given the controversial nature of this piece of legislation, a resolution to sign the support letter came before the Kramatorsk municipal council on 20 December 2018, but was not adopted. According to various interlocutors with whom Mission Canada spoke, concerns were raised that given the large number of IDPs living in Kramatorsk, enfranchising them for local elections could change the electoral landscape and impact on local political and economic dynamics. Kramatorsk city councillors told Mission Canada that “now is not the right time to address these issues”. They did acknowledge however that IDPs faced obstacles to participate in the electoral process.

IDP advocates pointed to this example as part of the challenges that help prevent their full social and political integration, including the perpetuation of stereotypes that IDPs are “pro-Russia” which make their inclusion more difficult. The issue of IDPs was rarely raised during either round of the presidential campaign and none of the main presidential candidates addressed IDP concerns on their campaign platforms.

⁵⁷ Paragraph 4.5 of CEC Regulation No. 893 simply states that there is an obligation on the part of the SVR to issue a certificate to each voter who has temporarily changed their place of voting.

⁵⁸ Part 1 of Article 76 of the Law on presidential elections states that when voting, a voter is not obliged to present such a certificate. They only have to show a document verifying they are a Ukrainian citizen (e.g. internal passport).

Parliamentary election

The ongoing conflict in the eastern oblasts of Donetsk and Luhansk along with the annexation of Crimea meant that the vast majority of IDPs were disenfranchised from participating in the single mandate districts (SMD) seats since they are still electorally registered in those territories.⁵⁹ Registering a temporary place of voting without changing the electoral address allowed those living outside their permanent place of residence to cast only a proportional list ballot, and not a SMD ballot.

By the 15 July registration deadline, out of a total of 280,922 voters who registered to change their place of voting, only 47,016 of IDPs had done so (16.7% of all who registered to temporarily change their place of voting).⁶⁰ In total, only 3.9% of IDPs registered to temporarily change their place of voting for this election.⁶¹

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

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

Mission Canada noted there was no national campaign targeting IDPs and internal migrants to inform them of the simplified procedure for changing their place of voting. Some civil society organizations developed materials specifically to raise awareness about this and other issues related to the exercise of their electoral rights, but because of delays in getting approval from the CEC and the materials officially stamped, the ability to reach these voters informing them of their rights was reduced.

⁵⁹ There are 11 DEC's where a portion of the geographical boundary of the DEC is located in the non-government controlled areas (NGCA). If an IDP temporarily changes their voting place within the same district as their temporary place of voting, they are allowed to vote for both the party lists and the single mandate seats.

⁶⁰ Data from published and unpublished sources of the State Voter Registry. Of those, the largest number were from Donetsk oblast, 42,578, but only 20% were IDPs and residents of the occupied territories. The total number of residents from Luhansk oblast who temporarily changed their place of voting was 19,829, but only 17% of those were IDPs and residents of the occupied territories (3,352).

⁶¹ Data from Civil Holding GROUP OF INFLUENCE calculated from both published and unpublished data supplied by the CEC.

Participation of Minorities

The Constitution guarantees equality for all the country's citizens and offers full political, social and civil rights for national minorities.⁶² However, in practice, the full social and political inclusion and integration of Ukraine's minorities - national, linguistic and religious – varies between the different minority groups. It is widely recognized that the Roma community remains the most politically and socially excluded as well as the most economically disadvantaged group in the country. For example, while Jewish leaders spoke of their concern with regard to anti-Semitic rhetoric and acts, they also noted that there are more attacks perpetuated against the Roma community.

Some Roma do not possess valid identification cards and are therefore not able to register to vote. Other Roma are missing from the State Registry of Voters for other reasons, including illiteracy or a lack of a fixed address. In meetings with the Roma community, Mission Canada noted that most members expressed a high degree of sense of marginalization from the political process. Mission Canada found some notable exceptions in the Uzhorod region, where Roma leaders are actively working to develop more political participation within their community.

In meetings with interlocutors, including candidate representatives, political parties, election officials, city and regional administrative personnel, Mission Canada was informed that there was no discrimination against minorities during either electoral period, and that generally there is little prejudice against minority groups. At the same time, minority groups reported that candidates made no effort to reach out to their communities. This is likely in part due to the fact that their numbers are statistically irrelevant to candidate electoral prospects. Also, candidates, political parties, and administration officials are expressing views that minorities are simply a part of the broader Ukrainian civic polity, and should not be treated any differently. This is also articulated in relation to the ongoing war and the need for Ukrainians to come together as one united country.

Minority groups that Mission Canada met with, including Crimean Tatar, Greek, Polish, Roma, Hungarian, Armenian, Bulgarian, Moldavan, Romanian, Russian-speaking and Jewish, did not have any complaints regarding their ability to participate in either the presidential or parliamentary elections. However, they did express concerns of the challenges of maintaining their group identity amid a rise in nationalistic rhetoric.

Mission Canada observers across the country reported that hate crimes, particularly against the LGBTQ and Roma communities, were deliberately mischaracterized as random violence by police, and often were not investigated, leading to a lack of trust and willingness to engage with security forces when attacks on minority communities occurred. As well, extreme right-wing actors were reported by the mission's observers in both the western and eastern regions of the country as disruptive to civic space.

Linguistic minority groups also spoke of recent changes to the legislative framework relating to education and language and the potential impact on their communities to retain their cultural identity. These legal developments were of particular concern to the Hungarian, Romanian and Russian-speaking

⁶² There is a Law on National Minorities but it was adopted in 1992 before the current Constitution (1996) and is considered outdated. Ukraine has also ratified the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

communities.⁶³ Approximately 30% of the country's population speaks a language other than Ukrainian as their mother tongue.⁶⁴

Persons with Disabilities

According to the Ministry of Social Policy, there are 2,680,000 persons with disabilities (PWD) in Ukraine. However, according to the National Assembly of the Disabled, this figure is likely much higher because it is generally recognized that persons with disabilities account for approximately 10% of the population in every country. As well, the above figure does not take into account those who are temporarily disabled, but rather only those with permanent disabilities.

During both the presidential and parliamentary elections, Mission Canada observed that many polling stations were not accessible to people with mobility challenges. For example, many were located in rooms on upper floors without elevators, with limited space to operate a wheelchair, and numerous stations had no wheelchair ramps and doors wide enough for wheelchairs, or no wheelchair accessible bathroom facilities. Other challenges included the lack of accessibility to election materials, including ballots, for those with vision impairment and the lack of wheelchair accessibility of most SVRs. This last observation doubly discriminates against IDP voters who must first register a temporary change of voting location.

PECs organized mobile voting units to ensure that those with mobility challenges were able to vote. However, PWD advocates stated that mobile voting does marginalize those with disabilities, putting them further behind from achieving equality. As one advocate told Mission Canada: "If polling stations remain off-limits to disabled voters this means we don't have parity with non-disabled voters."

No parties or candidates addressed any issues related to disability in their campaigns.

Issues specific to the presidential election

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

⁶³ The Draft Law "On Ensuring the Functioning of the Ukrainian Language as the State Language" was adopted by Parliament on 25 April 2019 and came into effect on 16 July 2019. Among the provisions governing the usage of Ukrainian in media, business and education are articles significantly increasing the content of Ukrainian on TV, radio, film, theatre and print as well as bringing it in line with the Education Law below. (http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61994). The Education Law, which was adopted in 2017, is controversial within minority communities where school instruction was in their own language. It gradually replaces all minority language schools with Ukrainian, although schools may still teach some courses in minority languages.

⁶⁴ According to the last national census (2001), the main minority groups by ethnicity in Ukraine are: Russians, 17.3%; Belarusians, 0.6%; Moldovans, 0.5%; Crimean Tatars, 0.5%; Bulgarians, 0.4%; Hungarians, 0.3%; Romanians, 0.3%; Poles, 0.3%; Jews, 0.2%; Armenians, 0.2%; Greeks, 0.2%; Roma, 0.1%; Georgians, 0.1%. In addition, approximately 20 percent of the population practise religions other than Orthodox Christianity. They include Greek Catholics (11%), Jehovah's Witness, Roman Catholic, Protestant, Jewish, Buddhist and Pagan. https://en.wikipedia.org/wiki/Ukraine#Ethnic_composition

many Roma communities, all factored into their low participation in this electoral process. Minority groups also reported that there was no outreach by candidates or parties to learn about the issues affecting their communities or asking for their support.

During the campaign there was little mention of the fact that Mr. Zelenskyy is Jewish, although there were a few black PR ads that were used to denigrate his candidacy. Mission Canada spoke with several Jewish leaders about the community's reaction to the possibility of a Jewish President and whether or not the community would support him based on his background. Overall, there were two views expressed. One was that it is excellent for the Jewish community, but only until something goes awry. They were worried that any derogatory action could lead to a backlash and an increase in anti-Semitism. The other view was that electing a Jewish President would demonstrate both that the elections were free and fair and that the democratic foundations of the country are further enhanced.

During the electoral period the Crimean Tatar community was encouraged by its leaders to support Petro Poroshenko.

Mission Canada noted that the second round of presidential voting took place on Holy Days for both the Jewish (Pesach) and Roman Catholic (Easter), communities. In response, the Chief Rabbi of Ukraine requested that the CEC extend voting hours in at least one PEC in each major city in the country until 22:30 in order to accommodate their holiday.⁶⁵ The CEC replied the following day, explaining that the number of hours the polls were open was mandated by law, and thus the CEC had no authority to change the voting period.⁶⁶

Issues specific to the parliamentary election

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

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

The number of national minority candidates in party lists was limited and minority representatives tended to run only in single mandate constituency seats where there were significant concentrations of their particular ethnic group. Hungarian minority candidates in Zakarpattia oblast told Mission Canada

⁶⁵ Under Jewish law it is forbidden for Jews to undertake any work, including any kind of writing, until sundown during holiday periods.

⁶⁶ This exchange was posted on the Chief Rabbi's Facebook page on 11 April 2019:

https://www.facebook.com/permalink.php?story_fbid=882352548782425&id=388184211532597&_tn=-R

observers that the current boundary delineations for majoritarian seats were exclusionary for minority representation.⁶⁷

In the 2014 parliamentary election, representatives from the Crimean Tartar community ran for the Petro Poroshenko Bloc. In this election, seven Crimean Tatar candidates were spread across five parties, European Solidarity, Voice (Holos), Ukrainian Strategy, Party of Greens of Ukraine, and Strength and Honor (Sila I Chest'). It was seen a strategy to ensure better representation of Crimean Tatars in Parliament, according to members of the community.

Three Crimean Tartar candidates were elected to the 9th convocation of Parliament, (two with European Solidarity and one with Holos), along with one Crimean IDP elected on the Servant of the People party list, giving Crimeans the largest minority representation in the new Parliament. An ethnic Georgian and a former Olympic wrestler whose father is Rwandan were also elected on the Servant of the People party list ticket. In the days leading up to the election, leaflets were found posted around Kyiv with the message: "Urgent! The candidate from Sluha Narodu Zhan Beleniuk wants to force Ukraine to receive refugees from Africa. It will cause the growth of criminal activities, the rape of Ukrainian women, the growth of radical Islam, and in the long run -transformation of Ukrainians into minority in their own country." Mr. Beleniuk made a joke of it posting the pamphlet to Facebook page with the inscription, "Briefly about my political program."⁶⁸

A woman with physical disabilities was elected through European Solidarity's party list. None of the Hungarian candidates running in SMD seats won and there were no ethnic Hungarians on party lists.

On 16 July 2019, the Hungarian Foreign Minister visited Zakarpattia oblast where he had meetings with representatives of Hungarians NGOs. This was widely interpreted as foreign interference in domestic elections and on 17 July, the Ukrainian Ministry of Foreign Affairs publicly raised concerns regarding the "illegal involvement of foreign citizens in the election campaign in areas populated by the Hungarian minority", which the Hungarian government denied.⁶⁹

The new language law, which came into effect on 16 July 2019, made Ukrainian the only language for the holding of elections. However, the law also states that where there are significant minority populations, informational and campaign materials are allowed alongside Ukrainian.

On 9 July 2019, the Ukrainian Council of Churches and Religious Organizations, the largest and most influential religious organization in the country, published on their website a list of six questions that were sent to all political parties, stating that it was important before election day for the electorate to find out the position of candidates regarding various issues. One of the questions was on same-sex relationships and gender: "Can your political party guarantee the rejection of the idea of promoting same-sex relationships, same-sex partnerships and gender ideology that distorts the understanding of the concepts of gender, marriage, family (including the refusal to ratify the Istanbul Convention, and also does not promote public propaganda of same-sex relations and transgender movement) at the state level?"⁷⁰

⁶⁷ According to the election law, SMD boundaries should take into consideration the interests of national minorities residing in that territory.

⁶⁸ <https://www.facebook.com/photo.php?fbid=2377426372543349&set=a.1475275236091805&type=3&theater>

⁶⁹ <https://bit.ly/2JzfLvY>

⁷⁰ By 17 July 2019 when the Council last updated its website election day, only 4 parties had responded (Samopomich, Civic Position, Ukrainian Strategy and Social Justice). Samopomich articulated its commitment to the

Participation of Youth

According to youth leaders there is very little political awareness or engagement among youth (they estimate that only 5-10% of youth are politically active in Ukraine), and as such, youth are easy targets for political manipulation. Young activists informed Mission Canada that social media was effectively used during both the presidential and parliamentary campaigns, as it is a “better tool for manipulation: it is easier to spread false rumours about candidates as well as to determine what kinds of messaging will appeal to youth.” Youth leaders also spoke about the generational division between TV, primarily watched by the elderly, and financed by oligarchs, and social media, primarily used by youth, which is more open and has more availability to various kinds of information, and where it is easier to spread propaganda (“fake ratings, fake news”).

During both the presidential and parliamentary elections, few of the candidates spoke about youth issues on the campaign trail or made any significant outreach to this group, according to youth leaders with whom Mission Canada spoke.⁷¹ Youth themselves identified their priorities as education reform, career opportunities, public spaces dedicated to youth, emigration and a lack of youth programming in the country.

The buzz around Mr. Zelenskyy and his savvy on social media, with more than 6 million Instagram followers, Mr. Zelenskyy’s account is the largest in Ukraine, captivated youth attention. However, Mission Canada observed that his campaign did not really address youth issues. As one social analyst pointed out, Mr. Zelenskyy simply “knows what tricks to use to get youth on the hook. And they are not interested in his policies, they just want a new face.”

Mission Canada observers noted that generally both Zelenskyy and Servant of the People campaign offices were staffed with young people. During the parliamentary election, youth were also drawn to Voice (Holos). Mission Canada observers noted that youth engagement appeared to play a significant role in the National Corps strategy as well. Their political party provides free community space, gym facilities, gaming stations and social events.⁷²

According to CEC data, approximately 10% of representation on the DEC’s were youth between 18 to 30 years old for both electoral processes.

“principles of Christian morality.” Civic Position stated that they are “categorically against discrimination and violence in relation to LGBT communities... At the same time, by supporting traditional family values, we refuse the idea of promoting the support for same-sex relationships at the state level.” Svoboda stated that they “believe that the political movement for granting special status to representatives of LGBT threatens national security and is ukrainophobic. We do not support the implementation of the Istanbul Convention.” Strength and Honor party stated that “we do not see any role for the state in promoting or supporting such a way of life or in the opening of public platforms such as schools for their propaganda, or even public recognition of their “admissibility” or “legitimacy.”

⁷¹ In between the two rounds of the presidential election, in an interview on ICTV, Mr. Poroshenko acknowledged mistakes in not reaching out to youth more, stating that if he were re-elected, he would appoint more youth to office rather than his business partners. <https://nv.ua/ukr/ukraine/politics/ce-pomilka-v-kadrovij-politici-poroshenko-poobicyav-ne-priznachati-na-posadi-svojih-biznes-partneriv-50015482.html>

⁷² In a March 2018 report by the U.S. State Department, National Corps and its coalition partner C14, were described as “nationalist hate groups.” <https://www.bellingcat.com/news/uk-and-europe/2019/07/16/ukrainian-far-right-extremists-receive-state-funds-to-teach-patriotism/>

Media and Information Environment

Throughout both the presidential and parliamentary campaigns the media environment in Ukraine remained open and pluralistic, especially at the oblast level where media ownership is quite diverse. At the same time, the high concentration of media ownership at the national and regional (rayon) levels, resulted in editorial and journalistic dependence, and contributed to systemic problems plaguing the Ukrainian media space, including very biased and polarized information space, unmarked political influence content (jeansa), insufficient quality and coverage of voter-relevant information, and foreign influence.

The existing legislative and regulatory frameworks provide voters and journalists alike with sufficient freedoms, rights and protection. Throughout both campaigns, voters have had access to many traditional and new sources of information, including TV, print, social media and the blogosphere. Television, with a 77% popularity rating, remained the most preferred source of information and news.⁷³ Internet penetration (65%) and use of social media has continued to rise since 2014, with Facebook being the primary social media platform for all age groups. At the same time, the use of print media has continued to decline due to a changing demography and transition of the Ukrainian society online⁷⁴ and many significant challenges exist within the media and information environment. The existence of a large number of media outlets lacking editorial independence, financial capacity, and often minimal adherence to journalistic standards across all media creates a segmented, polarized and highly manipulative environment, which fails to provide the electorate with balanced and quality coverage of socio-political issues.⁷⁵ As audiences move online, the traditional media, which is bound by existing rules, must compete with new, often dubious, 'news portals' for user attention in an unregulated online environment. This poses numerous concerns for the quality of media environment, in general, and undue political influence exerted online. Perhaps, as a result, the level of trust in the media remains low.⁷⁶ The weakening of the national public broadcaster, UA:PBC, since 2017 and an imbalanced policy regarding the management of the national information space leaves ample room for injection of both foreign and internally-produced narratives that polarize society.

Against this challenging background, many of the media representatives met by Mission Canada across the country shared a positive attitude regarding decreased censorship and increased opportunities for free reporting relative to the previous presidential electoral process.⁷⁷ One positive example of a significant reshaping of the national media space was the privatization of state-owned media outlets at regional and local levels.⁷⁸ In 2006, half of over 4,000 newspapers and magazines in Ukraine belonged to

⁷³ Internews, "Media Consumption Survey in Ukraine, 2018", available at <https://bit.ly/2TbmQOp>. Accessed on 11 March 2019

⁷⁴ According to Ukrposhta, <https://ukrposhta.ua/en/>, print media outnumbers other media with 2292 newspapers and 1057 magazines available, both at the national and regional level. Also, according to the NTRBC there are 432 national, regional and satellite television and radio broadcasters. In addition, there are numerous national news agencies, the largest being the state-owned Ukrinform and the privately held UNIAN and Interfax.

⁷⁵ One notable exception to this observation was coverage by the national broadcaster, UA:PBC (Suspilna). "In the first half of 2019, over 3,000 print media were published in Ukraine", press release of the National Council on TV and Radio Broadcasting, 11 July 2019, available at <https://bit.ly/30Jef07>.

⁷⁶ "Trust in social institutes, December 2018", KIIS survey, 29 January 2019, available at <https://bit.ly/3003xSJ>.

⁷⁷ Mission Canada observers conducted 97 interviews with media interlocutors during the Presidential elections and 69 interviews during the Parliamentary elections. The interviewees came from TV, radio, national and regional print outlets, as well as independent bloggers and media watchdog organizations.

⁷⁸ This process began in 2015 and has been extended beyond its original deadline in December 2018.

the state. In 2011, there were more than 100 newspapers owned by the state and more than 800 owned by municipalities, together constituting nearly 22 percent of all Ukrainian periodicals. On 24 December 2015 the new Law "On reforming state and municipal print press"⁷⁹ was adopted. Under this law all state and 550 municipal media had to be privatized or dismantled by the end of 2018, but the process was extended into 2019. New owners of some of these privatized outlets (in many cases the existing staff and journalists) during both campaigns reported to Mission Canada that the majority have independent editorial policies and espouse higher journalistic ethics standards. While this is a positive development for increased media independence and plurality of views in the short to medium term, the unstable economic conditions in many regions and declining rates of advertisement revenue pose many concerns for long-term stability of such outlets.

A key concern for the freedom and independent ability of media to report on political developments and inform voters of available choices is the concentrated ownership over TV channels and print publications, at both national and lower levels. At the national level, five major media holdings controlled by oligarchs monopolized control over TV, radio and print outlets, exerting significant influence over the hearts and minds of electorate while supporting preferred candidates.⁸⁰ At lower levels, high levels of media concentration in the hands of one or more politically-affiliated and competing groups contributed to the sustained segmentation of local populations, especially among seniors who possess low levels of media literacy.

Throughout both electoral campaigns, presidential and parliamentary, Mission Canada's monitoring of traditional and online media identified systemic cases of paid for and unmarked political coverage/agitation ('jeansa'), unsubstantiated claims (disinformation) and use of political advertising in favor of a particular candidate or as methods of negative pressure against others. This often occurred through a combination of leading headlines, placement of misleading visual content, use of suggestive language, appeal to emotions and other forms of content manipulation to lead a consumer of content toward the desired conclusion. This was typically accomplished in ways that did not cross legal lines by openly accusing competitors or engaging in "black PR". In addition, a considerable number of cases where regional and local outlets were approached by representatives of some candidate's 'support group' or marketing agency to place "black PR" content have been reported.

On 25 April 2019, the Verkhovna Rada of Ukraine adopted a Law 5670-d "On ensuring the functioning of the Ukrainian language as a state language".⁸¹ The adopted law guarantees the Ukrainian language as the only official language to be used in public administration, services, education and media. Prior to this, on 13 October 2017, the Law of Ukraine "On Amending Certain Laws of Ukraine Concerning the Language of Audiovisual (Electronic) Mass Media" came into force, which provided for the introduction of language quotas across all media platforms (TV, print, online).⁸² Starting from 13 October 2018, the law established a mandatory share of Ukrainian-language content on national TV channels in the amount of 75%.

⁷⁹ Verkhovna Rada, <http://zakon3.rada.gov.ua/laws/show/917-19>

⁸⁰ "Ukrainians get most of their news from television. A small group of oligarchs controls 73 percent of Ukrainian television", p.16. "Monitoring Results Big Data UA. May 2019," Big Data UA, 7 June 2019, available at <https://bit.ly/33zHULs>; "Trends in the Ukrainian Television Space During the 2019 Parliamentary Election Campaign," Detektor Media, 17 July 2019, <https://bit.ly/2KIFBgf>; Reporters Without Borders, "Media Ownership in Ukraine: informal influence through murky business schemes", 9 October 2017, <https://bit.ly/2i1AEol>; Euromaidan, "The paid word: who owns Ukrainian media", 7 February 2018, <https://bit.ly/2HrotMJ>.

⁸¹ http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61994.

⁸² UNIAN, 8 November 2017, "Increased Ukrainian language quotas on radio stations come into force Nov 8", <https://bit.ly/2JeiEUz>.

Broadcasting companies were required to broadcast at least 60% of the content in Ukrainian.⁸³ Similarly, in February 2015, the law "On the protection of information and television and radio space of Ukraine," banned the showing on TV and in cinemas of "audiovisual works" that contain "popularization, propaganda, any action of law enforcement agencies, armed forces, other military, or security forces of an invader" was enacted. As a result, within a year Russian-language content on Ukrainian television had decreased by 3 to 4 times⁸⁴. In addition, 15 more Russian TV channels were banned in March 2016.⁸⁵

While most of these measures were taken in the context of the on-going war with Russia in eastern Ukraine to limit the Russian Federation's propagandistic influence on Ukraine, the topic continues to draw a heated debate from all sides of the political spectrum. Given the significant Russian-speaking minority in Ukraine that rely on local and regional Russian-language media, the relatively quick introduction of this legislation adversely affected their ability to receive news and information from traditional sources in Ukraine (who often could not reform due to lacking resources and had to disband). According to Mission Canada interviews with local media, the situation mostly affected independent media who relied on their own efforts, leaving the 'politically-affiliated' outlets fairly unscathed. Moreover, the moves also pushed Russian-speaking audiences toward the unregulated online space with many dubious "news portals" for sources of information.

Finally, as a common trend during both election periods, Mission Canada observed that the quiet day rules (no political agitation or advertising) were not observed. Numerous violations associated with political agitation on many TV channels, billboards and, in particular, on social media and online media were identified. These violations appeared to be systemic and conducted by all candidates, major parties and many SMCs during the Parliamentary elections. For example, out of 866 violations recorded by the National Police of Ukraine during parliamentary election, 711 were attributed to this issue alone. This raises questions about the practicality of maintaining these rules in the future. With the growing importance of online media and its influence on voter decisions, there is no practically manageable manner to monitor and oversee the adherence to this rule at scale.

Issues specific to the presidential election

Given that Presidential authority in Ukraine primarily extends to areas such as international affairs and national security, coverage of the presidential election has mostly been conducted in national media, primarily on TV, rather than at local levels. All key candidates had access to media, which was accomplished through affiliated networks and was biased. As a result, voters had access to many sources of information regarding political platforms, but received little balanced coverage. Very few outlets provided voter education information including the process of voting and location of polling stations.

A number of successive laws dealing directly or indirectly with language issues, including declaring Ukrainian as the only official language, limited the broadcasting or use of Russian-language TV channels and social media platforms. At the same time, gradually increasing quotas for the percentage of Ukrainian language content in media since 2016 affected media outlets in eastern and southern regions especially. While this process may be seen as an effective way of introducing and socializing the use of the official

⁸³ <https://imi.org.ua/news/rada-ukhvalyla-movnyy-zakon/>

⁸⁴ Verkhovna Rada, <https://web.archive.org/web/20161018201728/http://m.day.kyiv.ua/uk/news/050216-za-rik-pokaz-rosiyskogo-media-produktu-vpav-u-3-4-razy-nacrada>

⁸⁵ Interfax-Ukraine, <https://en.interfax.com.ua/news/general/324105.html>

language, it also limited the ability of government and other national authorities to reach out to significant numbers of Russian-speaking minorities, thus leaving this information space open to external influences.

Issues specific to the parliamentary election

The early parliamentary election appeared to have favoured parties who mobilized funding and secured media advertisement space in advance, especially at the national level and affiliated TV channels. Mission Canada observed that due to lacking funds, contracts or available advertisement space in many oblasts, political advertising by party-based or SMCs was quite limited until the last two weeks before the elections. At the same time, there was very little substantive coverage of candidate platforms in most regional and local media due to general media concerns regarding political coverage for fear of being accused of bias or libel, which limited public awareness of available options. The early elections produced another negative effect for local media -- namely, unfulfilled expectations of receiving advertising money from political candidates in a transparent way as did not manage to advertise prices on time or coordinate ad placements. The resulting 'financial gap' may have serious repercussions for the economic stability of smaller print outlets in particular. In many cases, these outlets were more willing to publish unmarked political content provided and paid for by political interest groups ("jeansa"). Due to some of these factors, as well as the successful use of social media in the presidential campaign by one candidate, an increased reliance of many candidates on online information portals and social media channels has been observed.

This was emphasized in particular after a new media holding company was created on 14 June comprising "112 Ukraina", "NewsOne" and "ZIK" channels under the ownership of Taras Kozak, member of the Opposition Platform - For Life party and business partner of Viktor Medvedchuk, one of the leaders of this party, who is closely affiliated with pro-Russian state interests. The unprecedented departure of journalists,⁸⁶ as well as the announced telebridge between "NewsOne" and a Russian TV channel banned in Ukraine that was interpreted as a political campaign maneuver by the Opposition Platform were used by political forces on different sides to their advantage, thus deepening frictions in the society.⁸⁷ On 13 July, the building housing "112 Ukraine" TV channel in Kyiv was attacked with a grenade launcher causing damage to the building.⁸⁸ At the same time, this series of events highlighted the need to address difficult questions related to media ownership in relation to national security, the role of free press in the context of ongoing conflict with Russia and freedom of expression in Ukraine.⁸⁹

⁸⁶ Over 90 journalists and executives left within days after the acquisition. They were followed by over 400 journalists from both ZIK media outlets who resigned citing editorial pressure.

⁸⁷ "Teleconference idea between Ukrainian, Russian TV channels sparks outrage", Kyiv Post, 8 July 2019, <https://bit.ly/2SsQtTb>; "RSF alarmed with unprecedented resign of journalists after ZIK's takeover", Institute of Mass Information, 5 July 2019, <https://bit.ly/2YVxVgx>.

⁸⁸ "Kyiv office of 112 Ukraine TV channel attacked from grenade launcher", UNIAN, 13 July 2019, <https://bit.ly/2LWytFT>.

⁸⁹ "TV channels 112.Ukraine, NewsOne, ZIK bought by front man, impossible to establish link with Medvedchuk – NCTRB deputy head", Interfax, 12 July 2019, <https://bit.ly/2LW1riN>. The national regulator later found the NewsOne channel in violation of the article #74.6 of the Law "On elections of the People's Deputies of Ukraine": "It shall be prohibited to disseminate in any form any materials containing appeals to terminate the independence of Ukraine, change its constitutional order by violence, infringe upon the sovereignty or territorial integrity of the state, undermine its security, illegally seize state power; advocating war and violence; inciting interethnic, racial, national, or religious hostility; or encroaching on human rights and freedoms or on the health of the population." . The office of the Prosecutor General has opened a criminal investigation in July. See "Prosecutor's Office opens case on NewsOne telecast with Russian channel", 112 Ukraine, 8 July 2019, <https://bit.ly/2H5qT26>.

Regulatory environment

The Constitution of Ukraine guarantees freedom of speech and expression in Ukraine, while the main principles for media conduct during elections are set out in the Laws “On Elections of the President of Ukraine” for presidential elections, “On Elections of People's Deputies of Ukraine” and “On Political Parties in Ukraine” for parliamentary elections. These laws regulate the use of media during the respective campaigns, including equal and impartial treatment for all presidential candidates and parties, access to the media, rules for political campaigning and advertising, and more.⁹⁰

Generally, three laws provide the normative frameworks for the regulation of Ukraine’s media landscape:

- The Law of Ukraine “On Television and Radio Broadcasting”⁹¹ regulates television and radio;
- The Law of Ukraine “On Printed Mass Media (press) in Ukraine”⁹² regulates the print media;
- The Law of Ukraine “On information agencies” regulates the news and wire services.

In addition, a number of additional laws cover operations of the public broadcaster, the national regulator, coverage of public authorities, distribution of radio frequencies, and information communications technologies more broadly. The main regulatory authority for the broadcasting media is the National Council of Television and Radio Broadcasting (NCTRB), formed in an equal measure by nominated representatives from the Verkhovna Rada and the President. All broadcasters must be registered and licensed by it. Print media are only required to register with the Ministry of Justice, while registration of online media outlets is neither obligatory, nor prescribed by the law, and there is no formal mechanism for registration of online media outlets, except for those registered as news agencies. In the absence of the formal requirement to register or other framework rules, the publication of content in online media space is only limited by the Criminal Code, Art. 302.2 stating that “the individual distributing the information is obliged to verify its reliability”.⁹³ In principle, this covers any content (except statements by officials and government bodies) published online including by outlets and journalists, but due to the proliferation of online ‘news/information portals’, lack of clarity on what constitutes mis/disinformation, fake news or general requirements for online political campaigning and advertising, the online information space is open to abuses, violations and various forms of ‘interference’ by internal or external actors.

In addition to the NCTRB, a number of other regulatory and oversight bodies are involved in the regulation of the information space. These include among others:

- The State Committee for Television and Radio Broadcasting of Ukraine – a central body of executive power with a special status whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine. Mainly responsible for printed press and information agencies⁹⁴

⁹⁰ Law of Ukraine “On the Elections of the President of Ukraine”, available at <https://bit.ly/307vAQs>; Law of Ukraine “On the Elections of People’s Deputies of Ukraine”, <https://zakon.rada.gov.ua/laws/show/4061-17> (in Ukrainian); Law of Ukraine “On Political Parties in Ukraine”,

<https://parlament.org.ua/upload/docs/Party%20Report%20Ukraine.pdf>

⁹¹ <https://www.wipo.int/edocs/lexdocs/laws/en/ua/ua082en.pdf>

⁹² <https://zakon.rada.gov.ua/laws/show/2782-12> (in Ukrainian)

⁹³ “Internet media and responsibility for the authenticity of information” (in Ukr), IMI, 1 January 2019, <https://bit.ly/2NYUcJu>.

⁹⁴ http://comin.kmu.gov.ua/control/publish/article/main?art_id=135222&cat_id=32820

- The Parliament’s Committee on Freedom of Speech and Information Policy responsible for legislative work.⁹⁵
- The Ministry of Information Policy of Ukraine – ensures the formation and implementation of state policy in the areas of information sovereignty of Ukraine, foreign broadcasting and information security.⁹⁶
- The National Commission for the State Regulation of Communications and Informatization (NCCRI) – the state regulatory body in the field of telecommunications, informatization, use of radio frequency resource and provision of postal services. In the defined area, the NCCRI exercises the authority of the licensing body, the permit authority, the regulatory body and the state supervision body (control).

Despite the proliferation of these regulatory actors, the existing legal framework does not clearly identify the body responsible for overseeing media during elections, nor authorizes any institution to impose sanctions on media for violating legal provisions during elections. Furthermore, despite being mentioned in various laws, two key concepts -- “political agitation” and “political advertising” -- are not clearly defined anywhere.⁹⁷ This created numerous ‘grey zone’ occasions during both campaigns when parties or candidates appeared in the media or in public under the pretense of participating in TV shows or concerts while clearly promoting their political agendas. This lack of definition, as well as mandate of the Central Election Commission to interpret the law⁹⁸ meant that neither NCTRB nor CEC has had sufficient mechanisms to react in a timely manner to associated violations during the campaign periods.

As observed during the meetings of the ad-hoc NCTRB Elections Working Group, which was set up during both elections, the only legally effective mechanism the parties candidates had to address biased media reporting was by submitting complaints to court, in case of a perceived defamatory media content against them. However, this process was cumbersome and lengthy, which in the context of a short election period did not provide a timely avenue for recourse. Equally, despite its own Monitoring Unit uncovering numerous cases of bias, non-balanced coverage and illegal political agitation on most TV channels, the NCTRB had no real authority to impose sanctions.

The work of the NCTRB was hampered during the crucial lead up to the parliamentary election due to insufficient quorum and political disagreements over the appointment of a new Chair. Moreover, the Council’s Working Group tasked with oversight of the pre-election campaigning by media was only formed on 4 July and had little to no impact on the role of media in elections.

The role of the public broadcaster, UA: PBC (Suspilna)

The state-owned National Television and Radio Company, which includes national and regional channels, was transformed into a public-service broadcaster in 2016 under a separate Law “On Public Television and Radio Broadcasting in Ukraine”,⁹⁹ with a dedicated budget and an independent board. However, the

⁹⁵ <http://komsvobslova.rada.gov.ua/>

⁹⁶ <https://zakon2.rada.gov.ua/laws/show/en/2-2015-%D0%BF>

⁹⁷ For example, see the Law of Ukraine “On Elections of the President of Ukraine”, Article 60 and Article 58, part 4 respectively.

⁹⁸ Letter of the CEC Chair to the Head of the National Council, #21-32-1748 dated 11 March 2019 in response to the Council’s request to provide further guidance. CANADEM files.

⁹⁹ <https://cedem.org.ua/en/library/law-of-ukraine-on-public-television-and-radio-broadcasting-of-ukraine/>

Suspilna's annual budget was repeatedly cut for two years to 57% of the 2018 annual budget level established by law.¹⁰⁰ According to Mission Canada's interviews with UA: PBS (Suspilna) staff in branches across Ukraine, many journalists believe the budget cuts were a form of retribution for frequently critical coverage of government policies. As a result, UA: PBS had to cut programming and lay off staff. The sudden and unexplained dismissal of Zurab Alasania, the Director of public broadcasting in early February 2019, who advocated reforms and took an independent approach, in part supports this perception.¹⁰¹ Due to considerable pressure from media activists, international organizations and independent journalists, the Board's decision was delayed until after the elections, and he eventually was restored to his position after the election of President Zelenskyy.

During the parliamentary election, Suspilna was the only national broadcaster that delivered unbiased coverage of political campaigning by various parties and candidates, as well as organized many debates in SMDs across the country. Many journalists interviewed by Mission Canada (e.g. in Zaporizhzhia, Rivne, Chernivtsy) believed that Suspilna is the only non-biased source of information in their locales. Unfortunately, its role in this election was rather limited due to sustained budgetary cuts in 2017 and 2018, which resulted in reduced content production and viewership. Notwithstanding, in Kyiv oblast, Cherkasy, and Odesa, Suspilna rolled out a new program with a moderator and candidates from different political parties and independent candidates to discuss various election related issues. Also, by law, it provided time slots for all registered candidates to present their platforms. However, the law requires Suspilna to allocate slots for such recorded or live messages in prime time, which means that in cases where a candidate does not appear, the TV channel must run neutral programming (e.g. shows with nature, animals or similar) which attracts little audience and, conversely, enhances its reputation as a 'non-interesting' channel and reduces its profitability long term. This issue should be taken into consideration as the role of the national broadcaster in creating a more unified image and trusted source of news and information becomes more important.¹⁰²

In July, the new Presidential Office announced the restoration of full budgetary and administrative support to the broadcaster in the 2020 budget year.¹⁰³ Mission Canada believes this is a positive development aimed at enhancing the independence and neutrality of national media, and may lead to the emergence of a 'national voice' amidst otherwise fractured information space.

Online and Social Media

With rising Internet penetration worldwide, including Ukraine with 65% of the population or 21.3 million households,¹⁰⁴ the use of web-based outlets and social media channels as sources of news and information is on the rise across the country. Some 49% of active Internet users in Ukraine live in cities

¹⁰⁰ Council of Europe Expert Report, December 2018, <https://rm.coe.int/report21jan2019/16809212c0>. The 2019 budget for UA:PBC was approved at 1.05bIn UAH instead of 1.82bIn UAH according to the law. See "The Verkhovna Rada voted for the budget for the Public in the amount of 1 billion UAH" (in Ukr), Detektor.Media, 23 November 2018, available at <https://bit.ly/2DR8d6b>. Accessed on 26 March 2019

¹⁰¹ Radio Free Europe/Radio Liberty, <https://bit.ly/2TFte93>

¹⁰² "The public broadcaster will be funded, but must fight for its audience - the adviser to the president", Detektor.Media, 26 July 2019, <https://bit.ly/2MgY1YR>.

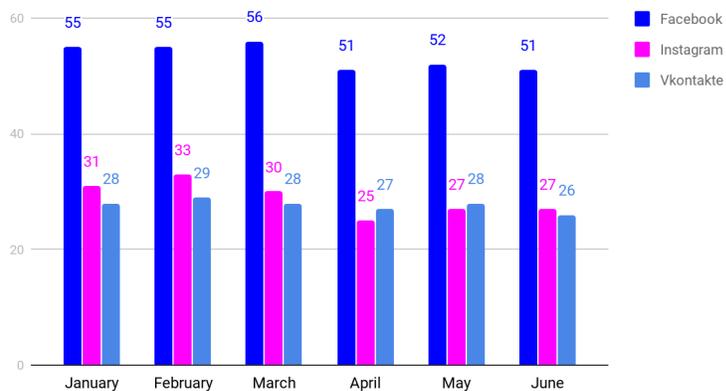
¹⁰³ "Representative of the Office of the President, Cyril Tymoshenko, promised in 2020 full financing of the NSTU" (UKR), Detektor Media, 11 July 2019, <https://bit.ly/2XTeHa5>.

¹⁰⁴ "Number of Internet users in Ukraine continues falling in Q1 2018", *Interfax-Ukraine*, 19 November 2018, <https://bit.ly/2E2hx13>

with a population of over 100,000 residents, whereas 21% regular Internet users live in towns with population less than 100,000 and 30% in rural areas (56% of rural residents regularly use Internet).

Ukrainians aged from 15 to 24 are the most active on the Internet – among them the share of Internet users is 95%, and the share of people using Internet aged from 25 to 34 is 92%, while it is 14% for users aged 65 years. Some 40% of Ukrainian Internet users have average income and 40% have income lower than average. Some 38% of users have high or specialized secondary education and 32%, full higher education.¹⁰⁵

% of usage social media, UIA online panel



After the banning of Russia-based social media platform, VK and Odnoklassniki in 2017, Facebook’s popularity as the principal social media platform continued to rise reaching 13 million users, which is more than half of the Internet audience.¹⁰⁶ Facebook is often used not only as a source of news or information, but also as a platform by politicians to make announcements or by media to create content based on posts. The Russian-language platforms are still being used across the country through VPN, though their popularity continues to drop. Thus, VK’s popularity dropped since 2018 from fourth place (16% average daily visits and 34% of monthly audience reach) to the eighth (10% and 26%, respectively). The popularity of Odnoklassniki fell from eighth to eleventh place. At the same time, the use of Yandex as a search engine (also banned in Ukraine) has increased from tenth to ninth spot.

Issues specific to the presidential election

Similar to other countries, the online space in Ukraine is largely an unregulated environment. As such, it was used by all key candidates for legitimate political mobilization and engagement (official Pages), and for negative advertising and abuse. A sharp increase in negative political campaigning, illegal advertising and ‘black PR’ has been observed at the national and local levels during the second round of elections. Both the Poroshenko and Zelenskyy campaigns used visual and print materials to discredit and humiliate opponents, which then were widely spread by supporters on social media and reported on in traditional outlets. In one specific case, a video showing a truck hitting one candidate was promoted from the account of another candidate. Such content, when taken in the context of elections in a politically divided society

¹⁰⁵ Internews / USAID national survey on patterns of media consumption in Ukraine, June-September 2018, <https://bit.ly/2FfcEXD>.

¹⁰⁶ AIN, “Ukraine is the leader in increasing of Facebook popularity and 6 more indicators of the Ukrainian social network audience”, 14 February 2019, <https://bit.ly/2YbaUGC>. Also, Segodnya, “VKontakte is not trending: the Ukrainians are losing interest in Russian social media” (in Ru), 10 July 2019, <https://bit.ly/304cafi>.

and fragmented information environment furthers polarization and encourages opportunities for external manipulation and influence.

Mission Canada's monitoring of official Pages of the key five candidates revealed organized and coordinated influence activities performed by internal and suspected foreign actors. The in-depth analysis performed in the comments sections of posts pointed out that judging by volumes and patterns of engagement, some candidates appear to have involved paid "supporters" (also known as "human bot farms"), which are organized groups of individuals who are typically engaged by intermediaries to create content and/or an appearance of genuine public support. Due to their size (thousands of active Facebook accounts managed by real people), they can be used to artificially promote content online through their own networks or 'drown' the opposition with negative messaging. As a result, the legitimate political dialogue becomes impossible. In addition, Mission Canada identified unmarked groups on Facebook that appeared to be systematically cultivating follower-base since early in 2018 while posting content in support of a candidate. Such groups often facilitate the appearance of 'echo chambers' (online communities) entrapping unsuspecting real users and manipulating them to spread political content to their own networks. These patterns have been identified in different jurisdictions in the past, on various occasions, including the 2016 US election and provincial elections in Canada.

In addition, Mission Canada identified a significant number of suspicious websites that present themselves, through appearance and format as news and information outlets, while in fact publishing or promoting mis/disinformation content which may have different purposes, including sowing public discord, promoting hate speech or encouraging violence. Many of these websites were used during the presidential election to post unsubstantiated claims, accuse opponents of wrongdoing or disseminate 'jeansa'. As the analysis included assessments of both 'back-end' (e.g. ownership of website and hosting provider, upstream internet flow, website coding) and 'front-end' (e.g. content analysis, semantic analysis), the vast majority of these sites appeared to have been located in and operated from Ukraine itself. A smaller percentage (approximately 20%) of sites and/or their operations were deemed as having foreign connections (Germany, Hungary, Russian Federation, and the US). The connections established through backlink analysis demonstrated that a lot of click-bait content is published on these 'news portals', predominantly dealing with scandalous and attention-grabbing matters. This often has the effect to grow the site's popularity for commercial purposes (advertising), but could also be used later on as platforms for disseminating malicious content. Further analysis of these networks is required to better understand how they are operated and for what purpose.

Issues specific to the parliamentary election

Online and social media played a more significant role in the parliamentary election than in any previous Ukrainian election. The institutional, financial and organizational barriers experienced by numerous new entrants into politics vis-a-vis traditional media, and the adoption of online campaign strategies by the established players all contributed to this development. The increased volume of political content, including ads, negative PR and unsubstantiated claims injected by some candidates that are picked up and distributed by 'friendly' traditional media, constituted a significant part of online content.

Since online media is not subject to any specific regulation, Mission Canada identified a high quantity of 'jeansa' online, biased coverage and advertising supporting specific candidates (e.g. in Uzhorod, Zakarpattia oblast; Kalynivka, Vinnitsa oblast; Slovyansk, Donetsk oblast). These observations are supported by independent research stating that the amount of 'jeansa' in the national web-based media

outlets increased by 22%, in contrast to the same period during the presidential election.¹⁰⁷ The “112 channel” website had 98 such materials, 93% of which were pro Opposition Platform – For Life and its officials. The same type of promotion occurred on the NewsOne website. President Zelenskyy and his party Servant of People were actively supported by Znay.ua. This web-site was also pro Anatoliy Hrytsenko and Opposition Platform – For Life. Only three media outlets Ukrainian Pravda, Novoye Vremya and Liga.net websites were without politically ordered materials.

While the official party pages on Facebook and other social media channels generally limited themselves to official posts and announcements, as during the presidential campaign, Mission Canada confirms reported findings about numerous Pages that spread negative PR, used manipulative techniques and attacked opponents to benefit this or other party or candidate.¹⁰⁸

Toward the end of the presidential election, Facebook and Instagram introduced a requirement for advertisers to properly identify political ads. While a very welcome move aimed at increasing the transparency of political advertising (amounts spent on online promotion), the policy was not followed consistently into the parliamentary election. Some civil society groups reported challenges in notifying platforms about ads that are not properly flagged. While Facebook has taken steps to increase transparency around who is controlling influential pages and buying ads, civil society partners report that these tools are ineffective or difficult to work with, particularly a political ad library, which was only made fully searchable 10 days before the elections. Other platforms, such as YouTube, are even less transparent. As none of these platforms had a presence in Ukraine (Facebook appointed the first country manager for Ukraine in May only) the direct engagement on these issues of electoral disinformation will be crucial in advance of the municipal elections.

Due to many factors mentioned above, the online space is also actively used for destabilizing the situation in Ukraine, exerting undue influence and the spreading of propaganda. During the first quarter of 2019, Security Service of Ukraine (SBU) employees recorded 17 instances of the intervention of Russian intelligence services in the electoral processes in the country mostly based on the analysis of fake information proliferation on social networks. In July 2019, the State Security Service of Ukraine reported about neutralizing one such attempt.¹⁰⁹

The plight of journalists and freedom of speech

According to reports received by Mission Canada, as well as media coverage, the plight of investigative journalists and activists reporting on corruption cases in Ukraine remains precarious.¹¹⁰ Mission Canada received numerous indications throughout both campaign periods that journalists and media outlets were threatened due to their negative reporting against government officials or local business interests.¹¹¹ A

¹⁰⁷ “Jeansa grew up by 22% in national online media ahead of parliamentary election. Monitoring 24-28 June”, IMI, 3 July 2019, <https://bit.ly/30zkhjz>

¹⁰⁸ “Jekyll and Hyde Campaigning – How Ukraine’s Leading Presidential Candidates run respectable and dodgy Facebook pages in parallel”, 8 July 2019, <https://bit.ly/2JLD4S8>

¹⁰⁹ “SBU uncovers attempts of Russian special services to influence on electoral processes in Ukraine”, SSU Press release, 18 July 2019, <https://ssu.gov.ua/en/news/1/category/21/view/6292#.FIM5BRY3.dpbs>

¹¹⁰ “Ukraine records 36 attacks on journalists over 6 months”, Kyiv Post, 4 July 2019, <https://bit.ly/2GfyOcz>

¹¹¹ Ukrainian and international media watchdog organizations reported many cases of intimidation against journalists in Ukraine over the past year and several journalists were killed or sought asylum abroad due to their investigative reporting.

few of these cases were reported to law enforcement, but no formal investigations were launched. During 2018, statistics of criminal investigations opened by police following complaints about obstruction of journalistic duties demonstrate 258 cases, including 72 involving “threats to the life of the journalist”.¹¹²

In June 2019, two journalists died after being assaulted, including Oleksandr Komarnitsky, an activist for ex-Defense Minister Anatoly Hrytsenko’s “Civil Position” party, who died on June 23 after being beaten by police officers in Vinnytsya, and Vadym Komarov who died on June 20 after being severely beaten on 4 May in Cherkasy. Journalists believe he was targeted for assassination because of his investigative journalism exposing corruption among local officials and politicians. No suspects have been identified and no arrests reported to date.¹¹³ These cases add to that of Kateryna Handziuk, a whistleblowing municipal official, who died in a hospital on 4 November 2018 after numerous operations following an acid attack on her in Kherson on 31 July 2018.

There have been at least 12 killings of activists and journalists in Ukraine since the beginning of 2019, and numerous assaults involving physical aggression or threats.¹¹⁴ Mission Canada’s interviews with media representatives across the country revealed cases of intimidation, threats of physical reprisal for critical coverage and widespread cases of ‘self-censorship’ based on personal understanding of ‘sensitive topics’ or editorial pressure. According to reports received by Mission Canada, some of these cases of intimidation involved members of the SBU. Despite these serious incidents, according to the poll conducted by the Ilko Kucheriv Democratic Initiatives Foundation, and confirmed by Mission Canada interviews with journalists, many believe that the state of freedom of speech in Ukraine is improving overall or is at a fairly high level, but most think censorship still exists (70% of respondents). In the same poll, respondents rated “physical threats or life threats related to journalism” as one of the threats to freedom of speech, at 41%.¹¹⁵

In July 2019, experts recorded a total of 25 cases of violation of free speech in Ukraine related to the Parliamentary campaign. Of these, 19 cases concerned physical aggression against journalists.¹¹⁶

¹¹² National Union of Journalists of Ukraine, “За 2018 рік поліція передала до суду 26 справ, пов’язаних зі злочинами проти журналістів”, 1 March 2019, <http://nsju.org/index.php/article/7782>.

¹¹³ “Reformer of the week – murdered activists and journalists”, Op-ed, Kyiv Post, 26 June 2019, <https://bit.ly/2LmIAh9>

¹¹⁴ “116 violations of freedom of speech were recorded in Ukraine for the first half of this year”, Institute of Mass Media, 4 July 2019, <https://bit.ly/2Y7r8TN>. In Odessa, three dozen “titushki” threatened to torture journalists “Stop corruption”, UNIAN. 28 June 2019, <https://bit.ly/2JzYrHO>

¹¹⁵ “Only 2% of journalists think there is no censorship in Ukraine”, UKRINFORM, 20 June 2019, <https://bit.ly/2RsQEwZ>

¹¹⁶ “In July, IMI recorded 25 cases of violation of freedom of expression”, IMI, 5 August 2019, <https://bit.ly/2YPQFlv>.

Domestic and International Observers

Presidential election

According to the Law on Presidential Elections, any duly registered civil society organization, whose statutory documents state that they act in the field of election processes and election observation can register to be a domestic observer for the presidential election.¹¹⁷ The CEC registered 139 organizations as domestic observers. This represented a significant increase over the 10 organizations registered for the 2014 presidential election, and the 37 registered for the 2014 parliamentary election. The large number of domestic observer groups registered by the CEC was raised as a potential issue by many interlocutors, both in central meetings and in the regions.

While the CEC registers domestic observer organizations, District Election Commissions register individual observers from those organizations.¹¹⁸ As of the 25 March deadline for registering, 56 of the 139 organizations did not register a single observer.¹¹⁹ An analysis conducted by OPORA stated that 85 of the 139 organizations had no experience in observing elections, and more than 30 of the organizations had ties to presidential candidates.¹²⁰ The application for observer status by these organizations thus appeared to be a tactic for some presidential candidates to gain more observers at Polling Stations and District Election Commissions, in addition to the candidate observers that campaigns are guaranteed by law.



¹¹⁷ Article 69.2

¹¹⁸ Article 69.5

¹¹⁹ <http://www.cvk.gov.ua/pls/vp2019/WP001>

¹²⁰ 21 February 2019. *За крок до фейку: громадське спостереження за виборами Президента України.* https://oporaua.org/article/vybory/vybory-prezidenta/vybory-prezidenta-2019/fake_observers

Concerns were raised about the registration as observers of the NGO “Natsionalni Druzhyny,” closely affiliated with the political party National Corps. In an interview with Radio Svoboda on 5 March, the spokesperson for the organization implied the possible use of violence by their observers.¹²¹ On 6 March, the CEC adopted Resolution No. 494, wherein the CEC appealed to the State Security Service of Ukraine and the National Police of Ukraine to investigate these statements, and in the case of necessity, to apply all necessary measures to ensure law and order during the presidential election.

Mission Canada did not observe any incidents of violence during the presidential election period, nor during either the 31 March or 21 April election days, that were tied to domestic observer groups. However, overcrowding that was noted at several polling stations (particularly during the 31 March election day) may have been attributable to the presence of a large number of domestic observers.

For the presidential election, the CEC registered 215 international observers from 22 foreign states and 2485 international observers from 19 international organizations.¹²²

Parliamentary election

Ukraine’s Law on the Election of Peoples’ Deputies allows non-governmental organizations whose charter provides for the observation of elections to register observers for the parliamentary elections. 163 non-governmental organizations registered to observe the parliamentary election.¹²³ Of those, 77 registered no observers at all. In total, 23,837 observers from non-governmental organizations were registered.¹²⁴

An analysis of these organizations by OPORA showed that 43 of the 163 organizations registered with the Ministry of Justice in 2019. Moreover, several of the organizations appeared to have some measure of political affiliation, either with a party or a specific candidate.¹²⁵ As with the 2019 presidential election, whenever a proliferation of organizations registering to observe the elections was noted, concerns were raised about the impartiality of some of these organizations. Concern was also expressed that the relatively sizeable number of domestic observers might cause overcrowding on election day, thereby interfering with the PECs’ ability to fulfill its work. However, Mission Canada did not observe this issue on election day.

¹²¹ The spokesperson stated in the interview that “If law enforcement closes their eyes to obvious violations and do not want to report them, we will do what our commander has stated we will do.” Earlier a “commander” of “Natsionalni Druzhyny” Ihor Mykhailenko stated on Telegram “I am asked, will we use force at electoral precincts? I will state simply: If for the sake of justice, it will be necessary to punch someone in the face – we will do this, we will not hesitate.”
<https://www.radiosvoboda.org/a/news-sposterigachi-natsdruzhyny-vybory-zastosuvannya-syly/29805059.html>

¹²² The largest missions from international organizations were – OSCE/ODIHR (997 observers); ENEMO (384 observers); the Ukrainian World Congress (249 observers), and Mission Canada (203 observers).¹²² This represented a 25% decrease in the number of observers from international organizations from the 2014 election, wherein 3325 observers from 20 organizations were registered.
<https://cvk.gov.ua/pls/vp2019/wp041pt001f01=720.html>

¹²³ <https://cvk.gov.ua/pls/vp2014/wp001.html>

¹²⁴ <https://cvk.gov.ua/pls/vnd2019/wp141pt001f01=919.html>

¹²⁵ OPORA, *Who will be observing the parliamentary election? 4 July 2019*,
https://www.oporaua.org/article/vybory/parlamentski-vybory/parlamentski-vybory-2019/fake_observers_2019

For the parliamentary election, the CEC registered 117 international observers from 12 foreign states and 1602 international observers from 21 international organizations.¹²⁶ This represented a 21% decrease in the number of observers from international organizations from the 2014 parliamentary election (20 organizations only).



¹²⁶ The largest missions from international organizations were – OSCE/ODIHR (728 observers); Mission Canada (178 observers); ENEMO (156 observers); and the Ukrainian World Congress (143 observers).

Legal Framework

The current statutory framework is largely in keeping with international democratic standards and is primarily composed of the 1996 Constitution, 1999 Law on the Election of the People's Deputies of Ukraine, Law on the Central Election Commission (CEC) and 2001 Law on the State Register of Voters (all as amended), as well as other legislative acts and their respective regulations/resolutions (collectively referred to as the "Parliamentary Election laws"). Voting is based on universal suffrage. Citizens of Ukraine, who have reached 18 years of age on the day of the election, have the legal right to vote.

Pre-election campaigns may be conducted in different forms mentioned in Article 58, including, but not limited to holding rallies, demonstrations, public debates and discussions, round tables, press conferences, as well as publication of political advertisement, speeches, interviews, essays, films, audio and video clips, and other publications and messages in print and electronic media.

Campaign violations are treated as administrative and were widespread, as observed in previous elections. Additionally, a third of the administrative type offences ended up with fines imposed by the courts, with another third returned, due to paperwork deficiencies, and the remaining third closed due to lack of sufficient and admissible evidence.

Another observation concerns the concept and definition of campaigning. In one instance, one of the candidates had a number of televised programs that were repeatedly and continuously shown on a popular TV station during the election period. Although challenged in court, the court dismissed any such claims since the law did not envision this type of campaigning.

Campaigning on the Internet remains vastly unregulated in regards to form, substance and scope. There is no proper legal regulation dealing with the creation and functioning of media on the Internet.¹²⁷ This has given rise to other issues since campaigning on the Internet has become one of the major tools of influence in shaping the opinion of the voters. This measure was widely used during the 2019 electoral process and its heightened use will be expected to continue for future electoral campaigns.

Judicial reform has created an improved system of adjudication, including the ability to deal with electoral related legal cases. Specifically, the introduction of the "Law of Ukraine on the Judiciary and Status of Judges" in 2016 eliminated the High Administrative Court, and replaced it with the Administrative Cassation Court. This court adjudicates cases on election process and referendum, as well as protection of political rights. Judges sitting on this court receive specific training on electoral matters, including those emanating from the CEC. Court officials raised concerns with Mission Canada of the quasi-arbitrary deadline of two days to consider electoral violations.¹²⁸ The courts extend all necessary efforts and resources to meet these tight deadlines but at times are not able to do so.

Another concern emanates from the quantity of court cases on electoral complaints. In this election, over 6,700 such cases were registered and considered by the courts. A potential solution for efficiently

¹²⁷ Judgement in the case No. 855/64/19 brought against Petro Poroshenko as regards posting photos of official visit of the President of Ukraine to Odesa Oblast on the website of the Administration of the President and recognizing these actions as campaigning.

¹²⁸ The current deadline is established by: Part 11 of Article 273, Part 4 of Article 274; Part 5 of Article 275; Part 7 of Article 276 ; Parts 5, 6 and 10 of Article 277 of the Code of Administrative Adjudication

addressing this volume is the introduction of an electronic system to manage such cases. Known as the Unified Judicial Information and Telecommunications System, this program provides an electronic exchange of procedural documents between the court and participants.¹²⁹

The current three electoral laws require harmonisation into a single electoral code for all levels of elections (presidential, parliamentary and local). This would effectively streamline the process at all levels. A draft code was adopted by the Verhovna Rada prior to the parliamentary election but was vetoed by President Zelenskyy on 14 September. A new draft code will reach second reading in the coming weeks.



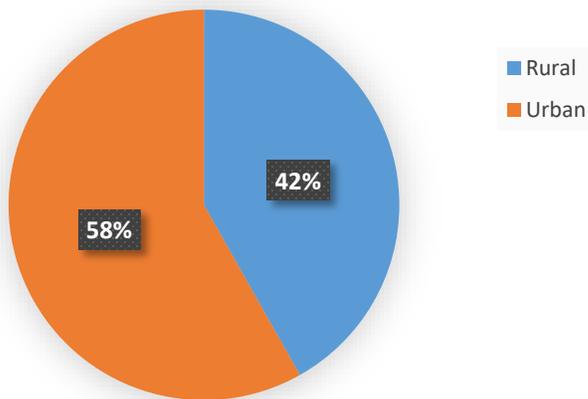
¹²⁹ According to the deputy head of the Sixth Administrative Court of Appeal, Yevhen Miezientsev, the idea of introducing the “E-court” is very progressive since it diminishes the paperwork and saves time.

Annex 1 – Observations on Election Days

First Round of the Presidential Election, 31 March 2019

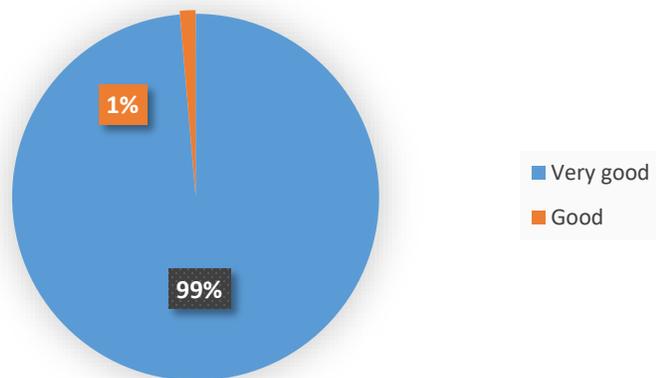
Pre-Election Period

During the three days preceding Election Day, Mission Canada observers visited 1193 PECs in all 24 oblasts to observe preparations. **Out of these, 499 were in rural areas and 694 in urban settings.** The PECs visited were chosen to provide a sample of locations in each oblast and offer an overview of the situation across the country.



The overall assessment was that preparations for Election Day were good or very good in 93.7%.

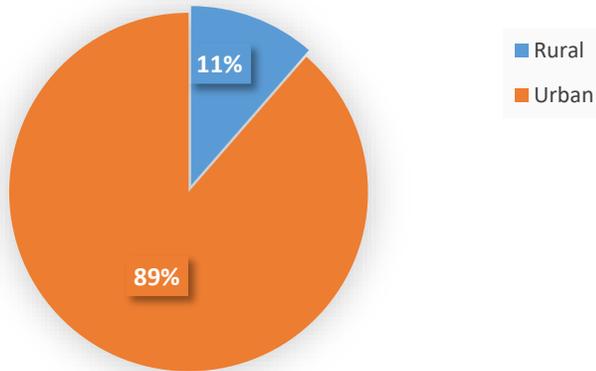
In 98.3% of cases, Mission Canada's observers were granted full access and cooperation by members of the PECs to assess their preparedness.



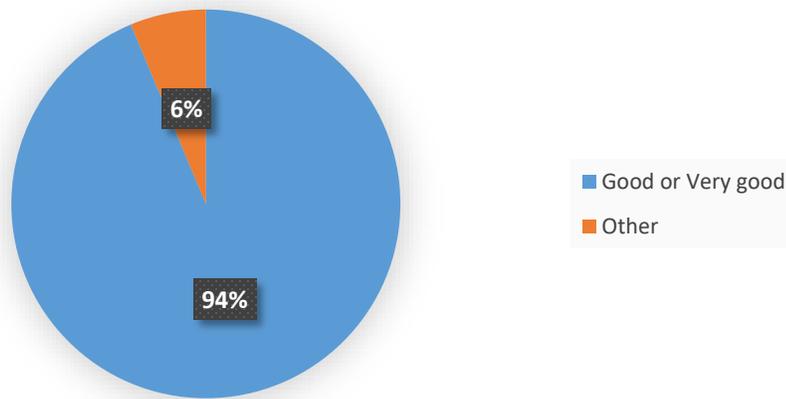
Election Day

Opening of Polling Stations

On Election Day, Mission Canada observers attended the opening of 79 polling stations, in all oblasts where voting took place. Out of those observed, **11.4% were rural and 88.6% urban polling stations.**

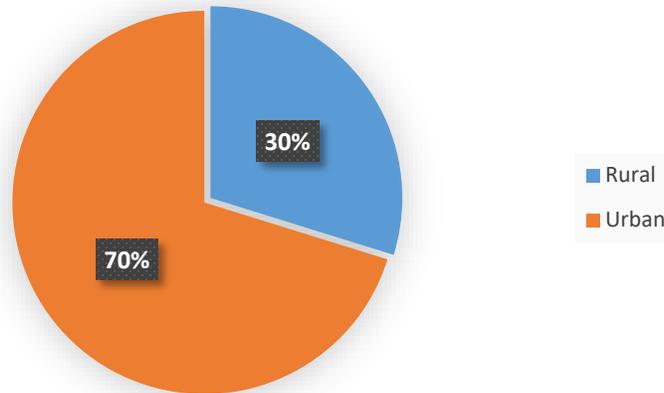


From the polling stations visited, 65 opened on time at 8:00 am, while 13 opened slightly late. 78 of the polling stations visited started Election Day with an opening session and with all the necessary election material present. Mission Canada’s observers were granted full cooperation in 100% of polling stations and **Mission Canada assessed the opening procedures of polling stations as good or very good in 93.7% of cases.**



Voting

Mission Canada observed a total of 811 polling stations in all oblasts where voting took place, which represents 2.7% of the total of polling stations in the country.



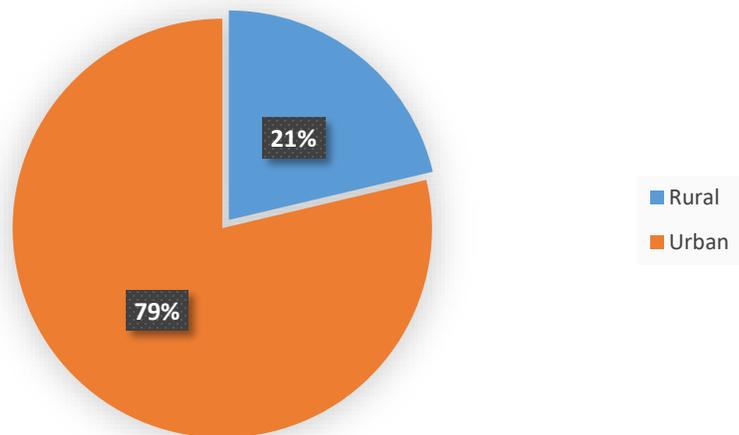
29.8% of the PECs were in rural areas and 70.2% in urban settings. In 431 (53.1%) number of cases, polling stations had issues with full accessibility to voters with mobility challenges.

During 786 (97%) visits to polling stations, Mission Canada observers were granted full access and were not restricted in any way in their observation. Observers noted long lines of voters in 25 (3.1%) polling stations as well as overcrowding in 34 (4.2%) polling stations.

Mission Canada’s observers assessed the voting process to be good or very good in 786 (97%) number of polling stations and that voting procedures were followed well or very well in 780 (96.3%) number of polling stations.

Closing and Counting

Mission Canada observed the closing and counting of a total of 61 polling stations in all oblasts where voting took place, **21.3% of which were in rural areas and 78.7% in urban settings.** In 57 (93.4%) cases, polling stations closed on time at 20:00 and 4 (6.6%) closed late.



Polling stations closed on time at 20:00 and 4 (6.6%) closed late. Based on information received by 7:00 am on 1 April 2019, in 57 (93.5%) cases, the overall

conduct of the counting process was assessed by observers to be good or very good and counting procedures were followed well or very well in 53 (86.9%) cases.

Transfer of Polling Station Results to DECs

Based on information received by 7:00 am on 1 April, Mission Canada observers reported on 29 transfers of results from polling station to DECs. In 72.4% of cases, observers assessed the handover procedures to the DEC as good or very good and appropriate procedures were followed well or very well in 75.9% of

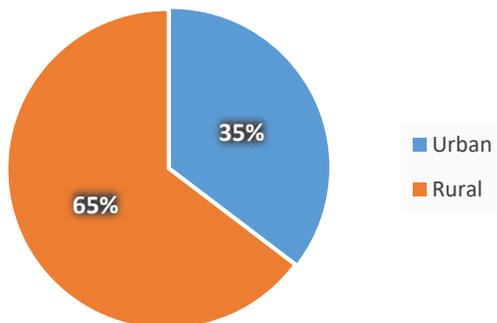
cases. 20 (69%) noted overcrowding and/confusion in DEC; in one (3.4%) case, results were rejected by the DEC and the PEC was requested to recount.

In 8 (27.6%) cases, Mission Canada observed tension and unrest in the vicinity of DEC.

Second Round of the Presidential Election, 21 April 2019

Following the first round, Mission Canada continued to observe the counting and tabulation of results. Mission Canada observers noted that the delivery of the PEC materials was disorganized and confusing in the majority of cases. Some PEC members needed to wait five to seven hours in line before being able to transfer the material. Due to the lengthy process, there was discontent among the PEC members.

During the three days preceding Election Day, Mission Canada observers visited 1,504 PECs in all 24 oblasts to observe electoral preparations. Of these, **35.5% were in rural areas and 64.5% in urban settings.**



The PECs visited were chosen to provide a sample of locations in each oblast and offer an overview of the situation across the country. The overall assessment was that preparations for Election Day were good or very good in 96% of cases. In 98.9% of cases, Mission Canada's observers were granted full cooperation by members of the PECs to assess their preparedness.

Election Day

Opening of Polling Stations

On Election Day, Mission Canada observers attended the opening of 78 polling stations in all oblasts where voting took place. Of those observed, **14% were rural and 86% urban polling stations.** From the polling stations visited, 71 (91%) opened on time at 8:00 am, while seven opened slightly late. All the polling stations visited started Election Day with an opening session by the PEC with all the necessary election material present. Mission Canada's observers were granted full cooperation in 100% of polling stations and Mission Canada assessed the overall conduct of opening procedures of polling stations as good or very good in 97% of cases.

Voting

Mission Canada observed a total of 862 polling stations in all oblasts where voting took place, which represents 2.9% of the total of polling stations in the country. 26% of the PECs were in rural areas and 74% in urban settings.



In 421 (48.8%) cases, polling stations had issues with full accessibility to voters with mobility challenges. The polling station premises were in the majority of cases not adequate for access to elderly people and/or individuals with physical disabilities.

However, a mobile voting system allows for persons with disabilities to vote from their home address. Mission Canada observed that this option is limited because these persons need to register in advance and the mobility constraints and accessibility of the registry office present the same challenges.

During 846 (98.5%) visits to polling stations, Mission Canada observers were not restricted in any way in their observation. Observers noted long lines of voters and overcrowding in seven (0.8%) polling stations.

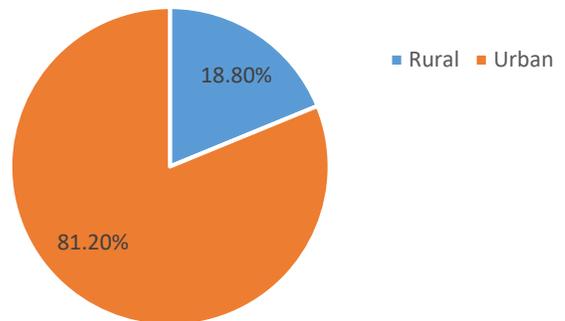
Mission Canada observed that vote secrecy was not adequately preserved when voters deposited their unfolded ballot in transparent ballot boxes. In the majority of cases, it was possible to see which candidate the votes were for in the ballot boxes. This is a breach to the fundamental principle of vote secrecy and opens the door to vote buying.

Mission Canada's observers assessed the voting process to be good or very good in 846 (98.5%) number of polling stations and that voting procedures were followed well or very well in 838 (97.6%) number of polling stations.

Closing and Counting

Mission Canada observed the closing and counting of a total of 69 polling stations in all oblasts where voting took place, 18.8% of which were in rural areas and 81.2% in urban settings.

In 67 (97.1%) cases, polling stations closed on time at 8:00 pm and two (2.9%) closed slightly late. Based on information received by 9:00 am on 22 April 2019, in 67 (97.1%) cases, the overall conduct of the counting process was assessed by observers to be good or very good and counting procedures were followed well or very well in 63 (91.3%) cases.



Transfer of Polling Station Results to DECs

Based on information received by 9:00 am on 22 April 2019, Mission Canada observers reported on 54 transfers of results from polling stations to DECs. In 92.6% of cases, observers assessed the handover procedures to the DEC as good or very good and appropriate procedures were followed well or very well in 96.3% of cases. 21 (38.9%) noted overcrowding and/or confusion in DECs; in ten (18.5%) cases, results were rejected by the DEC and the PEC was requested to recount.

In five (9.3%) cases, Mission Canada observed tension and unrest in the vicinity of DECs.

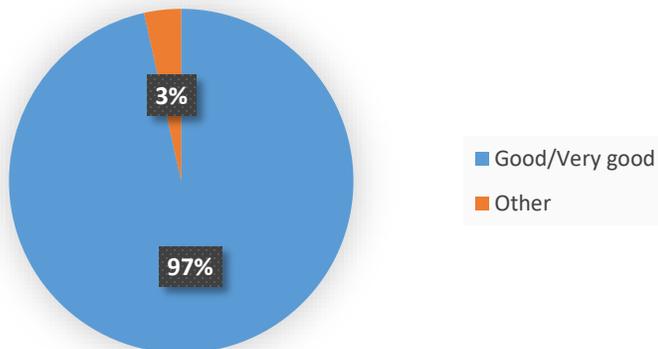
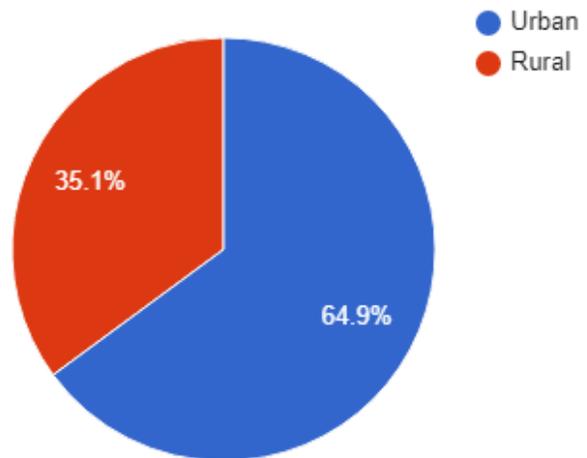
Parliamentary Election, 21 July 2019

Pre-Election Period

During the two days preceding Election Day, Mission Canada observers visited 971 PECs in all 24 provinces to observe electoral preparations. Of these, 35.1% were in rural areas and 64.9% in urban settings.

The PECs visited were chosen to provide a sample of locations in each province and offer an overview of the situation across the country. The overall assessment was that preparations for Election Day were good or **very good in 94.6% of cases.**

Type of Polling Stations visited Pre-election - Parliamentary

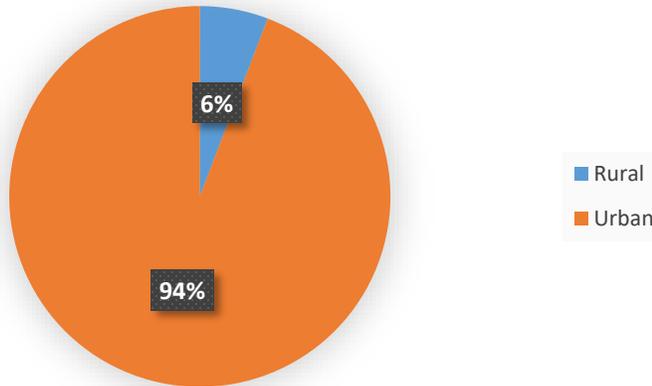


In 97.3% of cases, Mission Canada's observers were granted full cooperation by members of the PECs to assess their preparedness.

Election Day

Opening of Polling Stations

On election day, Mission Canada observers attended the opening of 86 polling stations in all provinces where voting took place. **Of those observed, 5.8% were rural and 94.2% urban polling stations.**



From the polling stations visited, 89.5% opened on time at 8:00 am, while 8% opened slightly late. 97.7% of all polling stations visited, started Election Day with an opening session by the PEC with all the necessary election material present. Mission Canada’s observers were granted full cooperation in all openings of polling stations observed.

Voting

Mission Canada observed voting in a total of 880 polling stations in all oblasts where voting took place, which represents 2.9% of the total of polling stations in the country. 28.5% of the PS were in rural areas and 71.5% in urban settings. In 498 (56.6%) cases, polling stations had issues with full accessibility to voters with mobility challenges. The polling station premises were in the majority of cases not adequate for access to elderly people and/or individuals with physical disabilities. However, a mobile voting system allows for persons with disabilities to vote from their home address. Mission Canada observed that this option is limited because these persons need to register in advance and the mobility constraints and accessibility of the registry office present the same challenges.

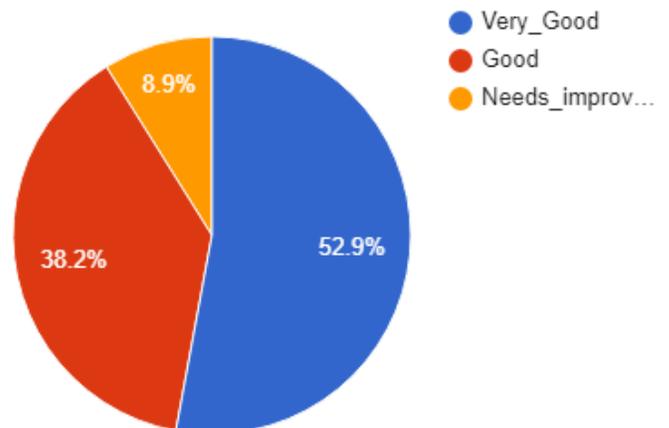
During 874 (99.4%) visits to polling stations, Mission Canada observers were not restricted in any way in their observation. Observers noted long lines of voters and overcrowding in 21 (2.4%) polling stations.

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

Closing and Counting

Mission Canada observed the closing and counting of a total of 68 polling stations (based on information received by 9am on 22 July) in all oblasts where voting took place, 19.1% of which were in rural areas and 80.9% in urban settings. In 65 (95.6%) cases, polling stations closed on time at 8:00 pm and the remaining 3 (4.4%) closed slightly late. Based on information received by 9:00 am on 22 July 2019, in 26 (38.2%) cases, the overall

Conduct of the counting process - Parliamentary

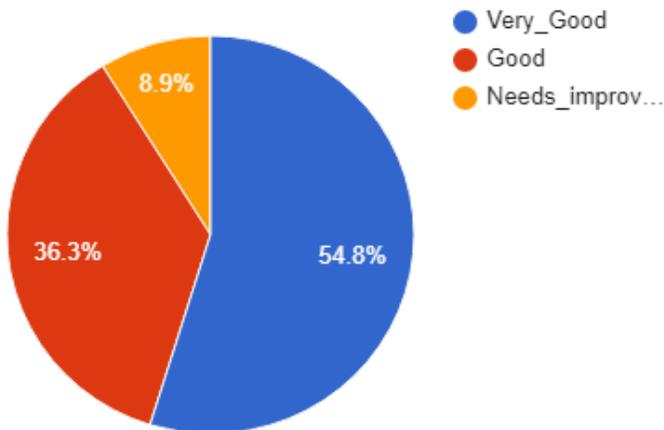


conduct of the counting process was assessed by observers to be good and in 36 (52.9%) very good. Counting procedures were followed well or very well in 57 (83.9%) cases.

Transfer of Polling Station Results to DEC

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

Transfer from PEC to DEC - Parliamentary



Annex 2 – Synopsis of Court Cases

Candidate Registration

According to Part 1 of Article 9 of the Law of Ukraine “On the Election of the President of Ukraine”, a citizen of Ukraine, who is 35 years of age on the election day, eligible to vote, has a command of the state language and has resided in Ukraine for the last 10 years prior to the election day, can be elected as the President of Ukraine. Article 49 stipulates the requirement of making a financial deposit of 2.5 million UAH. This deposit is placed in a special CEC account by the party which nominated the Presidential candidate or by the candidate him/herself.

During this electoral process, the CEC’s failure to register candidates or decisions on their registration were challenged 33 times. In eight of these cases, lack of a financial deposit was indicated as the reason for CEC refusal to register the presidential candidates. The courts recognized such a refusal lawful and referred *inter alia* to the European Court of Human Rights practice.¹³⁰

As for the parliamentary election, pursuant to Part 1 of Article 9 of the Law of Ukraine “On Election of the People’s Deputies of Ukraine”, a citizen of Ukraine, who is 21 years of age on the election day, eligible to vote and has resided in Ukraine for the last five years, can be elected as a people’s deputy of Ukraine. Article 56 requires a deposit of 4,173 million UAH to be paid for registration of a party list and 40,173 UAH for registration of a candidate in single-member constituencies.

The CEC denied registration to some candidates mainly due to the lack of certain technical information in the application documents (such as citizenship, party affiliation, phone number, place of work, etc.) and failure to reside permanently in Ukraine for the last five years. In some cases, applicants contested the other candidates’ affiliation to certain political parties – the so-called political “clones”. Around one third of judgments of the Sixth Administrative Court of Appeal (dealing with the issue of candidate registration) were overruled by the Cassation Administrative Court. These two levels of courts could not reach a common definition of a “technical mistake” or omission in the application documents for candidate registration; a simple correction without rejecting the whole application.

One of the more contentious legal issues observed by Mission Canada during these elections focused on the candidate registration residency requirement. Given the tight timelines and the CEC’s lack of authority and resources to directly verify the submitted information, the CEC had no choice but to rely on the evidence provided by other governmental authorities and the candidates themselves. The CEC found that Oleksandr Onyshchenko, Andrii Kliuyev, Anatolii Sharii, and Renat Kuzmin, did not permanently reside in Ukraine for the last five years. These applicants challenged the CEC’s decisions without success.¹³¹

¹³⁰ Case “*Sukhovetsky v. Ukraine*”, judgment of 28.03.2006, application No. 13716/02. For example, para. 61: “*The Court notes that the deposit requirement for electoral candidates is not unique to Ukraine. The electoral laws of a number of member States provide for such a measure in order to discourage frivolous candidatures. Moreover, the Venice Commission regarded this aim as legitimate and the deposit requirement as, in principle, an acceptable device for achieving it (...).*”

¹³¹ The CEC head, Ms. Slipachuk, during a special 30-minute briefing held on 19 July 2019, expressed serious concerns on the abovementioned high profile cases. She complained of administrative and political pressure, fake news and dirty campaign against the CEC. She urged the courts to deal with election cases responsibly and said that the practice of taking over the powers of the CEC by the courts and obliging it to register certain candidates was not in line with the Ukrainian legislation. The Commission relied on the official information from the law enforcement

Administrative Violations

Many of these violations dealt with the failure to meet technical requirements for billboard or printed campaign materials and campaigning in administrative premises, as well as violations which took place during the voting, such as tearing ballots, campaigning at polling station, and taking a photo of the ballots and placing them on social media. These administrative violations were reported in all the regions of Ukraine.¹³² In about one third of these cases, the courts agreed with the charges and fined the guilty parties accordingly. In another third, the courts returned the administrative protocols for revision due to technical deficiencies (i.e. paperwork not properly filled out). In the remaining third, the proceedings were discontinued due to the lack of evidence. The court imposed fines ranging from 51 UAH to 2,550 UAH (with half of the fines not exceeding 85 UAH). These fines cannot be considered as an adequate deterrent which would prevent the commission of future similar violations.

Observer Status

On 13 separate instances during this electoral process, local NGOs and candidates for president, challenged the CEC and DEC's refusal to register their official observers. Such challenges included a CEC decision to register observers from another NGO, failure by DEC's to issue certificates to official observers, and CEC actions regarding an alleged discrimination between foreign and domestic observers to be present at the CEC meetings. In four cases, the claims were successful and in one case, the court obliged a DEC to register an official observer from a presidential candidate.¹³³ Four cases were also registered during the parliamentary election.¹³⁴ Despite such challenges, it is interesting to note that more than half of the registered NGOs had no individual observers registered.

Election Campaign Violations

Twenty campaign violations were registered before the courts during the presidential campaign. The applicants contested, among other issues, that presidential candidates used TV channels, social media and the Internet as the platform for their hidden campaign without paying for such via their respective election fund. None of these claims were successful.

Specifically, four claims were filed against then incumbent President on the coverage of his official visits to different regions of Ukraine on the presidential website and one claim against his delivery of speech at a public forum broadcasted by three TV channels allegedly for free. The claimants argued that the

authorities and had neither authority, nor means to conduct operational search measures to establish the whereabouts of the candidates.

¹³² Except for the temporarily occupied territory of the Autonomous Republic of Crimea.

¹³³ Case No. 240/4233/19, Seventh Administrative Court of Appeal. This decision of the court can be questioned in terms of interference with the discretionary powers of the election commission within the meaning of the Recommendation N. R (80) 2 of the Committee of Ministers of the Council of Europe concerning the exercise of discretionary powers by administrative authorities of 11 March 1980.

¹³⁴ In case No. 200/9432/19-a, the court sided with the applicant (OPORA) and against DEC No. 50 for failing to provide access to the applicant's representative for its meeting. However, in another case, No. 161/12183/19, the court disagreed with the applicant since replacing one observer by another during the PEC continuous meeting on vote counting was not envisaged by the law.

President was campaigning. However the courts disagreed, referring to Part 3 of Article 58 of the Law on presidential election according to which official announcements during the electoral process on the actions of the presidential candidates connected with the fulfillment of their official duties did not constitute election campaign.

Seven claims were filed regarding failure by the TV Channels “Inter”, “PRIAMYI”, “24 Channel”, “ZIK”, ICTV, “112 Ukraine”, and “Ukraine” to broadcast campaign videos. The claims regarded allocation of time for the candidates in the ordinary TV shows (not covered by the Law on presidential election). The courts dismissed all cases. In a case against the candidate Volodymyr Zelenskyy, the Supreme Court did not find a violation¹³⁵ of the electoral legislation in the actions of the respondent who took part in the TV show “Liha smikhu”. It was filmed in August 2018 and aired in October 2018 and February 2019.¹³⁶

During the parliamentary election, 35 cases dealing with billboard placement, defamation, payment for campaign allegedly not from the election fund, use of administrative resource, and misleading voters were filed. Only six claims were granted. For example, the Pecherskyi District Court of Kyiv City recognized there was defamation against Oleksandr Onyshchenko and Volodymyr Katsuba, along with “newly discovered circumstances” in the candidate registration cases. In another case, the court obliged the TV channel “24 Channel” to provide 19 minutes and 33 seconds of airtime to the party “Svoboda” at the expense of the channel in answer to the video of the same duration where this party was criticized.

Access to State Voter Register

On 25 October 2018, the CEC made amendments to its Regulation No. 74 of 26 March 2014 by which it allowed access to the SVR database, but only at the CEC premises. At the same time, according to Part 9 of Article 31 of the Law on Presidential election, the CEC shall provide a digital copy of the database of SVR, certified by a digital signature, to the candidates for the President of Ukraine upon his/her request immediately after their registration by the CEC.

As such, these two legal acts were in conflict. Normally, the provisions of the Law usually has a higher legal standing and weight than that of regulatory provision. The Supreme Court of Ukraine adopted a decision in favour of the CEC. Although the candidate was provided with a copy of the optical SVR database, he was unable to open it from his personal computer beyond the CEC premises. The Court recognized that since the above mentioned changes to the CEC Regulation were still in force, they should be followed.

Voter lists

The issue of voter registration was raised over 6,000 times in the courts. Many of voters obtained the opportunity to vote at the presidential election either by way of inclusion to the voter lists or by temporary changing their place of voting. In many instances, applicants complained that they had no actual residence

¹³⁵ The court decided that “*the video has not revealed any violations in the meaning of Art. 58 of the Law of Ukraine “On the election of the President of Ukraine”, since this video cannot be attributed to the election campaign in view of the time of its filming and the absence of any calls by its participants to vote for the defendant just as a candidate for the presidential elections in Ukraine, which will be held on 31 March 2019 year*”.

¹³⁶ On the video, the candidate V. Zelenskyy handed to another participant a packet with the inscription “Vote for Zelenskyy” (starts at 08:15 minute <https://www.youtube.com/watch?v=m3okvJtPMXc>).

registration; the reason for their exclusion from the voter lists. In the vast majority of cases, the courts ordered the SVR bodies to include the voters on the voter lists. However, on several occasions, and under the same circumstances, the courts referred the voters to the centers registering homeless people to address residence registration. However, it is worth noting that such centers currently do not register the residence of such people and lack the authority to do so.¹³⁷ There are currently approximately 1,000,000 Ukrainian citizens who currently have no registered place of residence for various reasons,¹³⁸ and as such, do not have the possibility to vote without referring to the courts on an individual basis.

Decision Making Process by the CEC

Court cases have been filed challenging DEC decisions/actions or inaction. The applicants complained *inter alia* about excess of power and illegal campaigning by DEC members, violation of the procedure for PEC formation and member replacement, failure to consider complaints and interference with journalist activity. Six cases were successful. For example, the court recognized as unlawful the DEC's failure to include PEC candidacies from the party "European Solidarity" and provide access to a journalist, DEC cancellation of a civil agreement, and excess of powers by a DEC secretary in the form of negative statements against one of the candidates.

On 22 February 2019, the CEC adopted Regulation No. 376, which legalized the reimbursement of expenses for campaigners, such as phone calls, transportation, meals, lodging and other expenses in case of campaigning in another city, etc. This Regulation was challenged four times in court. In one case, the court cancelled one section from the challenged CEC Clarification, which related to tax issues. In another case, the court of first instance recognized the Regulation No. 376 invalid but the judgement was overturned on appeal at the Supreme Court.

Other Cases

Other cases filed in court during the 2019 electoral process included, among others, interference in the political party activity, recognizing voting at the polling stations invalid, recognizing a PEC decision as unlawful, failure by a PEC to place the information poster on the candidates at a polling station, failure to allocate premises for the polling stations, and calls to terminate financing for the presidential election from the state budget and introduce SMS-voting during the election.

The courts considered requests from investigators to provide temporary access to certain things and documents, conduct forensic expertise, etc. in criminal proceedings. Such investigations involved, among others:

- television campaign broadcasting on election day (31 March 2019)
- violation of campaign rules by a TV channel
- registration of clone candidates
- misleading the voters and pretending to be a candidate from the party "Servant of the People"

¹³⁷ This information was confirmed by phone calls to the Center for Registration of Homeless Citizens in Solomyanskyi district of Kyiv city and Kharkiv City Center of Reintegration of Homeless People.

¹³⁸ These reasons are: 1) many students who were deregistered from their student dormitories and who did not register again at another place of residence; 2) citizens who prefer not to pay the communal utilities fees and alimony for children and 3) other categories of people who have no living premises in their private property.

- vote buying
- providing a ballot to an unauthorized person, hiding ballots, proxy voting, voting more than once, voting instead of another person
- forgery of the protocol on vote counting
- abuse of powers by a PEC head
- threat of violence against DEC members
- forgery of ballots protocol on the vote counting
- hiding ballots
- filling in the protocol before the vote counting
- ballot stuffing
- providing several filled in ballots to a voter
- taking photos of ballots and placing them on social media
- using disappearing ink in the voter lists
- attempt of entering to the polling station premises during the vote counting
- putting a stamp “excluded” next to a name of a presidential candidate on 180 ballots by mistake
- fake signature on the submission made to a PEC
- voting using a copy of a passport
- threat of murder against a candidate
- aggression and beating of a policeman in front of a polling station
- hooliganism (threatened use of an air gun, while being inebriated, against campaigners of a presidential candidate, throwing green dye during a mass campaigning event)
- illegal appointment of a PEC secretary without her knowledge

Many of them were still being considered at the time of drafting this report.

In other cases, the applicants challenged the PECs’ decisions/actions/inaction. In particular, such cases contested the abuse of powers by a PEC head, failure by a PEC to place the poster of one of the candidates at the PEC premises, failure to provide access for an SMD candidate to the premises where there was the vote counting, stamps on some of the ballots that were not visible, and providing a ballot to a voter who was registered at another DEC. Only the latter claim was satisfied together with another claim where the PEC was ordered to conduct a recount. The rest of these 20 claims were dismissed, returned or left without consideration.

Apart from the abovementioned, a person complained that the State Migration Service of Ukraine refused to put a new photo into her Ukrainian passport when she turned 25 years old. This procedure was followed before a new form of Ukrainian passport – ID card – was introduced. The applicant refused to obtain this ID card due to religious beliefs and was not able to vote. The court sided with her and ordered the State Migration Service to put a new photo in her old passport. In two other cases, both of the applicants lost their national passports on the eve of the election (they were stolen). In the first case, the court authorized the voter to vote based on his foreign passport. Conversely, in the second case, the court dismissed a similar claim.

Finally, one applicant contested the actions of the speaker of the Verkhovna Rada, Andrii Parubii, who during a session of the Verkhovna Rada, requested the General Prosecutor's Office, Security Service of Ukraine and the State Border Service to provide information on the residence of the candidate Kuzmin in Ukraine. The court considered the evidence and decided that Speaker Parubii acted as the speaker of the Verkhovna Rada and not as a candidate and dismissed the claim.

Mission Canada - Presidential & Parliamentary Elections Protocols Review

Mission Canada reviewed protocols collected by its LTOs and STOs from the PECs/DECs they were observing. The charts below provide an overview of comparative analysis between the protocols obtained and the information posted by the CEC on its website for the same PECs/DECs. All differences were within an acceptable margin of error and could be attributed to clerical input errors.

Presidential Election - Reviewed protocols

Elections round	PEC protocols reviewed	DEC protocols reviewed
Round 1	54	46
Round 2	69	14

Observed differences

Protocol type	DEC #	PEC #	Problems	Was it corrected?	Could the difference impact the results?
PEC	60	1404 32	There are discrepancies as follows: Poroshenko - 117 votes in the protocol, 948 votes on the CEC website. Zelenskiyy - 357 votes in the protocol, 57 votes on the CEC website.	No. As of 07.08.2019, the CEC website provides the same figures.	Yes, in this PEC. According to the protocol, Zelenskyy is the winner (in this PEC), whereas the CEC shows that Poroshenko won. However, this did not affect the DEC results - Boiko won in the first round. The police started an investigation (case #241/659/19). Only procedural decisions have been passed by the court so far, no hearing on the merits has been held so far. However, regardless of the results, it will have no impact on the outcome of the overall elections.
PEC	135	5112 75	Poroshenko - 131 votes in the protocol, 134 votes on the CEC website.	No. As of 07.08.2019, the CEC website provides the same figures.	A minor difference that did not affect the result.

Parliamentary Elections - Reviewed protocols

Protocol type	SMC protocols reviewed	MMC protocols reviewed
PEC	78	76
DEC	46	52

Observed differences

Protocol type	DEC #	PEC #	Problems	Was it corrected?	Could the difference impact the results?
PEC/SMC	65	18131 7	Mistake in the PEC number on SMC protocol was found	N/A	No
PEC/SMC	185	65057 1	Our counterpart of the protocol was not fully filled - only 3 SMC candidates had their votes mentioned out of 12	N/A	No
PEC/MMC	144	53127 2	The results of the party 22 are missing in our counterpart of the protocol. According to the CEC website, the party got zero votes in the PEC	N/A	No
PEC/MMC	184	65061 2	Party 22 got 1 vote, according to the protocol, but zero votes according to the CEC website	Unknown	No
DEC/SMC	21	-	The number of votes differs slightly - up around to 15 votes	Yes	No, as mistakes were related to SMC candidates below top 2
DEC/SMC	84	-	The number of votes differs significantly from the CEC's website - more than 200 votes	Yes	No, as there was a clear number one candidate whose votes were correct from the beginning (not recounted)
DEC/SMC	121	-	The number of votes differs significantly from the CEC's website - more than 100 votes	Yes	No, as mistakes were related to SMC candidates below top 5
DEC/SMC	195	-	The number of votes differs significantly from the CEC's website - more than 50 votes	Yes	No, as mistakes were related to SMC candidates below top 5

Annex 3 – About Mission Canada and CANADEM

Canada is the fourth largest bilateral donor in Ukraine, and improving economic opportunities for Ukrainians and strengthening Ukrainian democracy continues to be a priority for the Government of Canada. Canada was the first Western country to officially recognize Ukraine as an independent state in 1991.

Since that time, Canada has supported democracy in Ukraine, including sponsoring the deployment of nearly two thousand Canadian independent election observers through various bilateral election observation missions.

Mission Canada is a neutral and impartial election observation mission run by CANADEM, an international not-for-profit organization, dedicated to advancing democracy and international peace and security.

Mission Canada’s mandate is to provide an assessment of the electoral process in Ukraine. Mission Canada assesses Ukraine’s compliance with UN and OSCE commitments and other international standards for democratic elections, as well as with national legislation. The Mission observes, records, and reports on its findings, without interfering or intervening in any way in the electoral process.

Established in 1996 with Canadian Government start-up funding, CANADEM is an international not-for-profit NGO dedicated to advancing international peace and security through the rostering, rapid mobilization, and mission management of experts committed to International Service with the UN, other IGOs, NGOs, and governments

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