



Office for Democratic Institutions and Human Rights

# UKRAINE

## PRESIDENTIAL ELECTION

31 March and 21 April 2019

ODIHR Election Observation Mission  
Final Report



Warsaw  
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**UKRAINE**  
**PRESIDENTIAL ELECTION**  
**31 March and 21 April 2019**

**ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the government of Ukraine, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) to observe the 31 March and 21 April 2019 presidential election. The ODIHR EOM assessed compliance of the election process with OSCE commitments, other international obligations and standards for democratic elections, and domestic legislation. On election days, an International Election Observation Mission (IEOM) was formed as a common endeavour of the ODIHR EOM and delegations of the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and, for the first round, the NATO Parliamentary Assembly (NATO PA).

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 1 April concluded that the election “was competitive, voters had a broad choice and turned out in high numbers. In the pre-electoral period the law was often not implemented in good faith by many stakeholders, which negatively impacted the trust in the election administration, enforcement of campaign finance rules, and the effectiveness of election dispute resolution. Fundamental freedoms were generally respected. Candidates could campaign freely; yet, numerous and credible indications of misuse of state resources and vote-buying undermined the credibility of the process.” The Statement of Preliminary Findings and Conclusions issued on 22 April concluded that the election “was competitive and held with respect for fundamental freedoms. The orderly transfer of power should offer the opportunity for strengthening democratic institutions and their accountability, although the campaign for both rounds lacked genuine discussion of issues of public concern. The media landscape and campaign coverage reflected the dominance of economic interests in public and political life. The runoff was well-organized, despite operational challenges and a limited timeframe.”

The overall context in which the election took place was characterized by ongoing armed conflict and other hostilities in the east of the country and the illegal annexation of the Crimean peninsula by the Russian Federation, resulting in the continued control of certain parts of Donetsk and Luhansk *oblasts* (regions) by illegal armed groups. As in 2014 and 2015, the election could not be held in these territories.

The Constitution guarantees rights and freedoms that underpin democratic elections. The legal framework for presidential elections generally offers a sound basis for the holding of democratic elections, despite significant shortcomings and various gaps and inconsistencies. It was not fully implemented in good faith by all stakeholders. The Central Election Commission (CEC) did not exercise in a fully effective manner its authority to supplement the election legislation through regulations. The legal framework remains largely unchanged since the last presidential election, despite protracted attempts at electoral reform, and most previous ODIHR recommendations, including for the adoption of a unified election code, remained unaddressed. Positively, the right of individuals to lodge constitutional complaints, introduced in 2016, allowed citizens and political parties for the first time to challenge election-related legislation. However, the Constitutional

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

Court's handling of such cases has denied timely and effective remedy in key constitutional challenges.

The election was administered by the CEC, 199 District Election Commissions (DECs) and some 30,000 Precinct Election Commissions (PECs). Political actors and civil-society representatives criticized the hasty adoption of amendments to the Law on the Central Election Commission in September 2018, that increased the number of CEC members from 15 to 17, claiming they were intended to benefit the incumbent. This led to many ODIHR EOM interlocutors voicing a lack of trust in the CEC and questioning its impartiality. The CEC met all legal deadlines and, despite the limited time before the second round, carried out all preparatory tasks efficiently, demonstrating strong institutional capacity. While the CEC operated collegially overall and held regular open sessions, the practice of systematically holding preliminary meetings without the presence of observers left CEC sessions without substantial discussions and significantly decreased the transparency of the CEC's work.

DECs and PECs were formed based on nominations by registered candidates, separately for each round. The proportionate allocation of executive positions on the DECs amongst the candidates' nominees, as required by law, was not fully ensured by the CEC. Candidates could replace members nominated by them and did so at will. Some 39 per cent of DEC members were replaced before the first round, and 8 per cent before the second round. These incessant replacements, especially of members in executive positions, affected the stability and efficiency of the work of DECs and diminished the value of the training received. The formation of PECs proved particularly problematic and raised concerns about the legitimacy of this process. Nonetheless, the election administration made commendable efforts to carry out all the preparatory works and organize the election. Women were well represented at all levels of the election administration.

The centralized State Voter Register (SVR) includes some 35.6 million voters. Despite some concerns about difficulties to adequately capture data on internally displaced persons (IDPs), internal labour migrants, and citizens living abroad, nearly all ODIHR EOM interlocutors expressed confidence in the accuracy of the voter lists. The voter lists extracted from the SVR excluded over 5 million voters registered in areas where voting could not take place and voters without a registered address. Voters could request to temporarily change their polling station without changing their voting address. They had to submit a new request for the second round, even if they had already done so for the first round, which was an unnecessary burden. The procedure for a temporary transfer of the voting place is the only means for IDPs to be included on the voter lists. It was particularly cumbersome for voters residing in territories outside government control, who needed to repeatedly cross checkpoints to register and to vote. Voters were given the opportunity to check their voter list entries and to request inclusion or corrections. Citizens who have been declared legally incapacitated by a court decision are deprived of the right to vote, which is inconsistent with international obligations and standards.

In a largely inclusive process, the CEC considered applications from 91 prospective candidates and registered 44 of them, including four women. About half of the 39 candidates who eventually ran were self-nominated, including the incumbent. The CEC rejected 47 applicants, most based on multiple grounds, the most common being non-compliance with the monetary deposit, which at 2.5 million hryvnia (UAH; around EUR 79,000) is substantial and as such represents a restriction on candidacy. Campaign platforms must be vetted by the CEC for compliance with certain criteria established by the election law including a prohibition on positions that challenge the territorial integrity of the state or that are inconsistent with human rights and freedoms, which unnecessarily constrains candidates' freedom of opinion and expression, as well as political pluralism. Six applicants were rejected on grounds related to their campaign platforms. A total of 21 nominees challenged the CEC decisions denying them registration; all court cases were denied admissibility

or dismissed. The ten-year residency requirement is unduly restrictive and runs counter to international obligations and good practice.

The election campaign for both rounds was generally peaceful and competitive, and candidates could campaign freely and without undue restrictions. The field of candidates offered voters a choice, but there was lack of genuine political debate among the contestants. Several candidates actively campaigned before the first round, but most of the 39 candidates did not conduct any campaign activities, casting doubts on their intentions to genuinely compete. President Petro Poroshenko toured the country extensively in his official capacity. This blurred the line between his official position and his standing as a candidate, challenging paragraph 5.4 of the 1990 OSCE Copenhagen Document. Volodymyr Zelenskyy did not conduct a single traditional campaign rally, relying instead on his appearances as an actor and comedian. In the second-round campaign, the two candidates chose to not conduct large-scale campaign rallies, relying instead on television, online media and social networks. The increase in negative campaigning in the second-round period, to the detriment of the presentation of structured election programmes or an issue-oriented debate, diminished voters' ability to make an informed choice. The format of the much-anticipated public debate that took place on 19 April at the Kyiv Olympic Stadium offered only a limited opportunity for voters to acquaint themselves with the candidates' programmes. Social network users engaged in extensive negative campaigning against both candidates between the two rounds.

The use of social assistance programmes, salary increases and bonuses, and other financial incentives as campaign tools was the subject of widespread criticism levelled against the incumbent. The ODIHR EOM observed and was informed of misuse of state resources, at national and local levels, by several candidates. A systematic practice of involving public institutions and public servants in the campaign, mostly by the incumbent, was observed by and reported to the ODIHR EOM during the first-round campaign. The ODIHR EOM also observed some indications of vote-buying and received a high number of credible allegations from across the country. More than 100 criminal investigations into alleged vote-buying were opened, including into nationwide vote-buying schemes by the campaigns of the incumbent and Yulia Tymoshenko. The politicization of law enforcement authorities, particularly the Prosecutor General and the Ministry of Internal Affairs, impacted the electoral process and undermined the public's trust in their impartiality.

New campaign finance regulations were adopted in 2015, in line with past ODIHR recommendations to increase transparency and accountability. While the new framework is an important step forward, remaining shortcomings significantly limit its effectiveness to regulate the role of money in campaigns. Insufficient independence, powers and resources of the oversight bodies to adequately monitor compliance and enforce the new regulations, as well as inadequate sanctions, are a serious concern. There are some limits on campaign funding but none on spending, despite public calls and draft laws for banning or limiting spending for broadcast and outdoor advertising. Numerous claims that campaigns were partly funded from sources other than the campaign accounts, contrary to the law, have credibility and are reflected by ODIHR EOM observations. In the run-off, both candidates benefitted from financial support that circumvented the campaign finance framework. While interim and final campaign finance reports must be filed, and all candidates did so within the legal deadlines, their analysis by oversight bodies was merely technical. The reports revealed various irregularities, including many unauthorized donations. Overall, excessive funds were spent on the campaign, particularly on media advertising.

The constitution guarantees freedom of expression and prohibits censorship, and the legal framework provides for general media freedom. Yet, to counter threats to national security, the government introduced several restrictive measures affecting media and journalists. The media market is diverse but largely divided along political lines, and ownership is highly concentrated. The editorial policy and political agenda promoted by private media outlets exclusively serve the interests of their owners, which undermines media autonomy and public trust. Journalists' safety

remains a major concern. The public broadcaster is severely underfunded, which affects its ability to fully perform its public-service role. The legislation does not give the media regulatory body sufficient sanctioning powers to perform its mandate in an efficient and timely manner during an election period, and specific mechanisms for dealing with media-related complaints were not exercised.

ODIHR EOM media monitoring showed that legal provisions for balanced and unbiased coverage of candidates were frequently violated by the monitored private TV channels, which followed their owners' political agenda and favoured certain candidates. Some journalists and hosts showed a clear bias towards certain candidates. In both rounds, the campaign coverage lacked in-depth analysis. The incumbent received wide coverage in the news, with no clear distinction between his institutional activities and political campaigning. Mr. Zelenskyy was barely covered in his political capacity but was extensively featured as a performer. Paid advertisement was widely used by the main candidates. As required by law, the public broadcaster provided all candidates with free airtime. During both rounds, a high number of unmarked promotional materials was noted in the prime-time news of most monitored private TV channels. During the second-round campaign period, the monitored media extensively covered a series of increasingly provocative video challenges between Mr. Poroshenko and Mr. Zelenskyy on a possible debate. Notably, Mr. Zelenskyy to a large extent chose to avoid appearing in person and live on TV channels, including in the official debate organized by the public broadcaster.

The right to seek effective legal remedy for violations of electoral rights is guaranteed by law, but legal restrictions and practices significantly limited access to electoral justice contrary to OSCE commitments. The framework for complaints and appeals is highly convoluted and establishes overlapping jurisdictions of election commissions and courts, which is not in line with international good practice. Very few cases filed with the courts were successful. The courts applied an overly formalistic approach, ruling many cases inadmissible, some judgements lacked a sound legal basis or did not provide coherent reasoning, and some decisions conflicted or were inconsistent with each other. Contrary to the law, the CEC, as a general practice, responded to complaints by private letter prepared by a single CEC member, rather than by determination in open plenary sessions followed by published decisions. This undermined the transparency and collegiality of the established dispute resolution process and the right to appeal. Moreover, the CEC refused to consider the vast majority of complaints on the merits, denying effective remedy. The police made efforts to provide a level of transparency in its handling of election-related complaints. However, the current legal framework for electoral offences and sanctions and its enforcement during this election leave significant room for improvement.

The law provides for election observation by international and citizen observers. The CEC registered 139 non-governmental organizations (NGOs), most without prior observation experience. The ODIHR EOM noted that only few NGOs were active in the observation. Most ODIHR EOM interlocutors expressed concerns about the affiliation of some NGOs with certain candidates, and some NGOs openly supported one candidate or another. In light of parliament's designation of the Russian Federation as an aggressor state, a recent amendment to the election laws effectively prohibited citizens of the Russian Federation from observing elections in Ukraine. This is at odds with paragraph 8 of the 1990 OSCE Copenhagen Document.

Both election days were peaceful, with a voter turnout of 63.5 in the first round, and 62.1 per cent in the second. In both rounds, IEOM observers assessed opening and voting positively in the overwhelming majority of polling stations observed. Voting was well-organized, smooth, transparent and efficient, and procedures were mostly adhered to. However, IEOM observers noted problems with the secrecy of the vote, in particular during the first-round election day. Police opened cases on voters photographing or showing ballots and on suspected vote-buying. Counting was assessed positively during both election days, with IEOM observers noting few procedural

errors. Specifically, observers reported on both election days that basic reconciliation procedures and the sequence of steps to be performed during the count were often not followed. During the first round, tabulation was assessed negatively in about one sixth of DECAs observed, mainly due to inadequate conditions that caused overcrowding and limited transparency, as well as restrictions on observers' access. During the second-round election day, by contrast, tabulation was assessed positively in all but two DECAs observed; with few exceptions, DECAs followed procedures, and handover and tabulation were transparent, prompt and orderly. During the first-round election day, candidate and party observers were seen in almost all polling stations, and citizen observers in around one half. On the second-round election day, there were significantly fewer candidate and citizen observers. Several citizens were brought to liability for breach of the campaign silence on both election days.

This report offers a number of recommendations to support efforts to bring elections in Ukraine closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the adoption of a unified election code, revising the method of formation of election commissions, changes to voter registration facilitating voters' ability to temporarily change their voting place, campaign rules which would safeguard a clear separation between stakeholders' official rights and responsibilities and their functions as a candidate, strengthened campaign finance rules with dissuasive and proportionate sanctions, safeguarding the public broadcaster's editorial independence and financial autonomy and sustainability, and revising the system for the adjudication of election disputes and review the manner in which complaints are handled in practice. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs of Ukraine and based on the recommendation of a Needs Assessment Mission deployed from 20 to 23 November 2018, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 6 February. The mission, led by Ambassador Peter Tejler, consisted of a 21-member core team based in Kyiv and 90 long-term observers (LTOs) deployed on 13–14 February to 28 locations around the country. Mission members were drawn from 24 OSCE participating States.

For election days, the ODIHR EOM joined forces with delegations of the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and, for the first round, the NATO Parliamentary Assembly (NATO PA) to form an International Election Observation Mission (IEOM). The OSCE Chairperson-in-Office appointed Ilkka Kanerva as Special Co-ordinator and leader of the OSCE short-term observer mission for the first round, and OSCE PA President George Tsereteli for the second round. The IEOM deployed 967 observers from 45 countries for the first round, and 690 observers from 44 countries for the second round. The ODIHR EOM remained in the country until 4 May to follow post-election day developments.

The ODIHR EOM assessed compliance of the election process with OSCE commitments, other obligations and standards for democratic elections, and national legislation. This final report follows Statements of Preliminary Findings and Conclusions which were released on 1 and 22 April 2019.<sup>2</sup>

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

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

### III. BACKGROUND AND POLITICAL CONTEXT

On 26 November 2018 and in line with constitutional provisions, the parliament of Ukraine (*Verkhovna Rada*) scheduled the presidential election for 31 March 2019. This presidential election was perceived as an important test for the country's democracy and its ongoing reform and modernization efforts, but also as part of a larger electoral process culminating in parliamentary elections to be held later in 2019.

The election took place in a challenging political, economic and security environment characterized by lack of trust in state institutions and the justice system, due to perceived widespread corruption. Powerful economic interests of wealthy businessmen (known as 'oligarchs') continued to impact on political and decision-making processes and influenced the dynamics of this election.

The overall context was characterized by ongoing armed conflict and other hostilities in the east of the country and the illegal annexation of the Crimean peninsula by the Russian Federation, resulting in the continued control of certain parts of Donetsk and Luhansk regions by illegal armed groups. As in 2014 and 2015, the election could not be held in these territories. Although a nominal ceasefire has been in effect for four years, the situation in conflict-affected parts of eastern Ukraine remains tense and volatile and is characterized by persistent attacks on fundamental freedoms and a deteriorating humanitarian situation.

In the last presidential election held in May 2014, Petro Poroshenko won in the first round with 54.7 per cent. Following the October 2014 early parliamentary elections, the Petro Poroshenko Bloc (PPB, 135 seats), People's Front (PF, 81), Self-Reliance (*Samopomich*, 25), the Radical Party of Oleh Lyashko (RP, 21) and Fatherland (*Batkivshchyna*, 20) formed a coalition government.<sup>3</sup> The coalition fell apart in 2016, leaving only the PPB and PF supporting the government. Women remain strongly under-represented in public life. In the run-up to the election, women held five of 24 ministerial portfolios in the government, and only one of the 24 *oblast* (region) governors was a woman. Women's representation in the parliament stood at 12.3 per cent (52 members) at the time of the election.

### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

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

The 1996 Constitution guarantees rights and freedoms that underpin democratic elections. It also affirms the principles of equality under the law and non-discrimination and provides for equality of

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<sup>3</sup> The remaining seats are distributed among the Opposition Bloc (43 mandates), Revival (24), People's Will (19) and non-affiliated members of parliament (60).



women and men in public and political life.<sup>4</sup> Ukraine has ratified major international and regional human rights instruments, which form part of domestic law. Presidential elections are further regulated by the 1999 Law on Presidential Elections (‘election law’), the 2004 Law on the Central Election Commission, the 2007 Law on the State Voter Register (SVR), and the 2001 Law on Political Parties.<sup>5</sup> CEC regulations supplement the legislation. However, the CEC did not adopt regulations to address all existing gaps and ambiguities in the legislation and to expand on key aspects of the process, including for the second round, and some regulations conflicted with the election law.<sup>6</sup> Several regulations were unsuccessfully challenged in court.<sup>7</sup>

The legal framework remains largely unchanged since the last presidential election, despite several years of attempts at electoral reform. Most previous ODIHR recommendations that would bring the legal framework further in line with international obligations and standards as well as good practice, including for the adoption of an election code that would consolidate and harmonize the various election laws, remain unaddressed.<sup>8</sup> New campaign finance regulations were adopted in 2015, in line with past ODIHR recommendations to increase transparency and accountability. Despite significant shortcomings and various gaps and inconsistencies, the legal framework generally offers a sound basis for the holding of democratic elections. It was, however, not fully implemented in good faith by all stakeholders, including, among others, election management bodies, political parties, and candidates, on matters related to the election administration, campaigning and campaign finance.

*As previously recommended, serious consideration should be given to adopting a unified election code. In line with international good practice, it should be adopted in an open and inclusive manner, and any changes to fundamental aspects of the election system should not take effect less than one year prior to an election. The CEC should adopt all necessary regulations to supplement the legislation.*

The Law “On the condemnation of communist and national-socialist (Nazi) totalitarian regimes and prohibition of propaganda of their symbols” was adopted in 2015, and the election law was amended to ban candidate nominations by political parties falling within the law. This law was earlier assessed by ODIHR and the Council of Europe’s European Commission for Democracy through Law (Venice Commission) as not being fully in line with regional and international obligations and standards.<sup>9</sup>

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<sup>4</sup> The Law on Equal Opportunities for Women and Men specifically provides for equal rights and opportunities in the election process. In practice, however, the participation of women in political life remains low.

<sup>5</sup> Other relevant laws include the Code on Administrative Procedure that regulates court procedures in administrative election disputes, and the Criminal Code and Code of Administrative Offences that establish electoral offences.

<sup>6</sup> For instance, CEC regulations on candidates’ access to the voter register, establishing the number of Precinct Election Commission (PEC) members for the second round, and standing to lodge complaints deviated from the election law. The CEC did not regulate the procedures for NGO observer accreditation, and for the second round it left unregulated the application of provisions for homebound voting and change of temporary voting address.

<sup>7</sup> Four regulations adopted by the CEC were challenged in court; one case argued that a legislative measure to counter vote-buying which prohibits payments to campaigners was eroded by a new CEC regulation which permitted candidates to reimburse campaigners for expenses.

<sup>8</sup> Other previous legal framework recommendations related to candidate eligibility and registration, voter registration, appointment of election commissions, the complaints and appeals process, and electoral offences.

<sup>9</sup> See ODIHR and Venice Commission [Joint Interim Opinion on the Law of Ukraine “On condemnation of communist and national socialist \(Nazi\) regimes and prohibition of propaganda of their symbols”](#).

A draft unified election code underwent its first reading in November 2017, and has subsequently been the subject of prolonged and inconclusive work in parliamentary committee.<sup>10</sup> Other pending bills submitted in recent years that would facilitate voting rights still await first reading.<sup>11</sup> A bill on electoral offenses, introduced one year before the election, would have strengthened a particularly weak framework but never left parliamentary committee, raising concerns about lack of political will to ensure credible elections.<sup>12</sup> A draft law on the freedom of peaceful assembly has been pending for several years. Each of these bills addresses a key element to strengthen the integrity of the electoral process. On 25 April, the “Law on the Functioning of the Ukrainian Language as the State Language” was adopted; it provides that the state language is the sole language of elections and will impact future elections, including on language in campaigning and voter education.<sup>13</sup>

Judicial reform in 2016 followed from commitments under the 2014 Association Agreement with the European Union. However, the constitutional changes were criticized by national legal experts and assessed by the Venice Commission as insufficient to guarantee judicial independence.<sup>14</sup> All sitting judges were vetted for eligibility and competence, and many were dismissed or resigned.<sup>15</sup> On 20 March, just days before the first-round election day, the High Council of Justice appointed ten Supreme Court judges, a move that was described as political by the Public Integrity Council that had earlier vetoed the judges for violations of ethics standards.

In a positive development, the right to dispute the constitutionality of legislation in the Constitutional Court was broadened as part of the recent judicial reform, in effect allowing citizens and political parties for the first time to challenge election-related laws.<sup>16</sup> A constitutional challenge to the 2015 law prohibiting parties with communist ideologies was lodged in 2016 by the banned Communist Party of Ukraine (and in 2017 by a group of members of parliament). Despite a six-month adjudication deadline, the cases were decided in July 2019, with the court upholding the constitutionality of the law, contrary to earlier assessments by ODIHR and the Venice Commission. In addition, applying an overly formalistic approach, the Constitutional Court returned or ruled inadmissible five cases lodged by rejected nominees that challenged the constitutionality of the candidate deposit or its amount.<sup>17</sup>

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<sup>10</sup> Draft Law No. 3112 was introduced in parliament in 2015. After its first reading, 4,500 proposed amendments were submitted for review. One of the key obstacles to its adoption is disagreement over changes to the parliamentary election system.

<sup>11</sup> Draft Law No. 6240 would facilitate voting rights of internally displaced persons (IDPs) and labor migrants; Draft Law No. 5559 aims to facilitate the realization of electoral rights of persons with disabilities; Draft Law No. 9293 aims to ease restrictions on identity documents for all voters.

<sup>12</sup> Draft Law No. 8270 broadens the definition of vote-buying and establishes new electoral offences, strengthens administrative and criminal sanctions, and increases law-enforcement capacity to investigate election crimes. Expanding the definition of vote-buying was seen by various interlocutors as necessary in light of persistent campaign practices that attempt to circumvent existing anti-vote buying safeguards.

<sup>13</sup> The law was signed by the president and published on 15 May and came into force on 16 July 2019.

<sup>14</sup> The procedure for appointment of judges was revised but the president’s powers in the process were increased. See [Venice Commission Preliminary Opinion on the Draft Law on Amending the Law on the Judicial System and the Status of Judges of Ukraine](#).

<sup>15</sup> Some posts were vacant for years, including on the Supreme Court which has newly established jurisdiction over election cases, including challenges to the election results.

<sup>16</sup> These cases can be lodged to the Constitutional Court after the ordinary courts issue a final judgement that affects the applicant’s rights.

<sup>17</sup> One case was ruled inadmissible as the claimant argued in the lawsuit that the disputed legal provision did not comply with certain constitutional articles but had not explicitly requested the court to verify whether that legal provision complied with those articles.

## V. ELECTION ADMINISTRATION

The election was administered by the CEC, 199 District Election Commissions (DECs), and 29,989 Precinct Election Commissions (PECs). No election bodies could be formed in the Autonomous Republic of Crimea and the City of Sevastopol, or in the parts of Donetsk and Luhansk *oblasts* beyond the government's control.<sup>18</sup> Voters abroad could vote at 101 polling stations established in diplomatic and consular representations in 72 countries.<sup>19</sup>

The CEC is a permanent body, responsible for the overall planning and conduct of national elections. Its 17 members are appointed for renewable seven-year terms by parliament, on the basis of presidential nominations, taking into consideration proposals by parliamentary factions. By law, presidential candidates may appoint authorized representatives to the CEC, with an advisory vote.

The composition of the CEC was increased from 15 to 17 members and renewed by parliament in September 2018, following political negotiations and subsequent amendments to the Law on the Central Election Commission; one seat remained vacant.<sup>20</sup> Political actors and civil-society representatives criticized the hasty adoption of the amendments and the circumvention of parliamentary rules of procedure, claiming the change was intended to benefit the incumbent president and the ruling coalition. This led to many ODIHR EOM interlocutors voicing a lack of trust in the CEC and questioning its impartiality.

Overall, the CEC operated collegially and met all legal deadlines. Despite the limited time in the run-up to the second round, the CEC carried out all preparatory tasks efficiently, demonstrating strong institutional capacity. The CEC held regular sessions attended by media, candidate representatives and accredited observers. However, the CEC systematically held preliminary meetings before its sessions to discuss its draft decisions, leaving public sessions without substantial discussions, a practice which decreased the transparency of its work.<sup>21</sup> Although the CEC announced sessions regularly on its website, it did not always post the agenda for public familiarization. Most CEC decisions were adopted unanimously, and all were posted on the official CEC website, enhancing transparency.<sup>22</sup> The CEC received some 2,500 formal requests for information or clarification of the law, or that called for certain administrative measures to be taken; however, the CEC did not make public the substance of these requests or its responses. Prior

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<sup>18</sup> On 12 February, in line with the laws concerning the [temporarily occupied territories](#) and the [rights and freedoms of citizens residing on those territories](#) and [Presidential Decree 32/2019](#) on the temporarily occupied territories, and based on [a list of territories](#) provided by the military-civilian administrations of Luhansk and Donetsk *oblasts*, the CEC decided to organize voting in 12 out of 21 election districts in Donetsk *oblast* and in 6 out of 11 districts in Luhansk *oblast*.

<sup>19</sup> Polling stations in the Russian Federation were abolished by the CEC based on a request by the Ukrainian Ministry of Foreign Affairs, on grounds of the presence of risks and threats to elections there and the need to guarantee the security of Ukrainian citizens; four claimants unsuccessfully challenged this in the court. Voters residing in the Russian Federation were offered the opportunity to vote in Finland, Georgia and Kazakhstan.

<sup>20</sup> Eight of the new CEC members were proposed by the ruling coalition (five by PPB and three by PF). *Batkivshchyna*, Revival, RP, *Samopomich* and People's Will each proposed one member. One member was not proposed by a party. The two members remaining from the previous composition had been proposed by the Ukrainian Democratic Alliance for Reforms (UDAR, now part of PPB) and the Freedom (*Svoboda*) party (no longer represented in parliament). The Opposition Bloc, which argues that it is entitled to two seats on the CEC, is not represented in the current composition; its proposals were not put forward by the president to parliament.

<sup>21</sup> The CEC, in its Rules of Procedure, defined these preliminary meetings as one of the organizational forms of its activity. Interested parties may attend only upon the CEC's permission or invitation. In practice, observers were not permitted to attend all preliminary meetings.

<sup>22</sup> However, some CEC decisions did not provide sufficiently detailed grounds, somewhat limiting transparency and undermining the right to appeal. DEC decisions are to be posted on the CEC website. Although required to do so by law, not all DECs sent decisions to the CEC or posted them on their noticeboards in a timely manner.

ODIHR recommendation to further enhance transparency in the CEC's work, for example by publishing election-related documents, including dissenting opinions attached to resolutions and a log of annotated complaints, for public scrutiny on its website, or by giving citizen observers the right to observe the work of the CEC from the beginning of an election period, remain unaddressed.

DECs and PECs are temporary bodies established for each election; each registered candidate is entitled to nominate one member to each commission. DECs are responsible for organizing elections in their respective election districts, and PECs in their respective precincts. On 18 February, the CEC formed 199 DECs for the first round, based on nominations from registered presidential candidates, and proportionally allocated the positions of DEC chairpersons, deputy chairpersons and secretaries (so-called executives) to each candidate.<sup>23</sup> Following the initial appointments and until the first round, the CEC, at the request of the nominating candidates or the members themselves, replaced 39 per cent of DEC members, including 375 executives, which is significant.<sup>24</sup> The withdrawal of five presidential candidates necessitated the reallocation of executive positions. However, the CEC appointed new executives from among the remaining members based on their prior electoral experience, rather than redistributing them proportionally.<sup>25</sup>

The procedure for forming PECs is similar to that for DECs. Overall, DECs formed PECs for the first round by the legal deadline of 12 March, but the process proved cumbersome for many DECs.<sup>26</sup> This was primarily due to the poor quality of nomination documents submitted by candidates to DECs and a shortfall of nominees. Further, data processing problems with the CEC's analytical system *Vybory*, mistrust among DEC members towards each other or the process itself, as well as over-involvement of candidate proxies when allocating executive positions in some cases negatively affected the process. Altogether, this led to an increased workload for DECs, protracted the process and made it vulnerable to human error.<sup>27</sup> In addition, some DEC decisions on PEC formation were challenged in the CEC and courts.<sup>28</sup>

*Serious consideration should be given to revising the method of formation of DECs and PECs, including by introducing a reasonable maximum number of members which corresponds to the actual needs. The possibility to establish permanent DECs could also be considered.*

Shortly after the formation of PECs, DECs had to replace a significant number of PEC members, many of whom were not even aware that they had been appointed as members. ODIHR EOM

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<sup>23</sup> Each candidate was entitled to a proportionate share of chairpersons, deputy chairpersons and secretaries. A candidate's specific 'entitlement' for his or her nominees to be appointed to DEC executive positions was determined by a formula established by the CEC, taking into consideration the number of appointed members of each candidate relative to the total number of appointed members of all candidates. ODIHR has previously recommended to reconsider this mechanism.

<sup>24</sup> The ODIHR EOM noted that some DEC members were not aware of which candidate they represented or that they had been appointed as members at all.

<sup>25</sup> The CEC claimed that it was not required by law to ensure proportionality in case of withdrawal of candidates. The redistribution was unsuccessfully challenged in court by Yulia Tymoshenko. While the court ruled that the redistribution must be proportionate, it decided without sound legal basis that the adherence to proportionality should be determined only a day before election day, after all replacements are completed.

<sup>26</sup> DECs 24, 106, 113, 114, 134, 138 and 161 formed PECs after the legal deadline.

<sup>27</sup> Candidates were to submit nominations in hard copy and electronically to allow DECs to screen nomination documents more easily and to automatically allocate proportional shares of executives in PECs via technological means. Nomination documents often contained duplicate entries, the data on hard and electronic copies did not match, or the same people were nominated for multiple commissions or by more than one candidate.

<sup>28</sup> The CEC, after being informed by the chairperson of DEC 163, dismissed the DEC for disregarding the principle of proportional allocation when assigning executive positions in PECs. DEC 179 similarly violated the principle of proportionality, but the CEC took an inconsistent decision and waited until the DEC cancelled its own decision on the PEC formation, thereby avoiding dissolution of the DEC shortly before election day. Court cases concerning the disproportionate allocation of PEC executive positions or other irregularities in the formation of PECs were filed against DECs 25, 46, 48, 57, 78, 128, 137 and 139.

observers were also informed that many members did not wish to work due to low remuneration.<sup>29</sup> Many appointed to executive positions refused to assume their posts, which increased the burden on DEC members and delayed the process as PECs could not convene on time and hold their inaugural session. Moreover, in view of the high number of replacements DEC members faced difficulties to maintain proportionally allocated quotas in the PECs. Some applications were submitted with falsified signatures or copies of IDs without the nominee's prior consent, and some of these nominees were appointed to PECs.<sup>30</sup> All this raises serious concerns regarding the PEC formation process.

By law, there is no deadline for replacements, and nominating subjects are free to recall their nominees from commissions at any time. ODIHR has previously recommended that this practice should be reviewed to ensure stability and consistency in the election administration. Replacements occurred in all election districts and continued up until election day. Some interlocutors alleged that so-called 'technical' candidates who were in fact affiliated with the leading candidates had registered in part to obtain seats in DEC members and PECs, which undermined the principle of equal representation as well as the purpose of the proportional allocation of executive positions.

*Consideration should be given to introducing deadlines for replacements of election commissioners before election day.*

The ODIHR EOM met with all 199 DEC members, in many cases more than once. Overall, ODIHR EOM observers assessed electoral preparations by DEC members as adequate. Some DEC members lacked operational resources or suitable office premises, and in some cases their work was negatively affected by mutual mistrust and obstructive behaviour of members, rendering these commissions dysfunctional at times. The biggest impact on DEC members' work was nevertheless caused by incessant replacements of DEC members, especially of executives, which affected the stability and efficiency of the work of DEC members and diminished the value of the training received. Nonetheless, the election administration made commendable efforts to carry out all the preparatory works and organize the election.

In line with the law, lower-level election commissions were formed anew for the second round. The newly formed DEC members and PECs were appointed based on nominations of the two candidates contesting the runoff, with DEC members having 14 members and PECs between 12 and 16, depending on the number of registered voters.<sup>31</sup> Each candidate was entitled to have an equal share of executive positions (for a second round, only chairpersons and secretaries). Following the initial appointments on 10 April, the CEC replaced some 8 per cent of DEC members, at the request of the nominating candidates or the members themselves.

As in the first round, DEC members struggled to form PECs. Largely, this was due to the shortfall of nominees, which candidates, primarily Mr. Poroshenko, failed to provide. As a consequence, DEC members had to compensate a significant shortage of people in order to complete the process of PEC formation.<sup>32</sup> According to the CEC, some 40 DEC members experienced a severe shortfall of nominations for PEC members. In total, DEC members had to identify up to 60,000 members to make up for the lack of nominations by candidates. ODIHR EOM observers reported that in some cases where DEC members

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<sup>29</sup> ODIHR EOM observers received widespread claims that although commission members are paid from the state budget, in practice candidates were expected to make payments to the commissioners that they nominated.

<sup>30</sup> Article 24.6 of the election law stipulates that nomination documents should contain the attached copies of national identity documents, as well as written statements providing the nominees' consent to participate in the commission's activities.

<sup>31</sup> While the legislation sets the number of DEC and PEC members at 14 and 12 to 16, respectively, the CEC on 19 April decided to allow DEC members and PECs to be formed with a minimum of 12 and 9 members, respectively.

<sup>32</sup> By law, if candidates submit an insufficient number of nominees, the superior commission has to complete the membership of the respective commission.

experienced problems finding the required number of people, additional nominees suggested by Volodymyr Zelensky's representatives were appointed to PECs.

*Effective measures should be taken to strengthen recruitment and training methods in order to ensure professionalism of election commissioners, with remuneration commensurate to their workload. To enhance the professional capacity of election commissions, the CEC and DEC's could offer periodic training with certification of potential PEC members, aimed to create a roster of certified people.*

In a few cases, ODIHR EOM observers were informed that some nominees among those hastily collected by DEC's contained fictitious individuals, which DEC's used to formally establish PECs within the legal deadline. Therefore, following the formation of PECs, DEC's continued to complete PECs by replacing a significant number of members. Just as for the first round, this again raised concerns regarding the legitimacy of the PEC formation process. Overall, DEC's carried out preparations for the second round efficiently and coped with a heavy workload in a short period of time, which is commendable.

Overall, women were well represented at all levels of the election administration. Nine of 16 CEC members are women, including the chairperson and the secretary. Women constituted some 60 and 70 per cent of DEC and PEC members, respectively, for both rounds of the election. In the first round, some 45 per cent of DEC's were chaired by women, and in the second round, some 53 per cent.

The CEC informed the ODIHR EOM that it considered several initiatives to facilitate voting by persons with disabilities, most of which would only be launched in the run-up to the parliamentary elections.<sup>33</sup> For this election, the government, on the initiative of the CEC, asked local administrations to ensure independent access to polling stations for voters with disabilities, and the CEC encouraged lower-level commissions to ensure that at least one voting booth be adapted for use by voters using wheelchairs. Regrettably, the CEC website does not provide information according to accessibility standards and in multiple formats, including in easy-to-read and large-print format for voters with disabilities. This limited the opportunity for such voters to readily access relevant information.

While the CEC and SVR websites provided voter information, the CEC did not conduct comprehensive voter outreach covering all stages of the process. Voter information in the media monitored by the ODIHR EOM was virtually absent throughout the election period.<sup>34</sup> Few NGOs were proactive in developing and disseminating through their respective networks voter information for internally displaced persons (IDPs) and persons with disabilities.

*The CEC should develop a comprehensive voter education and information plan, including for several target audiences such as IDPs, persons with disabilities and first-time voters, in close consultation with organizations representing these groups. Voter education and information materials for persons with disabilities should be produced in line with accessibility standards.*

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

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<sup>33</sup> Draft Law No. 5559, which would significantly facilitate the realization of electoral rights of persons with disabilities, faces opposition in parliament due to what many members of parliament consider to be unrealistic requirements that if not implemented will undermine the integrity of elections.

<sup>34</sup> Paragraph 11 of the [UN HRC General Comment No. 25 to Article 25 of the ICCPR](#) states that voter education and registration campaigns are necessary to ensure the effective exercise of rights by an informed community.



The CEC, with the support of international donors, upgraded its information technology infrastructure to address a range of cybersecurity threats that it expected to face on election days. No cyber-attacks were reported on either election day.<sup>35</sup>

## VI. VOTER REGISTRATION

A citizen who is 18 years by election day has the right to vote, except if declared legally incapacitated by a court decision. Deprivation of the right to vote on the basis of intellectual disability is inconsistent with international obligations and standards.<sup>36</sup> A previous ODIHR recommendation to reconsider the denial of voting rights of persons on the grounds of intellectual disability remains unaddressed.

Ukraine has a system of passive and continuous voter registration. It is based on the centralized SVR, which is administered by the CEC and updated monthly by Register Maintenance Bodies (RMBs).<sup>37</sup> The vast majority of RMBs met by the ODIHR EOM were highly experienced and professional. According to the SVR office, as of 31 March there were 35,566,121 registered voters, including 552,357 registered abroad.<sup>38</sup> Despite some concerns about difficulties to adequately capture data on IDPs, internal labour migrants, and citizens living abroad, nearly all ODIHR EOM interlocutors expressed confidence in the accuracy of the SVR and the voter lists.

Voter lists were extracted from the SVR and compiled separately for each polling station. They excluded over 5 million voters registered in areas where voting could not take place and voters without a registered address.<sup>39</sup> There was no voter information to raise awareness among the nearly one million voters without a registered address. Voters could check their records online, and at their respective RMB and PEC. The printing and display of preliminary voter lists started nearly a week ahead of the legal deadline in all districts.<sup>40</sup> This provided voters with additional time to review their records at their respective PEC and request corrections.<sup>41</sup> Requests for corrections were generally dealt with in a timely and efficient manner by RMBs and local courts.<sup>42</sup> The voter lists for the first round contained 30,482,348 voters, including 435,046 abroad.

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<sup>35</sup> A regulation adopted by the CEC to include the State Security Service in working groups at DEC level to ensure security of the *Vybory* system was unsuccessfully challenged in court by a candidate, reflecting the mistrust connected to the involvement of the security services in the election administration. The authorities reported that they had thwarted several attempted cyber-attacks before election day.

<sup>36</sup> According to Articles 12 and 29 of the [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), “State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and ensure their “right and opportunity [...] to vote and be elected”. Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#) states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election”.

<sup>37</sup> Out of 761 RMBs, 82 located in the Autonomous Republic of Crimea, the city of Sevastopol, as well as those parts of Donetsk and Luhansk *oblasts* beyond the government’s control were not functioning during this election.

<sup>38</sup> The [UN International Migration Report 2017](#) estimates that 5.9 million Ukrainians are international migrants.

<sup>39</sup> As of 31 March, 979,977 voters had deregistered from their address and not yet registered a new one. The number of these voters has increased by 33 per cent since 2014. They represent 2–3 per cent of registered voters in each election district, except abroad where they account for 22 per cent of the potential total electorate.

<sup>40</sup> In the first round, preliminary voter lists had to be transferred to PECs at regular polling stations no later than 8 days before election day, and to special polling stations no later than 15 days before (or 7 days for in-patient facilities). Given the tight official deadlines, voters may have had only two to three days to request changes.

<sup>41</sup> Voters can submit requests for corrections to their records to RMBs and PECs up to five days before election day, and to local courts of general jurisdiction up to two days before election day.

<sup>42</sup> In some cases, voters incorrectly submitted their request to a district administrative court, instead of a local court, and some local courts incorrectly forwarded requests to district administrative courts. Some district administrative courts processed these requests despite not having jurisdiction to handle such requests.

*Shortened legal deadlines for printing preliminary voter lists could be considered, to allow more time for voters to review voter lists and request necessary changes. A voter information campaign should also be considered to raise awareness among voters of the option to verify their voter data and request changes.*

For the second round, voter lists were updated automatically to reflect changes to civil registration data, recently deceased voters and those who turned 18 years of age, and for corrections requested by voters. RMBs prepared the voter lists and transferred them to the respective PECs at least two days before election day, as required by law.<sup>43</sup> Voters were given a brief window of opportunity to check their voter list data on the SVR website.<sup>44</sup> Voters requesting to be added to or removed from the homebound voter lists had to submit a new request, even if they had already done so for the first round. The voter lists for the second round contained 30,554,178 voters, including 449,174 abroad.

Voters could request to temporarily change their polling station without changing their voting address.<sup>45</sup> The need to justify such requests unnecessarily constrains voters, particularly in presidential elections which are held in a single, nationwide constituency. The requirement to submit such requests in person at the relevant RMB represented an additional challenge for persons with disabilities as well as for voters temporarily abroad on election day, who must submit their requests at the Ministry of Foreign Affairs in Kyiv.

In addition, the CEC required all voters wishing to temporarily change their voting place to submit a new request for the second round, even if they had already done so for the first round. This significantly increased the workload of many RMBs. Voters had nearly three months to register a change of voting place for the first round, but only nine days for the second round. Despite the short timeframe and long queues witnessed in some RMBs, 325,604 temporary changes of voting place were registered for the second round.<sup>46</sup> The total number of requests registered, including from IDPs, was similar for both rounds.<sup>47</sup> However, the late formation of some PECs for the second round effectively prevented their members from benefitting from a temporary change of voting place if necessary.<sup>48</sup>

A temporary change of voting place was the only means for IDPs to be included on the voter lists.<sup>49</sup> While the CEC removed the need to justify a change of voting place for IDPs, only 75,737 IDPs submitted such a request.<sup>50</sup> In addition, some RMBs improperly requested additional documents

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<sup>43</sup> According to the SVR office, four PECs in Donetsk and Luhansk *oblasts* received the voter lists after the deadline due to hostilities in the respective areas.

<sup>44</sup> Similar to the first round, voters could request corrections of their data up to five days before election day at the relevant RMB, and up to two days before at local courts.

<sup>45</sup> Such requests must be filed no later than five days before election day at the RMB where the voter is registered or the RMB relevant to where the voter wishes to vote. This also applies to voters who will be temporarily abroad on election day. Voters without a registered address may not apply.

<sup>46</sup> In the second round, RMBs registered nearly 10,000 more temporary changes of voting place than in the first round. Given that 51 per cent of temporary changes were made by the same voters during the first and second round, some 470,000 voters made use of the procedure during this presidential election.

<sup>47</sup> The general term of IDPs is used here to refer to citizens registered where no voting could take place, regardless of whether they were officially registered as IDPs or not.

<sup>48</sup> PEC formation coincided with the last day for registering temporary changes of voting place.

<sup>49</sup> While voters can submit a request for temporary change of voting place at the RMB where they are registered or where they wish to vote, IDPs can only do so at the RMB where they wish to vote since the RMBs where they are registered are currently not functioning.

<sup>50</sup> In the second round, only 130 fewer IDPs registered changes of voting place than in the first round. According to the SVR website, as of 31 March, 4.6 million voters were affected by closed polling stations, including 2.8 million in Donetsk and Luhansk *oblasts*, and 1.8 million from the Autonomous Republic of Crimea and the city of Sevastopol. According to the [Ministry of Social Policy](#), 1.3 million citizens were registered with IDP status as of 22 March.



from IDPs.<sup>51</sup> The procedure to temporarily change their voting place was particularly cumbersome for voters residing in territories outside government control, who needed to repeatedly cross checkpoints to register and to vote. IDPs faced the additional constraint that they could only submit such requests at the RMB where they wished to vote.

*Since a presidential election is conducted in a single nationwide constituency, the requirement to justify requests for temporary change of voting place could be waived. The procedure could be facilitated by enabling voters to submit requests electronically and allowing changes to be valid for more than one round. Submission of requests through a proxy could also be permitted for voters who are temporarily unable to move independently. Furthermore, voters registered where voting cannot take place could be permitted to submit requests at any RMB.*

By law, candidates and parties have the right to receive an electronic copy of the SVR. However, the CEC decided to restrict access to the SVR to its premises, thereby further limiting scrutiny and transparency of the voter lists.<sup>52</sup> While concerns over the misuse of information concerning a person's private life are legitimate and any misuse should be prohibited by law, they should not be used by the CEC as a justification to further limit scrutiny and transparency of the voter lists. A prior ODIHR recommendation to introduce downloadable and printable voter lists for political parties, candidates, and civil society to conduct a meaningful scrutiny of the voter lists remains unaddressed.

## VII. CANDIDATE REGISTRATION

The constitution and election law grant the right to stand for president to citizens of Ukraine who are at least 35 years of age, have the right to vote, have resided in Ukraine for the past 10 years, do not hold another citizenship, and have command of the state language.<sup>53</sup> The residency requirement is unreasonably restrictive and runs counter to international obligations and good practices.<sup>54</sup> A prior ODIHR recommendation to remove the residency requirement for candidates has yet to be addressed. The law does not elaborate how a candidate's command of the state language is assessed, and the CEC did not define any objective criteria for doing so.

Prospective candidates must submit a set of documents, including a property and income statement,<sup>55</sup> and pay a deposit of 2.5 million Ukrainian hryvnia (UAH; approximately EUR 79,000).<sup>56</sup> The electoral deposit is only returned to rejected applicants, the elected candidate or

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<sup>51</sup> While persons registered where voting did not take place only needed to present an internal passport or national ID card, ODIHR EOM interlocutors reported that some RMBs also requested IDP certificates and individual tax numbers.

<sup>52</sup> Six candidates, one party and one faction represented in the parliament requested access to the SVR. None of them actually made use of it. One candidate unsuccessfully demanded in court to access an electronic copy of the SVR outside of the CEC premises.

<sup>53</sup> Ukraine does not recognize dual or multiple citizenship. Article 4 of the Constitution states that “[t]here shall be a single form of citizenship”. However, under the Law on Citizenship, citizens who voluntarily obtain another citizenship do not automatically lose their Ukrainian citizenship. Article 17.1 of the [European Convention on Nationality](#) states that “[n]ationals of a State Party in possession of another nationality shall have, in the territory of that State Party in which they reside, the same rights and duties as other nationals of that State Party”.

<sup>54</sup> See paragraph 15 of the UN Human Rights Committee (CCPR) General Comment Nr. 25 to Article 25 of the ICCPR, which states that persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. See also sections I.1.1.c.iii-iv-v of the [Venice Commission Code of Good Practice in Electoral Matters](#), as well as paragraph 7.3 of the 1990 OSCE Copenhagen Document, which commits participating States to “guarantee universal and equal suffrage to adult citizens”.

<sup>55</sup> A criminal case was opened against one applicant for submitting an allegedly incorrect income statement.

<sup>56</sup> At the start of candidate registration, EUR 1 was around UAH 31.7.

his/her nominating party, and the second candidate contesting a second round.<sup>57</sup> The deposit is substantial and as such represents a restriction on candidacy, and there is no reasonable threshold of votes for its return, contrary to international good practice.<sup>58</sup> Prior ODIHR recommendations to reduce the financial deposit and the threshold of votes needed for a refund of that deposit remain unaddressed.

Campaign platforms must be vetted by the CEC for compliance with certain criteria established by the election law as part of the candidate registration process. This unnecessarily constrains candidates' freedom of opinion and expression, as well as political pluralism. In addition, there are no objective or transparent criteria for this vetting.<sup>59</sup>

*The requirement to vet candidates' campaign platforms should be repealed.*

The candidate registration process started on 31 December 2018 and concluded on 8 February. It was conducted in a largely inclusive manner. The CEC considered applications from 91 prospective candidates and registered 44 of them. Nominees were given the opportunity to correct procedural or technical deficiencies in their registration documents. The CEC rejected 47 applicants, most based on multiple grounds, the most common being non-compliance with the monetary deposit. Six applicants were rejected on grounds related to their campaign platforms.<sup>60</sup> A total of 21 nominees challenged the CEC decisions denying them registration. All court cases were denied admissibility or dismissed, including seven on the unconstitutionality of the candidate deposit or of its amount.

After five candidates withdrew by the legal deadline of 8 March, 39 candidates appeared on the first-round ballot, among them 4 women. Twenty candidates were self-nominated, including the incumbent, and 19 were party-nominated, including the new president-elect.<sup>61</sup> Six court cases challenged the CEC's registration of various candidates; all were denied admissibility or dismissed.<sup>62</sup>

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<sup>57</sup> The deposit of one candidate, who was rejected in part on grounds that his deposit was transferred by other persons, was not refunded according to law, and instead was forwarded to the state budget.

<sup>58</sup> See paragraph 17 of the ODIHR and Venice Commission [Joint Opinion on the Law on Amending Some Legislative Acts on the Election of the President of Ukraine adopted by the Verkhovna Rada on 24 July 2009](#), and paragraph 16 of the CCPR General Comment No. 25. Also, paragraph I.1.3.vi of the Venice Commission's Code of Good Practice in Electoral Matters states: "If a deposit is required, it must be refundable should the candidate or party exceed a certain score; the sum and the score requested should not be excessive."

<sup>59</sup> According to Article 52.2 of the election law, platforms must not, for example, aim at violating the sovereignty and territorial integrity of the state, incite ethnic, racial and religious hostility, or infringe on human rights and freedoms. Denied platforms are not published on the CEC website. One CEC decision (No [185](#) of 1 February) does not quote the parts of the applicant's platform that in the CEC's view violated the election law. Article 19.2–3 of the ICCPR states that freedom of expression "carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order, or of public health or morals." Paragraph 1 of the [UN Human Rights Committee General Comment No. 10 to Article 29 of the ICCPR](#) requires protection of the right to hold opinions without interference, stating that "[this] is a right to which the Covenant permits no exception or restriction."

<sup>60</sup> One denied platform, referring to negotiations with the "self-proclaimed republics", was ultimately accepted after revision. Another one was denied for referring to the areas controlled by illegal armed groups as the "LPR" ('Luhansk People's Republic') and "DPR" ('Donetsk People's Republic') in the context of facilitating voting rights of citizens from these areas. One applicant was rejected as he was nominated by the Communist Party of Ukraine, which was banned by a court under the 2015 law prohibiting Soviet-communist ideology.

<sup>61</sup> Mr. Zelenskyy was nominated by the party Servant of the People, which was officially registered at the Ministry of Justice on 31 March 2018.

<sup>62</sup> One case challenging the registration of all candidates was also denied admissibility. Another case challenging the first-round election results asserted that Mr. Zelenskyy was not eligible as he does not have sufficient command of the Ukrainian language.

## VIII. CAMPAIGN ENVIRONMENT

### A. FIRST ROUND

Candidates could officially launch their campaign once the CEC issued a decision on their registration. The campaign for the first round of the election ended at midnight on 29 March.

Overall, the first-round campaign was largely peaceful and competitive, and candidates were generally able to campaign freely and without undue restrictions. The field of candidates offered voters a choice, but there was limited debate among the contestants on policies. Most of the 39 candidates did not conduct any campaign activities, casting doubts on their intentions to genuinely compete in the election.<sup>63</sup>

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

Campaign activities started slowly but increased during the last two weeks before the first round, especially in the central and western parts of the country. In the east, by contrast, the campaign remained subdued. The ODIHR EOM noted interference by third-party actors, in a few cases violent, in campaign activities.<sup>64</sup> The campaign was mainly conducted on television, in online media and social networks, as well as through billboards and posters, and campaign tents. Door-to-door canvassing was also observed, mostly in rural areas. Several candidates held campaign rallies or closed meetings.<sup>65</sup> The number of instances of negative campaigning increased significantly in the last two weeks prior to the first-round election day. In the days before the campaign silence, new billboards appeared featuring only words associated with candidates' key messages. They remained in place during the silence period, breaching campaign silence.

In the run-up to the first round, Mr. Poroshenko and Yulia Tymoshenko campaigned most actively, with the incumbent touring the country extensively in his official capacity.<sup>66</sup> This blurred the line

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<sup>63</sup> One candidate and relatively unknown MP, Yuriy Tymoshenko, was widely referred to as a 'clone' candidate solely running to take votes from Yulia Tymoshenko; the latter unsuccessfully lodged two court cases on the matter, aiming to avoid confusion between the two candidates. Mr. Tymoshenko reported to the Prosecutor General's Office that he had been offered a bribe of UAH 5 million on behalf of Ms. Tymoshenko to withdraw his candidacy; a criminal investigation was subsequently launched.

<sup>64</sup> For example, the National Corps violently interfered in a rally of Mr. Poroshenko in Cherkasy on 9 March and attempted to disrupt a campaign event of Oleksandr Vilkul (Opposition Bloc) in Kharkiv on 1 March. Additionally, according to the Ministry of Internal Affairs, the police launched some 100 investigations into various types of crimes against persons and property in the campaign process.

<sup>65</sup> ODIHR EOM observers attended and reported on 126 campaign events conducted by 16 candidates, as well as 8 live performances of Mr. Zelenskyy.

<sup>66</sup> Meetings of the Regional Development Council, an advisory agency established by President Poroshenko in 2015 that includes key government officials, regional governors and city mayors and whose role is to promote co-operation between central institutions and local self-government bodies in the processes of decentralization and regional development, were used as a campaign platform for the incumbent, as observed in Mykolaiv, Rivne, Sumy, Vinnytsya and Zaporizhia *oblasts*. The incumbent conducted a high number of official working visits during the campaign period, frequently using them to campaign. Examples include his participation in the All-Ukrainian Forum "Open Dialogue" on 9 February, a working visit to Kharkiv for the celebration of the 85<sup>th</sup> anniversary of the stock company "Turboatom" on 14 February, as well as working visits to Donetsk (1 March) and Odesa *oblasts* (2 March), all of which were combined with campaign activities.

between his official position and his standing as a candidate, challenging paragraph 5.4 of the 1990 OSCE Copenhagen Document.<sup>67</sup>

*The authorities, political parties and candidates should take steps to safeguard a clear separation between their official rights and responsibilities and their functions as a candidate.*

Mr. Zelenskyy did not conduct a single traditional campaign rally, relying instead on his appearances as a comedian and actor on television and in his concerts, as well as on his extensive presence on and use of social media.<sup>68</sup> By choosing this way of campaigning Mr. Zelenskyy distanced himself from the political establishment, building his support on people's disillusionment and desire for change.

The use of social assistance programmes, salary increases and bonuses, and other financial incentives as campaign tools was the subject of widespread criticism levelled against the incumbent.<sup>69</sup> Misuse of state resources at national and local levels by several candidates was observed by and reported to the ODIHR EOM.<sup>70</sup> A systematic practice of involving public institutions and public servants in the campaign, mostly by the incumbent, was noted by the ODIHR EOM.<sup>71</sup> The ODIHR EOM also observed cases of civil servants and voters being instructed or induced to attend campaign events.<sup>72</sup>

The ODIHR EOM observed some indications of vote-buying and received a high number of allegations of vote-buying from across the country.<sup>73</sup> Hundreds of complaints related to vote-buying were lodged with law-enforcement agencies, resulting in more than 80 criminal investigations being opened. Two investigations were launched into nationwide vote-buying schemes by the campaigns

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<sup>67</sup> Paragraph 5.4 of the 1990 OSCE Copenhagen Document states that there should be "a clear separation between the State and political parties; in particular, political parties will not be merged with the State". See also ODIHR and Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

<sup>68</sup> Out of two performances Mr. Zelenskyy normally had in each location on his tour, one was free of charge and for a public consisting mainly of vulnerable groups of the population and children.

<sup>69</sup> For example, the monetization of subsidies, indexation of pensions, an extraordinary one-time payment to pensioners (paid in two instalments in March and April), monetary support of several categories of soldiers (mostly those serving on the frontline) and other programmes were launched between late December 2018 and March 2019.

<sup>70</sup> Mr. Vilkul's campaign in Kryvyi Rih (where his father is mayor) was conducted in public schools; In Mariupol, he held campaign events in buildings belonging to the city council. Mr. Poroshenko's campaign used official venues in Dnipro, Lviv and Odesa; in Lviv *oblast*, Mr. Poroshenko's leaflets were distributed jointly with material on future regional projects produced by the Council for Regional Development. An Irpin city official was found liable by a court for storing the incumbent's campaign materials at the city hall. The prosecutor's office interfered in a police investigation into alleged voting buying by the incumbent's campaign, accusing the police of misusing their powers and ordering two suspects to be released.

<sup>71</sup> For example, in Kharkiv and Dnipropetrovsk *oblasts*, the directors of public institutions informed their subordinates about upcoming campaign events of the incumbent. One mayor informed ODIHR EOM observers that there was pressure on local government employees.

<sup>72</sup> For example, the participants of the incumbent's campaign events in Zaporizhia on 27 February were advised to attend the event, and in Mariupol, campaign staff kept record of attendees. During three campaign events of Mr. Vilkul in Mariupol, prizes for a lottery organized by a local newspaper were drawn. In Donetsk *oblast*, ODIHR EOM observers overheard participants stating that they have been paid to attend gatherings in favour of and against Mr. Poroshenko.

<sup>73</sup> A video file allegedly proving vote-buying, which featured people signing documents and receiving envelopes with money in exchange, was received by ODIHR EOM observers in Odesa. ODIHR EOM observers received widespread allegations that Mr. Poroshenko's campaign staff in Kryvyi Rih was signing agreements with voters under which voters would receive UAH 500 before and another UAH 500 after election day upon producing evidence of how they voted. A police official explained to ODIHR EOM observers that vote-buying is "organized like a *yolka* (Christmas tree). Let's say the starting point is 100,000 Hryvnia. Five other people will receive 20,000 each. They give 5,000 each to four others, and each of those four pays five voters 1,000 Hryvnia. The end result is that 100 votes are bought".

of the incumbent and Ms. Tymoshenko.<sup>74</sup> The ODIHR EOM also received several reports that charitable activities were organized across the country, and used as a campaign tool, by several charities and foundations affiliated with candidates and their proxies, or directly by political parties.<sup>75</sup>

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

The direct involvement of the prosecutor general in support of the incumbent, contrary to the law, raised concerns. According to ODIHR EOM interlocutors and media reports, he appeared at the incumbent's campaign launch event and made several statements, including on his personal Facebook page, that cast doubts on his office's independence. In addition, several candidates were the subject of ongoing criminal investigations, with at least three investigations launched after they announced their candidacy.<sup>76</sup>

None of the 39 candidates received the absolute majority of votes required to be elected. On 7 April, the CEC announced that a second round would be held on 21 April between Mr. Zelenskyy, who received 30.24 per cent of the vote, and Mr. Poroshenko, who garnered 15.95 per cent. Ms. Tymoshenko, who had come third with 13.40 per cent, publicly claimed that the first-round results had been falsified in favour of Mr. Poroshenko through misuse of state resources and the use of so-called technical candidates. She said, however, that she would not lodge any complaints to court claiming the judiciary lacked independence.

## **B. SECOND ROUND**

The campaign for the second round officially commenced on 8 April, one day after the CEC announced the final results of the first round, and the silence period began the day before election day (20 April). However, the two candidates who advanced to the second round unofficially resumed campaigning almost immediately after the first round.

In the period leading up to the runoff, campaign activities at the national level intensified, and increased tensions between the two sides were reflected by massive and systematic negative campaigning and harsh mutual accusations. At the local level, campaign activities were generally low-key. In the eastern part of the country, the campaign was not visible. The candidates chose to not conduct large-scale campaign rallies between the two rounds. New billboards featuring only slogans associated with Mr. Poroshenko's key campaign messages appeared in the days before campaign silence and remained in place, again breaching campaign silence rules. The incumbent took part in a public event in Vinnytsya on the eve of the second-round election day which clearly

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<sup>74</sup> The Ministry of Internal Affairs launched the investigation against the incumbent's campaign, and the State Security Service, together with the Prosecutor General's Office and the State Bureau of Investigation, initiated the investigation against Ms. Tymoshenko's campaign. Between the two rounds, the Ministry of Internal Affairs reported that its investigation into the incumbent's campaign was continuing.

<sup>75</sup> A mayor informed the ODIHR EOM that parties were distributing money and sugar to the poor. ODIHR EOM observers noted bags with gifts being handed out to participants at campaign rallies. ODIHR EOM observers saw stacks of documents, each with a passport copy as a front page, in Oleh Lyashko's campaign office in Mariupol. They were told that the documents were individual requests of citizens, mostly related to various communal issues.

<sup>76</sup> The investigations of candidates Volodymyr Petrov, Mr. Tymoshenko and Mr. Vilkul were launched after they announced their intention to run.

violated the electoral silence.<sup>77</sup> The event was sponsored by the Roshen confectionary factory that he owns.

There was an increase in negative campaigning, to the detriment of the presentation of structured election programmes and the conduct of an issue-oriented debate.<sup>78</sup> This diminished voters' ability to make an informed choice. There was a marked asymmetry between Mr. Poroshenko's conventional campaign, which was more articulated and specific in terms of content, and Mr. Zelenskyy's campaign, which to a large extent was conducted by proxies rather than by the candidate himself and put little emphasis on his campaign platform. Mr. Zelenskyy's position on a number of key policy issues remained undefined, despite several media appearances a few days before election day.

After the first round, Mr. Zelenskyy challenged Mr. Poroshenko to a public debate at the Kyiv Olympic Stadium. The event took place on 19 April, the last day of the campaign period. It was attended by an estimated 22,000 spectators and was broadcast by the main TV channels. It was the only direct interaction between Mr. Poroshenko and Mr. Zelenskyy during the campaign. The format of the event, which was the result of protracted negotiations between the candidates' campaign staff, offered only a limited opportunity for voters to acquaint themselves with the candidates' programmes.

Social networks users engaged extensively in negative campaigning. The use of social media advertisements and posts to denigrate the opponent played a central role during the second-round period, particularly from supporters of Mr. Poroshenko and to a lesser extent of Mr. Zelenskyy. Mr. Zelenskyy's team mobilized supporters through voter education videos and calls to counteract negative campaigning and fake information.

Continued misuse of state resources at national and local levels by the incumbent was observed by and reported to the ODIHR EOM during the second-round campaign.<sup>79</sup> The ODIHR EOM observed indications and received some allegations of vote-buying from across the country. According to the Ministry of Internal Affairs, 13 new criminal investigations into vote-buying were initiated in the second-round period, including cases of alleged vote-buying by the campaign of Mr. Poroshenko.<sup>80</sup>

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<sup>77</sup> The event, held to mark the seasonal opening of the multimedia Roshen Fountains, featured speeches and films which emphasized the choice Ukrainians had to make, as well as the main themes of the incumbent's campaign. Mr. Poroshenko and his wife made speeches during the event.

<sup>78</sup> For example, billboards, newspapers and stickers containing negative messages about Mr. Zelenskyy were observed by the ODIHR EOM in Donetsk *oblast*, Kharkiv, Khmelnytskyi *oblast*, Kyiv, Lutsk, Mykolaiv, Poltava, and Rivne. Billboards with negative campaigning against Mr. Poroshenko were noted in Cherkasy, Kryvyi Rih, Sumy, and Uzhgorod.

<sup>79</sup> For example, the Presidential Administration's website was used extensively to campaign on behalf of the incumbent. On 15 April, at an event entitled "Dialogue between the state authorities and business: Meeting with the President of Ukraine P. Poroshenko", the incumbent and the prime minister made several anti-Zelenskyy comments, suggesting he was unfit for the presidency. The ODIHR EOM observed a meeting for heads of villages and city councils from Lviv *oblast* which took place in a public building and was organized by the Head of the Lviv Regional Administration. Attendees were asked to campaign and vote for Mr. Poroshenko. A proxy of Mr. Poroshenko praised his programme while criticizing Mr Zelenskyy's platform during his speech to students at Lutsk National Technical University.

<sup>80</sup> The Ministry of Internal Affairs provided details on two cases. In Volyn *oblast*, police arrested two people and seized more than UAH 700,000 (some EUR 23,000) at a community club where money was being distributed to Mr. Poroshenko's campaigners. In Chernihiv *oblast*, police seized a large amount of cash from a PPB office, following a report that people were distributing money to citizens in exchange for supporting the candidate.



## IX. CAMPAIGN FINANCE

The financing of election campaigns in Ukraine has for many years been characterized as opaque and, according to a range of ODIHR EOM interlocutors, is widely believed to be largely and excessively funded by oligarchs. In 2015, a new campaign-finance framework was introduced as part of the government's broader anti-corruption initiative to fulfil its commitments under the 2014 EU Association Agreement.<sup>81</sup> The 2019 presidential election was the first election in which the enhanced campaign finance framework was applicable.

The new framework increases transparency and accountability in campaign finance and is an important step forward, but remaining shortcomings, highlighted by the Council of Europe's Group of States Against Corruption (GRECO), significantly limit its effectiveness to regulate the role of money in campaigns.<sup>82</sup> The election law provides an overlapping oversight mandate to the CEC and National Commission for the Prevention of Corruption (NAPC). In addition, insufficient independence, capacity and resources of these bodies to adequately monitor compliance and enforce the new regulations are a serious concern.<sup>83</sup>

Candidates and nominating parties can contribute to campaign funds without limit.<sup>84</sup> This discriminates against independent candidates.<sup>85</sup> Limits on private donations were introduced, with citizens allowed to donate up to 400 times the minimum salary (a total of approximately EUR 56,000), and legal entities double that amount.<sup>86</sup> Annual state funding for political parties, introduced in 2015, cannot be used for campaign purposes.<sup>87</sup> Certain categories of donors are prohibited, including foreigners and citizens who have tax debts, as are anonymous donations. Nominating parties are treated favourably as they are entitled to the unused donations, while the unused funds of independent candidates are to be transferred to the state.

There are no limits on campaign spending. Due to the excessive amount of money in election campaigns, public calls and draft laws for banning political advertisements in broadcast media and outdoor billboards or limiting campaign spots in broadcast media have ensued in recent years.<sup>88</sup> The Council of Europe recommends states to consider adopting measures to prevent excessive campaign funding, including expenditure limits, and a key recommendation to the Ukrainian government

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<sup>81</sup> The 2015 Law on Amending Certain Legislative Acts of Ukraine on Preventing and Combatting Political Corruption amended the laws on presidential and parliamentary elections, the Law on Political Parties, the Law on Prevention of Corruption, the Code of Administrative Offences, and the Criminal Code.

<sup>82</sup> See [GRECO's Third Evaluation Round, Addendum to the Second Compliance Report on Ukraine, "Transparency of Party Funding"](#). See also ODIHR and Venice Commission "Joint Opinion [On the draft amendments to some legislative acts concerning prevention and fight against political corruption of Ukraine](#)".

<sup>83</sup> The NAPC, established in March 2016, has faced operational challenges and public criticism for its ineffectiveness and lack of impartiality in carrying out its mandate, in particular the oversight of asset declarations of public officials. Calls for an institutional overhaul have ensued, including two recent bills (No. 6335 and 8375) to amend the Law on Prevention of Corruption.

<sup>84</sup> In February 2019, an investigation was launched into allegedly fraudulent reporting on donations by *Batkivshchyna* in 2016 and 2017. In response, Ms. Tymoshenko publicly stated that as certain private businessmen did not want to reveal their financial support of the party due to concerns of repercussions by the state, the party reported the donations in smaller amounts from ordinary citizens.

<sup>85</sup> Nominating parties are also permitted to print campaign materials for the candidate with their own equipment, a non-reportable campaign expense.

<sup>86</sup> In January 2019, the minimum salary was UAH 4,173 (EUR 141).

<sup>87</sup> Political parties that received at least 2 per cent of votes in the most recent parliamentary elections are entitled to state funding; however, as per transitional provisions, until the next parliamentary elections, only parliamentary parties are entitled to funding.

<sup>88</sup> Draft Laws No. 2474a and 9029 to ban or limit such spending are pending since 2015 and 2018, respectively.

offered in the past by ODIHR and Venice Commission has been consideration of spending limits.<sup>89</sup>

*To contribute to a more level playing field and limit the impact of money in campaigns, consideration could be given to adopting measures to prevent excessive campaign funding, including an expenditure limit.*

All campaign donations and expenditures must pass through dedicated bank accounts, to be opened after candidate registration. However, there is no deadline for opening the accounts, and some candidates did so with significant delay.<sup>90</sup> While most candidates after registration did not spend money on campaigning before opening accounts, one candidate who did was not held accountable.<sup>91</sup> In addition, some candidates in effect started their campaigns before registration, spending significant sums on broadcast media and outdoor advertising. Officials and civil-society interlocutors raised concerns that a lack of regulation over such political advertising by prospective candidates undermined transparency in the financing of campaigns.<sup>92</sup>

Interim campaign finance reports, covering the period from the opening of accounts until 12 days before the first-round election day, are to be filed with the CEC and the NAPC not less than 5 days before the first-round election day and posted online.<sup>93</sup> For a second round, interim reports covering the period starting from the announcement of the first-round results are to be filed and posted not less than four days before election day.<sup>94</sup> The CEC and NAPC are to publish analyses of the interim reports on the same day as the reporting deadline for the first round, and two days after the second-round reporting deadline. This significantly limits their ability to conduct effective oversight and provide valuable information to voters. Final reports are to be filed within 15 days of the election, and analyses are to be published within 30 days of the election.

The CEC and NAPC did not effectively delineate their overlapping responsibilities, resulting in duplication of efforts, but did publish joint reviews of the reports.<sup>95</sup> The election law provides that the campaign finance reports should be “analyzed.” According to procedures established by the oversight bodies, the analysis is largely technical to only ensure that reported data corresponds to bank records and that donors are eligible and donation limits not exceeded.<sup>96</sup> Neither oversight body accepts responsibility or has investigatory powers to determine any circumvention of transparency

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<sup>89</sup> See ODIHR and Venice Commission [Joint Opinion on the draft amendments to some legislative acts concerning prevention of and fight against political corruption of Ukraine](#). See also Paragraph 195 of the ODIHR and Venice Commission Guidelines on Political Party Regulation which states that “reasonable limitations on campaign expenditures might be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate expenditure by or on behalf of any candidate or political party”.

<sup>90</sup> Almost a quarter of the candidates delayed opening bank accounts, with some opening accounts one month after registration; the latest one was opened on 6 March.

<sup>91</sup> An administrative offence protocol was submitted to court by the NAPC against the business owner who had put up a campaign billboard prior to the candidate opening the account, but not against the candidate.

<sup>92</sup> The election law provides that campaign advertising must bear information about the identities of the issuer and printer, and circulation data. However, political advertising outside of the official campaign period is not regulated and does not need to include any identifying information.

<sup>93</sup> Campaign finance reporting templates, jointly drafted by the CEC, NAPC and other institutions, include entries for the specific source and amount of each donation and a detailed breakdown of expenditures.

<sup>94</sup> For the second round, the candidates are allowed to use the funds remaining in their campaign accounts established for the first round, and to receive new donations.

<sup>95</sup> These bodies informed the ODIHR EOM that they conducted parallel reviews, with each analyzing, on an ongoing basis, the bank records of the campaign accounts that were provided to them by the banks on a regular basis and checking the legality of donors.

<sup>96</sup> The donation limit is an annual overall contribution limit for donations to both political parties and candidates; however, the oversight bodies do not verify whether donors have exceeded the overall limit.



regulations, including third-party financing and in-kind donations, or misuse of state resources.<sup>97</sup> Also, these bodies have limited resources and time to execute their oversight mandate. Only courts are authorized to impose administrative sanctions for breach of the rules, and penalties are not proportionate or dissuasive.<sup>98</sup>

*The legal framework on campaign finance could be further strengthened to ensure that third-party financing and in-kind contributions do not circumvent regulations and reporting requirements. Dissuasive and proportionate sanctions should be established. The NAPC could be designated as the sole independent oversight body to monitor and investigate compliance with campaign-finance regulations and should be sufficiently mandated, empowered, and resourced.*

Numerous claims that campaigns were partly funded from sources other than the campaign accounts have credibility based on ODIHR EOM observations. Individuals and legal entities donated campaign offices, paid for fuel, printed campaign materials, paid for online advertising, and funded giveaways.<sup>99</sup> Widespread occurrences of anonymously financed campaign materials and billboards and unmarked promotional materials in the news media, contrary to the law, indicate unreported financing of various campaigns.<sup>100</sup> Cash payments by the campaigns to compensate individual campaigners, observers, and election commissioners, not permitted by law but widely believed to be general practice, were not reflected in finance reports. The campaigns of both run-off candidates benefitted from financial support that circumvented the campaign-finance framework.<sup>101</sup> However, administrative court cases against both candidates that challenged the manner and transparency of their campaign funding were dismissed, the courts applying unduly strict interpretations of what constitutes campaigning.

All candidates submitted interim and final campaign finance reports by the legal deadline, in the first and second rounds. The reports were posted online by the CEC and NAPC, and their analyses were published by the legal deadline or with slight delay. The oversight bodies identified

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<sup>97</sup> See also Paragraph 220 of the ODIHR and Venice Commission Guidelines on Political Party Regulation which states that “legislation should grant regulatory agencies the ability to investigate and pursue potential violations. Without such investigative powers, agencies are unlikely to have the ability to effectively implement their mandate. Adequate financing to ensure the proper functioning and operation of the regulatory body are also necessary”.

<sup>98</sup> For instance, violation of the rules on giving and receiving donations is subject to an administrative fine of UAH 1,190–2,210 (approx. EUR 40–74), and failure to file a campaign finance report or violation of the reporting procedures is subject to a fine of UAH 5,100–6,800 (approx. EUR 170–227). Intentional false reporting and deliberate giving or receiving of unauthorized donations are subject to criminal sanctions, with a minimum fine of UAH 1,700 (approx. EUR 57). See also Paragraph 224 of the ODIHR and Venice Commission Guidelines on Political Party Regulation which states that “Sanctions should be applied against political parties found in violation of relevant laws. Sanctions must at all times be objective, enforceable, effective and proportionate to their specific purpose”.

<sup>99</sup> For instance, the NGO “Komanda Ze” directly financed Facebook campaign ads for Mr. Zelenskyy, and the CEC informed the ODIHR EOM that some candidates did not pay for their YouTube ads from campaign accounts. Candidates organized free concerts not advertised as campaign events. An edition of the *VolynPost* that included a lead article with anti-Zelenskyy propaganda was distributed for free in Lutsk. Yuriy Tymoshenko did not report expenditures for his campaign billboards that were designed to confuse voters and undermine the vote of Yulia Tymoshenko.

<sup>100</sup> Campaign materials and billboards must include information on the issuer and printer, and circulation figures.

<sup>101</sup> The incumbent substantially benefited from the misuse of different kinds of state resources. In addition, the PPB financially supported his campaign although he was self-nominated and not entitled to support from the party. For instance, billboards with the party’s name together with the candidate’s slogans were erected, and in Mariupol the party operated from a clandestine campaign office. Established solely to support Mr. Zelenskyy, “Komanda Ze” conducted campaign activities through campaign offices, paid for printed campaign materials, and posted online ads financed by private donations and in-kind contributions. Mr. Zelenskyy also substantially benefited from direct and indirect campaigning in his professional performances broadcast in the media.

irregularities in most reports. Twenty candidates received donations from unauthorized persons.<sup>102</sup> Many were returned to the donors by the campaigns rather than forwarded to the state budget, as required by law, and some of the illegal monies were spent on the campaign. The analyses also noted that some reports did not fully correspond to bank account records or were missing the required details for donations and expenses. However, some violations of missing information were left undetected by the oversight bodies.<sup>103</sup> Three interim reports in the first round included more expenditures than donations, and despite the requirement for expenses to be funded only from the dedicated bank account of donations, these were not identified as violations. The NAPC took some legal measures to address identified violations.<sup>104</sup>

*The NAPC should ensure that all violations and circumventions of campaign-finance regulations are properly investigated and sanctioned. To improve future oversight, the NAPC should consider undertaking, in cooperation with other law-enforcement bodies, a comprehensive investigative review of the campaign funding for this election, including any third-party financing and misuse of state resources.*

According to the final reports, Mr. Zelenskyy funded his campaign from his nominating party's contributions, personal funds, and private donations, while Mr. Poroshenko was entirely self-funded, and Ms. Tymoshenko was financed only by her party. Mr. Zelenskyy reported expenditures of some UAH 143 million (approx. EUR 4.8 million) and Mr. Poroshenko some UAH 584 million (approx. EUR 19.5 million), with the latter spending more than the other four highest-ranking candidates combined. A significant majority of expenses was on media advertising, with Mr. Zelenskyy spending some UAH 110 million (77 per cent of his total expenses), Mr. Poroshenko some UAH 346 million (59 per cent), and Ms. Tymoshenko some UAH 229 million (74 per cent). Mr. Poroshenko reported payments to 67 NGOs totaling more than UAH 6.6 million (approx. EUR 220,000). Notably, six candidates reported zero or near zero donations, and no expenditures.<sup>105</sup>

## X. MEDIA

### A. MEDIA ENVIRONMENT

The media landscape is characterized by a wide range of outlets at national and regional levels. The main source of political information remains television, despite the significant growth of news websites and social networks.<sup>106</sup> The media market is largely divided along political lines, and ownership is highly concentrated. The editorial policy and political agenda promoted by private

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<sup>102</sup> In all cases, unauthorized donations were from persons with tax debts. For example, Anatoliy Hrytsenko accepted over UAH 10 million (approx. EUR 350,000) in unauthorized donations, Mr. Serhiy Taruta over UAH 8 million (approx. EUR 285,000), Mr. Vilkul over UAH 5 million (approx. EUR 170,000), Mr. Zelenskyy over UAH 4.25 million (approx. EUR 150,000), and Yuriy Boyko, UAH 1.9 million (approx. EUR 65,000).

<sup>103</sup> For instance, the place of residence of donors, the numbers and dates of contracts with service providers, and registration codes of service providers were sometimes missing. One candidate included more than UAH 6 million (some EUR 200,000) under "other" expenses, without further details.

<sup>104</sup> The NAPC forwarded to police for criminal investigation information about 12 campaign fund managers, including those of Mr. Zelenskyy and Mr. Hrytsenko, who failed to comply with its instruction to transfer all unauthorized donations to the state as required by law. Fund managers who accepted unauthorized donations but complied with the request to transfer them to the state were not submitted for investigation, nor were the unauthorized donors. However, 155 administrative offence protocols were filed by the NAPC to courts against fund managers and donors for giving and receiving unauthorized donations, as well as for technical irregularities in finance reports.

<sup>105</sup> In addition, one candidate spent only UAH 380,000 (some EUR 12,000), all for electrical connection services, and another candidate spent only UAH 30,000 (some EUR 1,000), all on renting premises.

<sup>106</sup> According to a [survey](#) conducted in June 2018 by Internews, television is the main source of information for 77 per cent of Ukrainians. Internet is an additional source for 60 per cent, and print media for 21 per cent.

media outlets, both at national and regional level, exclusively serve the economic interests of their owners, which undermines media autonomy and public trust.<sup>107</sup>

The Ukrainian Public Broadcasting Company (*UA:PBC*) includes the national television channels *UA:Pershyi* and *Kultura* and 22 regional TV channels. *UA:PBC* is severely underfunded, which affects its ability to fully perform its public-service role.<sup>108</sup> Moreover, the dismissal of the *UA:PBC* chairperson in January further affected the viability and independence of *UA:PBC*.<sup>109</sup>

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

## B. LEGAL FRAMEWORK FOR THE MEDIA

The constitution guarantees freedom of expression and prohibits censorship, and the legal framework provides for general media freedom. Yet, to counter threats to national security, the government introduced several restrictive measures affecting media and journalists. Since 2017, presidential decrees have imposed economic sanctions against a number of television channels, social networks and search engines from the Russian Federation. In addition, some 200 websites considered to be anti-Ukrainian have been blocked by the authorities, with legislative proposals for further restrictions pending.<sup>110</sup> On the same grounds, foreign journalists face temporary bans on entering Ukraine if violations of procedures for entry and exit from the occupied territories are suspected.<sup>111</sup> On 4 October 2018, parliament requested the National Security and Defense Council to sanction two national television channels, *News One* and *112 Ukraina*, claiming they were tools for spreading disinformation and Russian propaganda. During the election period, the National Council of Television and Radio Broadcasting (NCTRB) sanctioned *News One* for hate speech and anti-Ukrainian reporting. On 21 February, an inspection of *112 Ukraina* was initiated under similar accusations.

A high number of violations against journalists' rights have been recorded by national and international human rights organizations, and despite legislation protecting journalists, numerous court cases are still pending. Journalists' safety remains a major concern as they face threats of violence and intimidation, especially when reporting in a critical manner on matters of public interest and on the ongoing conflict in the east of the country.<sup>112</sup> Although the law guarantees the protection of sources, a number of investigative journalists have been ordered by courts to provide access to their email and mobile phone correspondence.<sup>113</sup> Additionally, the disclosure of personal data of thousands of Ukrainian and foreign journalists by the nationalist website *Myrotvorets*, which

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<sup>107</sup> The four major media groups (*Star Light Media*, *1+1 Media*, *Inter Media*, and *Media Group Ukraine*) have a combined audience share of 76 per cent. See [Media Ownership Monitor Ukraine](#).

<sup>108</sup> The current state budget allocates only around half of the required funding to the public-service broadcaster, which contradicts the Law on Public Television and Radio Broadcasting which guarantees *UA:PBC* a fixed amount of 0.2 per cent of the previous year's state budget expenditure.

<sup>109</sup> On 31 January, *UA:PBC* Chairperson of the Board Zurab Alasania was dismissed from his position, prompting public criticism; *UA:PBC*'s board subsequently decided to terminate his contract effective 6 May. Mr. Alasania appealed the decision to court. At the end of the election period, the case was still pending.

<sup>110</sup> Draft laws that seek to introduce measures on countering national security threats in the information space are pending in parliament.

<sup>111</sup> During the first round of the election, an Austrian and an Italian journalist were banned from entering Ukraine. See statements of the OSCE Representative on Freedom of the Media (RFoM) from [8 March](#) and [25 March 2019](#). The Security Service of Ukraine lifted the entry ban on the Austrian journalist on 11 April 2019.

<sup>112</sup> See Paragraph 11 of the [24<sup>th</sup> Report](#) of the United Nations High Commissioner for Human Rights (OHCHR).

<sup>113</sup> See also the [statement of the OSCE RFoM](#) from 20 February 2019 on the news website *Novoe Vremya*.

labelled them as supporters of terrorist groups, remains unaddressed by Ukrainian law-enforcement bodies since 2014.<sup>114</sup>

*The competent authorities should take all necessary measures to protect journalists, in particular those who are investigating and reporting on sensitive matters, from attacks and all forms of impediments to their activities. All infringements on the freedom of the media should be duly investigated and addressed, and the law should be applied in a consistent and effective manner.*

Media compliance with legal requirements is monitored by the NCTRB. The legislation does not give the regulator sufficient sanctioning powers to perform its mandate in a timely manner during an election period, and specific mechanisms for dealing with media-related complaints were not exercised. Furthermore, the council's independence and impartiality have been questioned since its members are political appointees and often vote along political lines.<sup>115</sup> Unlike in previous elections, parliament did not adopt a moratorium on media inspections to ensure freedom of expression and uninterrupted coverage of election-related events by media outlets.

*The election law should define an adequate system of sanctions for violations of media-related provisions. With guarantee of full independence, the NTRBC should duly exercise its mandate to ensure the broadcast media's compliance with existing legislation. Decisions of the NTRBC should be taken in a timely manner and made public during the election campaign.*

### C. ODIHR EOM MEDIA MONITORING

The ODIHR EOM started its media monitoring activities on 18 February and continued until the end of the campaign for the second round.<sup>116</sup>

ODIHR EOM media monitoring results showed that the campaign was covered through various formats, including talk shows, current-affairs programmes and political debates, as well as free and paid airtime. Candidates often used these platforms to discredit their opponents rather than informing voters on their own political views. During both rounds, the campaign coverage lacked in-depth analysis, and overall limited access was granted to women candidates and politicians.

The conduct of the media during the campaign is regulated by the election law, which stipulates that both public and private media shall offer balanced and unbiased coverage of the candidates. Nevertheless, this provision was frequently violated by the monitored private TV channels, which followed their owners' political agenda. Several journalists and hosts showed a clear bias towards certain candidates through favourable invitees, partisan declarations, as well as by publishing results of opinion polls that did not disclose the methodology as required by the election law. In particular, *5 Channel* and *1+1* showed strong support for Mr. Poroshenko and Mr. Zelenskyy, respectively, through promotion of favourable messages, one-sided statements, selection of talk-show guests, and entertainment programmes. In both rounds, Mr. Zelenskyy was barely covered in his political

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<sup>114</sup> The behavior of *Myrotvorets* violates the Law on protection of personal data. Sanctions for such violation of personal privacy are foreseen by Article 182 of the Criminal Code

<sup>115</sup> The NTRBC consists of eight members appointed for five-years terms which can be renewed once. The *Verkhovna Rada* and the president each appoint four members.

<sup>116</sup> The ODIHR EOM monitored seven TV channels with nationwide coverage during prime time (18:00–24:00 hrs.): public *UA:Pershyi* and the six private channels *Ukraina*, *1+1*, *INTER*, *ICTV*, *112 Ukraina*, and *5 Channel*. The ODIHR EOM also followed election-related content in the online media and on social networks.

capacity but was extensively featured during entertainment programmes. The media coverage of Mr. Zelenskyy's way of campaigning is not regulated by existing legislation.<sup>117</sup>

The election law allows for paid campaign advertising in public and private media, but it must be clearly marked. Throughout the course of the campaign, paid advertisement was widely used by those perceived to be the main candidates. Mr. Poroshenko was the only candidate who purchased airtime in all monitored media outlets. Contrary to the election law, a high number of unmarked promotional materials (known as '*jeansa*') was noted in the prime-time news of most monitored private TV channels during both rounds. Representatives of regional and local media informed ODIHR EOM observers that it was widespread practice for media to publish political content in exchange for payment. This practice misleads voters and does not provide genuine information on political platforms. On a positive note, *UA:PBC* showed a strong commitment to reinforce professional standards and did not broadcast any unmarked promotional materials.

Private broadcasters are entitled but not obliged to organize TV debates among candidates, while *UA:PBC* is obliged to organize a debate on the Friday before the second-round election day, with the possibility for other channels to rebroadcast it free of charge.<sup>118</sup> During the first round, most candidates were reluctant to participate in televised debates, while during the second round, Mr. Zelenskyy did not come to the *UA:PBC* studio on 19 April to participate in the official debate, and Mr. Poroshenko used 42 minutes to present his political platform and to answer experts' questions.<sup>119</sup>

The public broadcaster abstained from covering candidates' activities in the news, focusing instead on current-affairs programmes and debates with presidential candidates. In doing so, *UA:PBC* strived to achieve balance. In line with legal requirements, *UA:PBC* provided all presidential candidates with free airtime during prime-time hours.<sup>120</sup> In the first round, all candidates used this opportunity, while in the second round it was used only by Mr. Poroshenko.

During the campaign silence period of both rounds, *I+I* aired several entertainment programmes featuring Mr. Zelenskyy.

## First Round

Campaign coverage in the monitored TV channels focused mainly on seven candidates.<sup>121</sup> However, in the news programmes, broad coverage was given to President Poroshenko, with no clear distinction between his institutional activities and his political campaign. Private channels

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<sup>117</sup> For example, the first two seasons of the TV show "Servant of the People", released in 2015 and 2017, respectively, in which Mr. Zelenskyy plays a high school teacher who becomes president, were aired by *I+I* throughout the campaign period, with a considerable increase in the number of broadcasts observed in the last few weeks before first election day. The new, third season started on 27 March. The series accounts for 43 per cent of the total coverage devoted to Mr. Zelenskyy on monitored channels. On 23 March, *I+I* broadcast a BBC documentary on US President Ronald Reagan's life, in which Mr. Reagan was dubbed by Mr. Zelenskyy. Prior to the broadcast, *I+I* regularly aired teasers featuring Mr. Reagan's announcement of candidacy and his inauguration, with Mr. Zelenskyy's voice-over. The documentary was re-broadcast on 30 March, during the campaign silence period.

<sup>118</sup> In March, a draft law requiring candidates to participate in the second-round debate was submitted to parliament by deputies from PPB but was not adopted. The draft proposed de-registration of a candidate in case of refusal to participate in the debate or impossibility to attend.

<sup>119</sup> The law provides that in the event of refusal or inability of one candidate to participate in the debate, the airtime is given to the other candidate to campaign.

<sup>120</sup> During the first round, candidates are granted up to 30 minutes each in the public broadcast media, and up to 12,000 characters of free space in public print media. The two candidates contesting the second round are entitled to 30 minutes of free airtime on public television and 30 minutes on public radio. The CEC is responsible for the allocation of the free airtime and space.

<sup>121</sup> Mr. Poroshenko, Mr. Zelenskyy, Ms. Tymoshenko, Mr. Boyko, Mr. Lyashko, Mr. Vilkul, and Mr. Hrytsenko.

favoured certain candidates, in terms of both amount and tone of editorial coverage. *Inter* and *112 Ukraina* favoured Yuriy Boyko. *5 Channel* and *Ukraina* gave most coverage to Mr. Poroshenko. Mr. Zelenskyy dominated the coverage on *I+I*. While *5 Channel* often covered Mr. Zelenskyy negatively, *I+I* showed the same approach to Mr. Poroshenko.<sup>122</sup> *ICTV* allocated 78 per cent of its election coverage to four candidates, often through unmarked promotional materials, and notably gave little coverage to Mr. Zelenskyy.<sup>123</sup>

## Second Round

Between the two rounds, the monitored media extensively covered a series of increasingly provocative video challenges between Mr. Poroshenko and Mr. Zelenskyy on a possible debate. The candidates' voluntary medical tests, the debate rules as well as the candidates' campaigns on social networks were the most discussed topics in the monitored TV channels during the second round. With a few exceptions in the last days of the campaign, Mr. Zelenskyy chose to avoid appearing in person and live on TV channels, sending his representatives instead.<sup>124</sup> By contrast, Mr. Poroshenko continued to be extensively present in many live programmes. The public broadcaster during its prime-time programmes devoted rather balanced and neutral coverage to Mr. Poroshenko and Mr. Zelenskyy, with 43 per cent and 57 per cent, respectively. On *5 Channel* and *Ukraina* Mr. Poroshenko received 52 and 64 per cent of their political coverage, often in a positive tone, while Mr. Zelenskyy received 48 and 36 per cent, often negative in tone. While *I+I* provided equal amounts of coverage to both candidates, half of the coverage devoted to Mr. Poroshenko was negative in tone. *ICTV*, *Inter* and *112* provided predominantly neutral coverage to Mr. Poroshenko and Mr. Zelenskyy.

## XI. COMPLAINTS AND APPEALS

The right to seek effective legal remedy for violations of electoral rights is guaranteed by law, but legal restrictions and practices significantly limited access to electoral justice. Decisions and (in)actions of election commissions and their members, candidates and their representatives, political parties, public authorities, media, and other electoral actors can be formally challenged. However, there are undue limitations on which stakeholders can lodge complaints and the types of complaints a subject can submit, and the relevant CEC procedure further restricts standing.<sup>125</sup> The opportunity to seek effective redress is further limited by provisions that allow for the rejection of complaints due to minor deficiencies in format and a recent amendment to the CEC procedure that

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<sup>122</sup> On *Inter* and *112 Ukraina*, Mr. Boyko received 52 and 31 per cent, respectively, often positive in tone, while Mr. Poroshenko and Ms. Tymoshenko received 30 and 8, and 9 and 3 per cent, respectively. On *5 Channel* and *Ukraina*, Mr. Poroshenko received 47 and 28 per cent, respectively, while Mr. Zelenskyy and Ms. Tymoshenko received 9 and 5 and 18 and 3 per cent, respectively, often negative in tone.

<sup>123</sup> On *ICTV*, Ms. Tymoshenko, Mr. Poroshenko, Mr. Hrytsenko, Mr. Vilkul and Mr. Zelenskyy received 26, 23, 20, 9 and 7 per cent, respectively, mostly neutral in tone.

<sup>124</sup> On 18 April, an interview with Mr. Zelenskyy was aired on *RBC-Ukraine*. On the same day, he also participated in the "Right to Power" political talk-show on *I+I*.

<sup>125</sup> For example, voters are only eligible to lodge complaints on violation of their personal or direct voting rights. Civil society organizations are not eligible to submit election-related complaints as such, including those NGOs accredited to observe. While the election law allows individual observers and proxies to lodge complaints with any election commission, the CEC's "Procedure for Consideration of Complaints by Election Commissions on Election of the President of Ukraine" prohibits observers and proxies to file complaints to the CEC, even complaints that challenge the DEC's decisions and actions. The law also does not establish the right of official observers to lodge complaints against the candidates or their campaigns.

deems complaints submitted by email inadmissible.<sup>126</sup> Expedited timelines for consideration and adjudication of election-related complaints and appeals are established in the law.<sup>127</sup>

The framework for complaints and appeals is highly convoluted, and most types of disputes can be filed with an election commission and/or administrative court, at the claimants' discretion.<sup>128</sup> Such overlapping jurisdiction is not in line with international good practice.<sup>129</sup> Different courts have first-instance jurisdiction in different types of election-related administrative cases.<sup>130</sup> Some complaints were submitted to the wrong court or to the police instead of courts. There were instances of the courts being misused for purely political means to discredit political opponents.<sup>131</sup> Some citizens used the courts to express general discontent in the electoral process.<sup>132</sup> Some ODIHR EOM interlocutors voiced a lack of trust in the election administration and courts to handle complaints in an effective and impartial manner.

Under the 2016 judicial reforms, the High Administrative Court (HAC) was abolished, and its final-instance jurisdiction over cases against the CEC and candidates transferred to the Supreme Court. The HAC's first and final-instance jurisdiction over challenges to the CEC's determination of election results was also given to the Supreme Court and an appeal level to the Grand Chamber introduced. However, the Supreme Court improperly denied its jurisdiction over challenges to the first-round results, claiming its jurisdiction only applied to the second-round results.<sup>133</sup> An online Unified Registry of Court Decisions exists, but redaction of all personal data prior to publication, including the names of claimants and respondents, according to law, limited transparency.<sup>134</sup>

*The complaints framework should be amended to eliminate concurrent jurisdiction and provide a more simplified and coherent process, further broaden stakeholders' rights to lodge complaints, and revoke the automatic rejection of complaints on technical grounds. If complaints are filed to the wrong institution, that institution should be obliged to forward them to the correct institution. An option to lodge complaints electronically could be introduced, and a standardized complaint form developed. The legal requirement to redact names from court judgements should be revoked.*

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<sup>126</sup> Article 95 of the election law establishes an extensive list of technical requirements for lodging complaints, and Article 96 provides that a complaint which does not meet these requirements should be rejected without consideration. The prohibition on email complaints was introduced in the procedure in December 2018, and mailed complaints are deemed received on the date of receipt, not the date of posting.

<sup>127</sup> Complaints must be submitted within five days and considered within two days, with exceptional deadlines for election-day related complaints.

<sup>128</sup> In cases where the same complaint is lodged with both an election commission and a court, the commission is to return the complaint to the claimant without consideration upon notification of the court.

<sup>129</sup> See the Venice Commission's Code of Good Practice in Electoral Matters, p.II.3.3.C.c. and paragraph 66 of the ODIHR and Venice Commission [Joint Opinion on draft amendments to legislation on the election of people's deputies of Ukraine](#).

<sup>130</sup> These include local courts, district administrative courts, the Sixth Administrative Court of Appeal and the Supreme Court. The Sixth Administrative Court of Appeal has jurisdiction in the first instance over all cases that challenge the decisions and (in)actions of the CEC and the actions of candidates and their proxies.

<sup>131</sup> For instance, one candidate lodged a case against the CEC claiming the ballot unlawful on grounds that the occupation space next to Ms. Tymoshenko's name did not indicate she "leads the ranking of populists and manipulators in Ukrainian politics." On the eve of the second-round election day, a claimant streamed online a court hearing on a request to deregister Mr. Zelenskyy on allegations of vote-buying for giving free tickets to the stadium debate.

<sup>132</sup> For instance, some citizens and observers lodged cases that raised concerns about the lack of qualified candidates or the inadequacies of the campaigns.

<sup>133</sup> Article 273(3) of the Code on Administrative Procedure provides that the Supreme Court has jurisdiction over complaints against the CEC's establishment of the election results. The Supreme Court forwarded cases challenging the first-round results to a lower court.

<sup>134</sup> For instance, court judgements in cases lodged by and against candidates had those names redacted, including in cases on candidate registration, and the names of perpetrators of electoral offences are censored. In addition, court judgements were posted online with an average delay of five working days after issuance of the decision, with delays of up to two weeks.



According to the database of court decisions, administrative courts received some 200 complaints throughout the electoral process.<sup>135</sup> Very few cases were successful. The courts generally adhered to the two-day deadline for adjudication, and, if hearings took place, parties to the claim were given sufficient opportunity to present their case.<sup>136</sup> However, the courts applied an overly formalistic approach, with an evident proclivity to deny substantive consideration of many complaints on technical grounds, such as finding the claimant unauthorized, often based on improper and inconsistent application of admissibility criteria.<sup>137</sup> Moreover, some judgements on the substance of claims lacked a sound legal basis or did not provide coherent reasoning, and some decisions of the same court conflicted with each other, which undermined the rule of law and legal certainty, as well as the principle of equality before the law.<sup>138</sup> Various courts referred to international instruments and jurisprudence as a basis for decisions, particularly when denying admissibility, at times with improper application.<sup>139</sup> Such practices undermined the right to seek effective legal remedy and raise concerns about the independence of the courts.<sup>140</sup>

The CEC informed the ODIHR EOM that it received 197 complaints throughout the electoral process.<sup>141</sup> The CEC is required by law to consider complaints in open sessions and to publish its decisions.<sup>142</sup> However, as a general practice the CEC responded to complaints by private letter prepared by a single CEC member, rather than by determination in open plenary sessions followed by published decisions, and did not provide any information on complaints to the public.<sup>143</sup> This undermined the transparency and collegiality of the established dispute resolution process and the right to appeal. The courts failed to remedy the CEC's handling of complaints outside sessions by

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<sup>135</sup> This figure does not include court cases on corrections to voter lists. Most challenged the decisions and actions of election commissions, such as on candidate registration, formation of DEC and PECs, accreditation of observers and breach of their rights, and handling of complaints, as well as cases on candidates' alleged use of state resources and vote-buying, and unfair media coverage. Most cases related to the first round.

<sup>136</sup> Many complaints were rejected for missing the five-day submission deadline. The law provides that the date of physical receipt, not the date of mailing, is the deemed date of receipt for election-related court complaints.

<sup>137</sup> For instance, an observer NGO was not permitted to challenge in court a DEC's refusal to register its individual observers, on grounds that NGOs are not a subject to lodge complaints. A complaint that challenged a DEC's formation of a PEC was denied admissibility on grounds that observers can only lodge complaints if their personal rights are affected. Some courts ruled that candidates' proxies were ineligible claimants, while others deemed such complaints admissible. One court ruled that observers were not entitled to lodge complaints against candidates, while the same court in another case deemed admissible an observer's complaint against a candidate. Some courts allowed complaints lodged by DEC members, while others denied their standing. Courts refused to consider complaints lodged by voters against decisions of election commissions that affected voting rights.

<sup>138</sup> For instance, two decisions of the Sixth Administrative Court of Appeal on challenges to the same CEC regulation conflicted with each other, with one panel upholding the regulation and the other quashing it. The CEC issued a public statement criticizing the conflicting rulings and appealed, and the Supreme Court overturned the decision that quashed the regulation. While appeal courts revised the reasons for dismissal in some decisions of lower courts, few judgements were overturned, leaving complainants with legitimate claims against the election administration and candidates without further opportunity to seek effective remedy.

<sup>139</sup> For instance, a candidate's timely complaint against a DEC's handling of a recount request was ruled inadmissible on grounds that she no longer had standing as a candidate once the results were announced. As grounds for its decision, the court cited case law of the European Court of Human Rights that the right to access the court is not absolute, referring to the legitimacy of established deadlines.

<sup>140</sup> In a public statement on 6 March, the CEC asserted that the courts record of ruling in its favour (in virtually all decisions) validated its status as a reputable institution that operated in a legal manner.

<sup>141</sup> About 70 percent related to the pre-election day periods, while the remainder related to the election days.

<sup>142</sup> Articles 14 and 15 of the Law on the Central Election Commission provide that any submission that alleges violations of election laws and claims realization and protection of electoral rights should be considered in open CEC sessions.

<sup>143</sup> Less than 10 per cent of complaints received by the CEC were decided in open sessions, and of these the vast majority were denied admissibility on technical grounds and left without substantive consideration. The CEC did not give the ODIHR EOM access to complaints or response letters on grounds of private data protection; the mission was therefore unable to systematically review the substance of these documents.



dismissing several cases that challenged this practice.<sup>144</sup> In addition, the CEC refused to consider the vast majority of complaints on the merits, rejecting them on a range of technical grounds, including unauthorized claimant. It also never invoked Article 96 of the election law which provides that the CEC can, in any case, consider the merits of a complaint that has been denied admissibility.<sup>145</sup> Thus, claimants were often deprived by the CEC and the courts of effective remedy against administrative actions and electoral violations, contrary to OSCE commitments.<sup>146</sup>

DECs received few complaints. Many were denied admissibility on procedural grounds. Courts noted irregularities in the DECs' handling of complaints, including improper admissibility decisions, adjudication outside plenary sessions, and failure to post decisions on public boards.<sup>147</sup>

*To ensure a transparent and credible electoral process, the CEC and DECs should consider all complaints on merits, regardless of technical irregularities, and adjudicate them impartially in open sessions, making public all complaints and decisions. Courts should apply broad interpretation of the law on admissibility and adjudicate cases and draft decisions using sound and coherent reasoning. Measures could be taken to enhance consistency in court decisions.*

Some ODIHR EOM interlocutors expressed a lack of confidence in law enforcement bodies, both police and prosecutors' authorities, and their politicization was at times evident during the electoral process.<sup>148</sup> Concerted efforts were made by the police to provide a level of transparency in its handling of election-related complaints, and this was the first election that the Ministry of Internal Affairs (MoIA) launched an online interactive database, with regularly updated nationwide information about election-related investigations.<sup>149</sup> The MoIA and National Police also periodically offered the public an overview of election-related investigations, provided details about specific cases, and held election-day press conferences. The ministry extensively collaborated with the NGO OPORA to improve law enforcement in the electoral process.<sup>150</sup> However, the current legal framework for electoral offences and its enforcement during this election leaves significant room for improvement.

According to the MoIA, the police received some 11,000 reports and complaints nationwide throughout the election period. More than two thirds related to the first-round period, including election day, and more than half of all reports concerned pre-election day violations in both rounds. More than 550 election-related criminal investigations were launched for the whole election

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<sup>144</sup> With complete disregard for the law, the Supreme Court ruled that the CEC has full discretion to decide whether to consider complaints in sessions. This decision conflicted, in part, with an earlier decision of the same court.

<sup>145</sup> During discussion of a complaint in a pre-session, the CEC's predisposition to deny consideration of complaints was well-illustrated, with its focus in the deliberations on ascertaining which technical grounds it could rely on for the rejection.

<sup>146</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document requires that "everybody will have effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity".

<sup>147</sup> For instance, a court overturned a DEC decision that had incorrectly deemed inadmissible a complaint against a PEC and that advised the claimant to lodge the complaint to the CEC. Another DEC refused a complaint against the actions of a PEC lodged by an NGO observer based at the DEC, on grounds that only the observer located at the PEC could lodge such a complaint. One court ruled that a DEC breached the law by not considering an observer's complaint in open session.

<sup>148</sup> In carrying out law enforcement activities, there was a trend whereby the Prosecutor General's Office and Security Service carried out actions and made statements apparently in the interest of the incumbent, while the MoIA took positions that evidently indicated support for Ms. Tymoshenko.

<sup>149</sup> The website provided information on numbers of complaints and reports filed with police, criminal investigations launched, and administrative offence protocols submitted to courts. It broke down statistics by types of offences and could be searched by region and dates.

<sup>150</sup> In addition to its official observer status, OPORA delivered technical assistance to the police in the form of training and written guidelines on detecting and reacting to electoral offences and provided legal advice to police on request. It held joint press conferences with law enforcement bodies on election day.

period.<sup>151</sup> This included more than 100 cases of vote-buying.<sup>152</sup> The Prosecutor General's Office exceeded its powers when it initiated or hindered some vote-buying investigations.<sup>153</sup> Cases of physical interference with campaigners and campaign activities constituted a significant portion of the investigations. However, these types of offences were categorized by police as hooliganism rather than the more serious and appropriate offence of preclusion of electoral rights.<sup>154</sup> Police did not actively pursue cases of misuse of state resources and abuse of power in the campaign, and such cases were classified as mere administrative breach of campaign rules.<sup>155</sup>

According to the MoIA, police submitted more than 850 administrative offence protocols to local courts. Most concerned posting campaign materials without source information or in prohibited places. Court decisions indicated that citizens and business owners were brought to liability for such cases, but the responsible candidates and their representatives were not held accountable. Some police did not take to court what they considered to be minor breaches of campaign rules or chose to merely warn perpetrators. Cases of voters displaying or posting photos of their ballots were categorized as an administrative breach of campaign silence, rather than the crime of violating secrecy of the vote.<sup>156</sup>

Local courts returned many protocols to police for being improperly filled out or for insufficient evidence, forwarded cases to other local courts due to filing with the incorrect court, or terminated cases for late submission.<sup>157</sup> Such mistakes indicate a need for additional police training. Some court decisions on so-called early campaigning and posting of campaign materials were inconsistent, undermining legal certainty and the principle of equality before the law in the context of criminal justice.<sup>158</sup> A significant number of court cases were terminated for lack of offence. Some judges chose to warn violators rather than issue fines, and fines issued were too low to have a dissuasive effect.<sup>159</sup>

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<sup>151</sup> Almost 200 of these investigations were terminated before the second-round election day. Some 20 cases, mainly for hooliganism, were brought to court for prosecution before the end of the election period.

<sup>152</sup> While a number of vote-buying investigations appeared to be active, the ODIHR EOM noted a lack of movement in some cases. By the end of the election period, no vote-buying cases had been prosecuted.

<sup>153</sup> For instance, the General Prosecutor's Office ordered the police to release two suspects who were accused of participating in a vote-buying scheme in favour of the incumbent. The investigatory powers of the Prosecutor General's Office were repealed in the adoption of the 2012 Criminal Procedures Code and the 2014 Law on the Prosecutor's Office.

<sup>154</sup> More than 80 criminal offences were categorized as hooliganism, and more than 90 protocols on the administrative offence of hooliganism were filed in court throughout the election period.

<sup>155</sup> There is no criminal offence for misuse of state resources or abuse of power specifically in election campaigns. The storage of campaign materials in a local council building led to the maintenance head being fined UAH 2,550 (EUR 85). A public official was fined UAH 850 (EUR 28) for posting on the website of the local state administration an article from the presidential administration's website that criticized Mr. Zelenskyy. A public official liable for distribution of campaign materials during working hours and a head of a local council who allowed campaigning in a public building were merely reprimanded by the court.

<sup>156</sup> Article 159 of the Criminal Code on violating secrecy of the vote also applies to voters who voluntarily reveal their vote to others. In addition, the election law ban on photographing a ballot does not have a corresponding administrative offence and sanction.

<sup>157</sup> About one-third of protocols were returned to police, sometimes more than once, for such irregularities as the wrong offence listed or the incorrect date. Also, there were inconsistencies among court decisions with respect to how improperly filled out protocols should be treated, with some judges closing the case and others returning the protocol for correction.

<sup>158</sup> For instance, some courts issued fines for campaigning prior to the official campaign period, while other courts terminated such cases on grounds that this is not an offence. Some courts found citizens liable for displaying campaign posters on private residences, on grounds of unlawful location or lack of source information on the poster, while other courts ruled these types of cases did not constitute offences.

<sup>159</sup> For instance, a newspaper editor was warned by a court for publishing an opinion poll without the source data, one voter campaigning in a polling station was reprimanded, and a voter who admitted to multiple voting was released from liability after he repented. Offences of posting campaign materials without source information were fined a minimum UAH 51 (less than EUR 2), and posting in prohibited places, including public buildings, was fined a minimum UAH 85 (less than EUR 3).

*Consideration should be given to strengthening the overall legal framework on electoral offences. The MoIA could conduct a comprehensive audit of the effectiveness of the police in the handling and investigation of offences in the presidential election and revise relevant policy and practices and build police capacity based on lessons learned. Local courts could take measures to improve consistency and effectiveness in the adjudication of electoral offences.*

## XII. CITIZEN AND INTERNATIONAL OBSERVERS

The law provides for observation of the electoral process by international observers and citizen observers nominated by non-governmental organizations (NGOs) whose statute includes election observation. The CEC accredits international observers and registers domestic NGOs which are then entitled to nominate observers. The law also provides for observers put forward by candidates and by political parties which have nominated a candidate.<sup>160</sup>

In total, the CEC accredited over 2,700 international observers put forward by 41 foreign states and international organizations. However, in light of the designation by parliament of the Russian Federation as an aggressor state, a recent amendment to the election laws effectively prohibited citizens of the Russian Federation from observing elections in Ukraine.<sup>161</sup> This is at odds with paragraph 8 of the 1990 OSCE Copenhagen Document.<sup>162</sup>

The CEC registered 139 NGOs, most without prior election observation experience.<sup>163</sup> According to the CEC website, 82 of these NGOs registered over 93,000 observers for the first round, and 86 of them registered some 83,000 observers for the second round.<sup>164</sup> The ODIHR EOM noted that only a few NGOs were active in the pre-election period, most notably OPORA, and, to a lesser extent, the Committee of Voters of Ukraine and Leading Legal Initiatives.

Most ODIHR EOM interlocutors expressed credible concerns about the affiliation of some NGOs with particular candidates, and their potential misuse to increase candidates' and parties' presence in DEC and PECs, especially on election days. While the law clearly distinguishes between candidate and civil-society observers, some NGOs' names, slogans and symbols directly related to

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<sup>160</sup> DEC registers individual domestic observers put forward by candidates, parties, and the NGOs which have been registered by the CEC to observe. Domestic observers for observation in polling stations abroad are registered by the CEC, in its capacity as the DEC for out-of-country voting.

<sup>161</sup> The amended legislation bans "participation of the nominees or citizens of the aggressor state or the occupying power, as determined by the *Verkhovna Rada*". The Director of ODIHR in a [statement](#) of 7 February expressed her regret over this decision, as did the OSCE Chairperson-in-Office in a [statement](#) of 8 February.

<sup>162</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document states that "participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process...". The ODIHR EOM requests for accreditation included long-term and short-term observers seconded by the Russian Federation, but they were not accredited.

<sup>163</sup> Fourteen applications were ultimately rejected, all in relation to the NGOs' statute. Two NGOs were eventually registered; one based on a second application with revised statute, and the other following a Supreme Court decision invalidating the CEC decision based on inconsistency with a previous decision to register the same NGO for the observation of the 2018 local elections. Two other NGOs lodged unsuccessful complaints in court.

<sup>164</sup> According to the CEC and NGOs, many citizen observers were appointed as candidate-nominated DEC or PEC members during the second round, and as such were de-registered as citizen observers.

candidates' campaigns or nominating parties.<sup>165</sup> Such obvious misuse of citizen observation can negatively impact the perception of impartiality of citizen observers and their role in the electoral process. ODIHR encourages a clear separation of partisan and non-partisan observation.

*Political parties, candidates and citizen observer organizations should respect a clear separation of partisan and non-partisan election observation. The CEC could consider introducing a mechanism to prevent the misuse of citizen observation by contestants in an election to be applied without interference with legitimate observation.*

The Law on the Central Election Commission provides observers' access to CEC sessions, without permission or invitation, while the election law grants citizen observers access to DEC and PEC sessions. Based on these laws, the CEC decided that citizen observers have the right to attend CEC sessions only when it is acting as the DEC for out-of-country voting. In practice, the CEC exercised its discretion to allow citizen observers to attend its sessions.<sup>166</sup>

*The legal framework for accreditation of observers from national citizen organizations could be reviewed, to provide them with a clear right to observe all stages of the election process, including DEC formation and the work of the CEC, from the beginning of the electoral process.*

For the second round, only candidates who appeared on the ballot and the parties that nominated them were entitled to observers.<sup>167</sup> All NGOs already registered by the CEC could also register additional observers, as could international organizations and foreign states.<sup>168</sup> The status of observers who were registered for the first round was extended for the second round.

### **XIII. ELECTION DAY, FIRST ROUND**

The first-round election day on 31 March was peaceful, with a voter turnout of 63.5 per cent announced by the CEC. The CEC started posting on its website detailed preliminary election results by polling station at around 23:00 on election night.

Opening procedures were assessed positively in 246 of the 256 polling stations observed. With few exceptions, established procedures were followed. However, IEOM observers noted the presence of unauthorized persons in 26 polling stations, and interference by candidate and party observers in 10 polling stations. About a quarter of the polling stations observed opened with slight delays.

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<sup>165</sup> According to its chairperson, the NGO "Komanda Ze", which registered some 15,000 and 11,000 observers for the first and second round, respectively, was created in January 2019 for the sole purpose of supporting candidate Zelenskyy. Its website and Facebook page are fully dedicated to the candidate. Several citizen observers from the Ukrainian Center for Democratic Society, which was founded in December 2018 and registered some 32,000 and 27,000 observers for the first and second round, respectively, openly stated that the organization was affiliated to Mr. Poroshenko. The website of Women of *Batkyvshchina* provides extensive support to Ms. Tymoshenko.

<sup>166</sup> A representative of the main citizen observer organization OPORA attended all CEC sessions observed by the ODIHR EOM. An OPORA observer challenged the CEC's lack of recognition of his right as an official observer to attend all CEC sessions. The court ruled that the CEC is obliged to allow observers to attend all CEC sessions but dismissed the case on the grounds that the observer's right had not been violated as the CEC allowed him to attend, overlooking the fact that attendance was only provided for at the CEC's discretion.

<sup>167</sup> According to the CEC website as of 21 April, over 37,000 candidate and party observers were registered, including some 34,000 nominated by Mr. Poroshenko, about 3,500 by Mr. Zelenskyy, and 10 by his nominating party.

<sup>168</sup> Additional citizen observers could be registered until five days before the run-off. Foreign states and international organizations could register additional observers with the CEC until seven days before the run-off.

Voting was assessed positively in 99 per cent of the 3,574 observation reports from polling stations where voting was observed.<sup>169</sup> IEOM observers characterized the process as well-organized, smooth, transparent and efficient, with a high level of adherence to established procedures. The few negative assessments were mainly due to overcrowding and ballot boxes that had not been sealed properly (5 per cent of observations), often due to poor quality of the seals.

Procedures such as ID checks and the signing of voter lists and ballot counterfoils were adhered to, with few exceptions. IEOM observers reported few cases of serious violations such as attempts to influence voters (less than 1 per cent), series of seemingly identical signatures on voter lists (1 per cent), group voting (2 per cent), and proxy or multiple voting (less than 1 per cent each). IEOM observers noted problems with the secrecy of the vote, including not all voters folding their ballots to preserve the secrecy of their vote (6 percent of polling stations observed), voters showing their marked ballots to others present (8 per cent), or indications of voters taking pictures of their ballots (2 per cent).<sup>170</sup> All this could reflect concerns expressed in the pre-election period with regard to possible vote-buying. In 7 per cent of polling stations observed, IEOM observers saw persons other than PEC members keeping track of voters who had voted.

*The secrecy of the vote should be strengthened. This could be achieved by enhanced voter education efforts, including relevant signage in polling stations. Consideration could be given to introducing mandatory folding of ballot papers.*

In 18 per cent of polling stations observed, one or more voters were not allowed to vote. In about half of such cases, this was because they were not on the voter list, but there were also numerous cases where voters had come to the wrong polling station or could not produce a valid ID. IEOM observers noted in 35 polling stations that voters without a valid ID were nonetheless allowed to vote.

Candidate and party observers were present in 95 per cent of polling station observed, and citizen observers in 57 per cent. Given the high number of citizen observers accredited, this was a surprisingly low presence. Citizen observers often could not say which organization they represented. IEOM observers noted the presence of unauthorized persons, in particular police, in 7 per cent of polling stations observed. In 52 polling stations observed (2 per cent), persons other than PEC members interfered in or directed the process; in 27 cases, they were candidate or party observers.<sup>171</sup> Written complaints were filed in 9 per cent of polling stations where voting was observed. IEOM observers reported overcrowding from 5 per cent of polling stations observed.

Some 58 per cent of polling stations observed were not readily accessible for persons with physical disabilities, and in 23 per cent, the layout was not suitable for them. The law provides for assisted voting for those with visual impairments or physical disabilities. However, no assistive tools (e.g. tactile ballot guides or magnifying glasses/foils) were available to help visually impaired voters to independently mark their ballots.

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

The vote count was assessed positively in 279 of the 306 polling stations where it was observed. Counting was transparent, and candidate and party observers were present at almost all counts

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<sup>169</sup> IEOM observers filed 3,574 reports on their observation of voting, from 3,379 different polling stations.

<sup>170</sup> Paragraph 20 of CCPR General Comment No. 25 requires states to “take measures to guarantee the secrecy of the vote during elections...”.

<sup>171</sup> Article 68.9 of the election law provides official observers with the right to “undertake necessary actions within the law to stop any illegal actions during the vote and the counting of votes in the polling station”.

observed, and citizen observers at over one half. Isolated cases of unauthorized persons or undue interference in the count were noted, usually by candidate or party observers.

IEOM observers noted few significant procedural errors and isolated cases of serious violations during the vote count. They did, however, report that basic reconciliation procedures were often not followed, including the PEC failing to announce the number of voters on the voter list (39 cases), of voters' signatures on the main and homebound voter lists (67 and 65 cases, respectively), or of used ballot counterfoils (41 cases). In 57 counts observed, the figures established during reconciliation were not entered into the protocol before the ballot boxes were opened. Counting procedures were followed overall, although IEOM observers reported that 50 counts were not performed in the prescribed sequence. This failure by PECs to follow basic reconciliation procedures or to perform the count in the prescribed order were main reasons for negative evaluations by IEOM observers. During 42 counts, the PEC did not determine the validity of contested ballots by voting. IEOM observers noted 24 cases where PEC members had pre-signed the results protocol but saw no attempt to deliberately falsify the results. Forty-five PECs observed had problems completing the results protocol. Serious violations reported by IEOM observers included two cases of deliberate falsification of voter list entries or results protocols and three attempts to obstruct the counting process.

Many problems observed during the vote count indicated that PEC members not only lacked experience and knowledge due to insufficient training, but that they did not fully understand the substance of the process due to over-regulated procedures.

The tabulation process was assessed negatively in 50 of the 152 DEC observed. This was mainly due to congestion at DEC premises, as DEC could only process one PEC at a time, and partly due to a large number of PECs arriving at DEC simultaneously, inefficient organizational arrangements, tension, and tiredness of election commissioners. In many cases observed, PECs delayed delivery of the completed results protocols until after midnight, in order to receive an extra day's payment.<sup>172</sup> IEOM observers reported that in 64 DEC, conditions were inadequate for the tabulation of results, mainly due to insufficient space and poor organization. Fifty-five DEC observed were so overcrowded that it negatively affected the process, and in 63 there was tension or unrest. Citizen and candidate or party observers were present in the large majority of DEC. Ten of the 12 observed cases of interference in the work of DEC were by such observers.

*Consideration could be given to revising the payment methods for PEC members. The payment for performed work should be adequate and commensurate to the workload.*

In 48 DEC, not everyone present had a clear view of the tabulation process, and in 42 DEC, IEOM observers were restricted in their observation. In 86 DEC, IEOM observers could not fully observe the data entry of results, which limited transparency. The ODIHR had previously recommended the introduction of technical means (e.g. projectors) in order to allow observers to fully follow the data-entry process. However, this recommendation has yet to be fully addressed.

IEOM observers reported cases of PEC results protocols that had not been completely filled in (23 cases) or did not reconcile (32 cases). During tabulation, IEOM observers reported numerous cases of DEC ordering PECs to correct mistakes in their protocols.<sup>173</sup> They also reported from 49 DEC that PEC or DEC members were changing protocol figures at the DEC, contrary to the law.<sup>174</sup>

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<sup>172</sup> Commission members on election day and the day of the determination of the voting results receive an amount not exceeding 14 per cent of the minimum living wage (or around EUR 8.5) for each working day.

<sup>173</sup> According to the CEC, a total of 135 PECs had to conduct recounts due to mistakes in the protocols.

<sup>174</sup> Article 81.1 of the election law states that “[during] transport of the election documentation, the PEC stamp and the sample protocols [...] shall be stored in the PEC premises in a safe (metal strong-box)”.

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

By law, DEC's have five days to establish voting results in their respective districts. All DEC's submitted their results protocols on time. However, the CEC, after verifying the PEC and DEC results protocols it had received, returned 41 protocols to DEC's for the latter to draw up new, corrected protocols. The main types of mistakes identified in these DEC protocols were of technical character and mostly related to wrong numbers of registered voters and ballots received. The CEC announced the voting results for the first round on 7 April.

According to the MoIA, some 3,000 complaints were lodged with police concerning irregularities related to the first-round election day.<sup>175</sup> More than 90 criminal investigations were opened on violation of secrecy of the vote, interference in election rights, vote-buying, illegal use of ballots, and falsification of election documents.<sup>176</sup> In addition, more than 50 protocols on election day-related administrative offences were submitted to courts, many for breach of the campaign silence period.

More than 25 administrative court cases were lodged related to irregularities in the first round, and few with DEC's. The vast majority were found inadmissible or dismissed, including requests to recount the ballots or invalidate protocols in more than 40 PEC's.<sup>177</sup> A few complaints were successful, including two court rulings that the rights of OPORA observers had been violated by DEC's who expelled them during tabulation. The CEC received 43 complaints on election-day irregularities, all denied admissibility on technical grounds, without consideration on the merits.<sup>178</sup> Five court complaints, including four by private citizens, unsuccessfully challenged the first-round results.

#### **XIV. ELECTION DAY, SECOND ROUND**

The second-round election day on 21 April was peaceful, and the CEC announced voter turnout of 62.1 per cent, slightly lower than in the first round. The CEC started posting on its website preliminary election results broken down by polling station before 22:00 on election day. The incumbent conceded defeat shortly after the polls closed and exit poll results were announced.

The opening was assessed positively in all but 3 of the 182 polling stations observed by the IEOM. With a few exceptions, established procedures were followed. A few among the polling stations observed opened with slight delays or ahead of time.

Voting was assessed positively in 99 per cent of the 2,349 polling stations where it was observed.<sup>179</sup> IEOM observers assessed that PEC's worked transparently, performed well and almost always adhered to established procedures.

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<sup>175</sup> Many reports related to voters not on voter lists, while others concerned unlawful campaigning, taking photos of ballots, vote-buying, damaging ballots, and attempts to remove a ballot from a polling station.

<sup>176</sup> Six investigations into falsification of election documents were launched, involving allegations that results protocols in several PEC's in Donetsk *oblast* had been falsified. According to the Criminal Code, "illegal use of ballots" includes giving a ballot to a person without a right to receive a ballot; stealing or hiding a ballot; multiple voting; and giving a pre-marked ballot to a voter.

<sup>177</sup> These included two cases of alleged ballot-box stuffing, one well-documented on video. Another case requested recount of all foreign polling stations, asserting serious violations at four out-of-country PEC's. Two courts ruled that the exercise of the DEC's discretion over conducting recounts is not subject to judicial review.

<sup>178</sup> For example, a complaint lodged by Ms. Tymoshenko that alleged that 707 unstamped ballots were counted as valid in a PEC in Vinnytsya *oblast*, and affirmed by the DEC, was not considered on the merits.

<sup>179</sup> IEOM observers filed 2,473 reports on their observation of voting, from 2,349 different polling stations.

IEOM observers reported few cases of serious violations such as series of seemingly identical signatures on voter lists (1 per cent), group voting (1 per cent), and isolated instances of proxy or multiple voting. IEOM observers again noted occasional problems with the secrecy of the vote, including voters showing their marked ballots to others (7 per cent), indications of voters taking pictures of their ballots (1 per cent), or persons other than PEC members keeping track of voters who had voted (2 per cent). All of these could be related to concerns expressed over possible vote-buying. In Ivano-Frankivsk *oblast*, IEOM observers directly observed a clear case of vote buying in favour of Mr. Zelenskyy. The small size of the runoff ballot resulted in many voters not folding it in a way that ensured the secrecy of their vote.

In 15 per cent of polling stations observed, one or more voters were not allowed to vote, most commonly because they could not produce a valid ID or were not on the voter list. IEOM observers reported from 28 polling stations that some voters were allowed to vote without a proper ID.

There were significantly fewer observers than in the first round, with candidate observers seen in 33 per cent of polling station observed, and citizen observers in 28 per cent. IEOM observers saw unauthorized persons in 5 per cent of polling stations observed, but they rarely interfered.

Some 65 per cent of polling stations observed were not accessible for persons with physical disabilities, and the layout of 24 per cent was not suitable for them. IEOM observers reported overcrowding in 2 per cent of polling stations observed.

The vote count was assessed positively in 238 of the 264 polling stations observed. Counting was transparent, and the performance of most PECs was assessed positively. Candidate and citizen observers were present at around one third of counts observed. While procedures were generally followed, IEOM observers again noted some procedural errors during the vote count. They reported that 50 PECs did not perform the count in the prescribed sequence and that again, basic reconciliation procedures were often not followed, including when the PEC did not announce important data, such as the numbers of voters on the voter list (29 cases), voters' signatures on the voter list (58 cases) or used ballot counterfoils (34 cases). In one quarter of counts observed, the figures established during reconciliation were not entered into the protocol before the PEC opened the ballot boxes. IEOM observers noted 23 cases where the results protocol had been pre-signed by PEC members. These procedural omissions were most likely due to lack of training or experience.

Unlike in the first round, the tabulation process was assessed positively, with the exception of only two of 117 observed DEC. With few exceptions, the 117 DECs followed procedures, and handover and tabulation were transparent, prompt and orderly. IEOM observers reported cases of PEC results protocols that had not been completely filled in (100 cases) or did not reconcile (158 cases), with IEOM observers in many cases noting poor training or lack of knowledge of procedures. They also reported from 29 DECs that PEC or DEC members were again changing protocol figures at the DEC. Conditions at most DECs observed were adequate, with few cases of overcrowding or tension. In 11 DECs, IEOM observers were restricted in their observation of the handover and tabulation process. In 13 DECs, IEOM observers could not fully observe the data entry of results, which limited transparency. In 26 DECs observed, not everybody entitled received copies of the tabulation protocols. Citizen and candidate observers were present at a large majority of DECs. As in the first round, almost all of the nine observed cases of interference in the work of DECs were by such observers.

As in the first round, DECs submitted their results protocols to the CEC on time. The CEC, after verification of the received PEC and DEC results protocols, returned only one protocol for the respective DEC to draw up a new, corrected one. The CEC announced the final election results on 30 April, which were published in the Official Gazette on 3 May.



According to the MoIA, some 1,500 complaints were lodged with police on irregularities related to the second-round election day, half the number as in the first round. These concerned the same types of violations as during the first round, including vote-buying. More than 50 criminal investigations were launched, almost half on illegal use of a ballot. In addition, some 50 administrative offence protocols were submitted to courts, about half for campaigning on election day. Very few cases were lodged with DECAs and administrative courts. The CEC received 18 complaints on election-day related irregularities, all denied admissibility on technical grounds, without consideration on the merits. Nine court complaints that challenged the second-round results, most lodged by private citizens, were all denied admissibility.

## **XV. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Ukraine and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with prior ODIHR recommendations, which remain to be addressed.<sup>180</sup> ODIHR stands ready to assist the authorities of Ukraine to further improve the electoral process and to address the recommendations contained in this and previous reports.

### **A. PRIORITY RECOMMENDATIONS**

1. As previously recommended, serious consideration should be given to adopting a unified election code. In line with international good practice, it should be adopted in an open and inclusive manner, and any changes to fundamental aspects of the election system should not take effect less than one year prior to an election. The CEC should adopt all necessary regulations to supplement the legislation.
2. Serious consideration should be given to revising the method of formation of DECAs and PECs, including by introducing a reasonable maximum number of members which corresponds to the actual needs. The possibility to establish permanent DECAs could also be considered.
3. Since a presidential election is conducted in a single nationwide constituency, the requirement to justify requests for temporary change of voting place could be waived. The procedure could be facilitated by enabling voters to submit requests electronically and allowing changes to be valid for more than one round. Submission of requests through a proxy could also be permitted for voters who are temporarily unable to move independently. Furthermore, voters registered where voting cannot take place could be permitted to submit requests at any RMB.
4. The authorities, political parties and candidates should take steps to safeguard a clear separation between their official rights and responsibilities and their functions as a candidate.

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<sup>180</sup> According to paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by ODIHR as follows: recommendations 16, 21 and 28 from the final report on the 2014 early presidential election are mostly implemented. The recommendations 4, 6, 10 and 12 from the final report on the 2014 early presidential election are partly implemented. Recommendation 15 from the final report on the 2014 early parliamentary elections is mostly implemented. The recommendations 6, 11 and 13 from the final report on the 2014 early parliamentary elections are partly implemented. See also [paragraph25.odihr.pl](#).

5. The legal framework on campaign finance should be further strengthened to ensure that third-party financing and in-kind contributions do not circumvent regulations and reporting requirements. Dissuasive and proportionate sanctions should be established. The NAPC should be designated as the sole independent oversight body to monitor and investigate compliance with campaign-finance regulations and should be sufficiently mandated, empowered, and resourced.
6. To ensure a transparent and credible electoral process, the CEC and DEC's should consider all complaints on merits, regardless of technical irregularities, and adjudicate them impartially in open sessions, making public all complaints and decisions. Courts should apply broad interpretation of the law on admissibility and adjudicate cases and draft decisions using sound and coherent reasoning. Measures could be taken to enhance consistency in court decisions.
7. The complaints framework should be amended to eliminate concurrent jurisdiction and provide a more simplified and coherent process, further broaden stakeholders' rights to lodge complaints, and revoke the automatic rejection of complaints on technical grounds. If complaints are filed to the wrong institution, that institution should be obliged to forward them to the correct institution. An option to lodge complaints electronically could be introduced, and a standardized complaint form developed. The legal requirement to redact names from court judgements should be revoked.
8. Parliament should safeguard the public broadcaster's editorial independence by providing it with sufficient funding and granting it full financial autonomy. Sufficient and sustainable funding would allow *UA:PBC* to serve as an alternative to the highly politicized and controlled private media sector.

## **B. OTHER RECOMMENDATIONS**

### **Election Administration**

9. Consideration should be given to introducing deadlines for replacements of election commissioners before election day.
10. Effective measures should be taken to strengthen recruitment and training methods in order to ensure professionalism of election commissioners, with remuneration commensurate to their workload. To enhance the professional capacity of election commissions, the CEC and DEC's could offer periodic training with certification of potential PEC members, aimed to create a roster of certified people.
11. The CEC should develop a comprehensive voter education and information plan, including for several target audiences such as IDPs, persons with disabilities and first-time voters, in close consultation with organizations representing these groups. Voter education and information materials for persons with disabilities should be produced in line with accessibility standards.

### **Voter Registration**

12. Shortened deadlines for printing preliminary voter lists could be considered to allow more time for voters to review voter lists and request necessary changes. A voter registration campaign should also be considered to raise awareness among voters of the option to verify their voter data and request changes.

### **Candidate Registration**

13. The requirement to vet candidates' campaign platforms should be repealed.

### **Campaign Environment**

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

### **Campaign Finance**

15. To contribute to a more level playing field and limit the impact of money in campaigns, consideration could be given to adopting measures to prevent excessive campaign funding, including an expenditure limit.
16. The NAPC should ensure that all violations and circumventions of campaign-finance regulations are properly investigated and sanctioned. To improve future oversight, the NAPC should consider undertaking, in cooperation with other law-enforcement bodies, a comprehensive investigative review of the campaign funding for this election, including any third-party financing and misuse of state resources.

### **Media**

17. The competent authorities should take all necessary measures to protect journalists, in particular those who are investigating and reporting on sensitive matters, from attacks and all forms of impediments to their activities. All infringements on the freedom of the media should be duly investigated and addressed, and the law should be applied in a consistent and effective manner.
18. The election law should define an adequate system of sanctions for violations of media-related provisions. With guarantee of full independence, the NTRBC should duly exercise its mandate to ensure the broadcast media's compliance with existing legislation. Decisions of the NTRBC should be taken in a timely manner and made public during the election campaign.

### **Complaints and Appeals**

19. Consideration should be given to strengthening the overall legal framework on electoral offences. The MoIA could conduct a comprehensive audit of the effectiveness of the police in the handling and investigation of offences in the presidential election and revise relevant policy and practices and build police capacity based on lessons learned. Local courts could take measures to improve consistency and effectiveness in the adjudication of electoral offences.

### **Citizen and International Observers**

20. Political parties, candidates and citizen observer organizations should respect a clear separation of partisan and non-partisan election observation. The CEC could consider

introducing a mechanism to prevent the misuse of citizen observation by contestants in an election to be applied without interference with legitimate observation.

21. The legal framework for accreditation of observers from national citizen organizations could be reviewed, to provide them with a clear right to observe all stages of the election process, including DEC formation and the work of the CEC, from the beginning of the electoral process.

### **Election Day**

22. The secrecy of the vote should be strengthened. This could be achieved by enhanced voter education efforts, including relevant signage in polling stations. Consideration could be given to introducing mandatory folding of ballot papers.
23. Additional measures should be taken to further facilitate independent access and participation of voters with disabilities. In doing so, the principles of universal design and reasonable accommodation should be followed wherever possible.
24. Consideration should be given to revising the payment methods for PEC members. The payment for performed work should be adequate and commensurate to the workload.
25. Practical aspects of the counting and tabulation processes could be rearranged, so as to facilitate the receipt and processing of election materials on election night and allow for the simultaneous processing of several PECs, while at the same time ensuring the transparency of the process.

## ANNEX I – ELECTION RESULTS

### First Round, 31 March 2019

2019 Ukraine Presidential Election, First-round Results Protocol	Total number in final protocol	Out-of-country polling stations
Number of voters included in voter lists at precincts where elections were conducted	30,047,302	435,046
Number of voters who received ballots	18,894,854	55,037
Number of voters who took part in voting	18,893,864	55,031
Number of ballots declared invalid	224,600	337

Candidate	Number of votes	Percentage of votes
BALASHOV Gennadyi	32,872	0.17%
BEZSMERTNYI Roman	27,182	0.14%
BOGOMOLETS Olga	33,966	0.17%
BOGOSLOVSKA Inna	18,482	0.09%
BOYKO Yuriy	2,206,216	11.67%
BONDAR Viktor	22,564	0.11%
VASHCHENKO Oleksandr	5,503	0.02%
VILKUL Oleksandr	784,274	4.15%
GABER Mykola	5,433	0.02%
HRYTSENKO Anatolyi	1,306,450	6.91%
DANYLIUK Oleksandr	4,648	0.02%
DEREVYANKO Yuriy	19,542	0.1%
ZHURAVLYOV Vasyl	8,453	0.04%
ZELENSKYY Volodymyr	5,714,034	30.24%
KAPLIN Serhiy	14,532	0.07%
KARMAZIN Yuriy	15,965	0.08%
KYVA Ilyia	5,869	0.03%
KORNATSKYI Arkadiy	4,494	0.02%
KOSHULYNSKYI Ruslan	307,244	1.62%
KRYVENKO Viktor	9,243	0.04%
KUPRYI Vitaliy	4,508	0.02%
LYTVYNENKO Yulia	20,014	0.10%
LYASHKO Oleh	1,036,003	5.48%
MOROZ Oleksandr	13,139	0.06%
NALYVAYCHENKO Valentyn	43,239	0.22%
NASYROV Roman	2,579	0.01%
NOVAK Andriy	5,587	0.02%
NOSENKO Serhiy	3,114	0.01%
PETROV Volodymyr	15,587	0.08%
POROSHENKO Petro	3,014,609	15.95%
RYHOVANOV Ruslan	5,230	0.02%
SKOTSYK Vitaliy	15,118	0.08%

SMESHKO Ihor	1,141,332	6.04%
SOLOVYOV Oleksandr	5,331	0.02%
TARUTA Serhiy	18,918	0.10%
TYMOSHENKO Yulia	2,532,452	13.4%
TYMOSHENKO Yuriy	117,693	0.62%
SHEVCHENKO Ihor	18,667	0.09%
SHEVCHENKO Oleksandr	109,078	0.57%

Source: [CEC website](#)

### Second Round, 21 April 2019

2019 Ukraine Presidential Election, Second-round Results Protocol	Total number in final protocol	Out-of-country polling stations
Number of voters in the extracts for mobile voting	706,801	–
Number of voters included in voter lists at precincts where elections were conducted	30,105,004	449,174
Number of voters who received ballots	18,492,086	59,834
Number of voters who took part in voting	18,491,837	59,830
Number of ballots declared invalid	427,841	885

Candidate	Number of votes	Percentage of votes
ZELENSKYY Volodymyr	13,541,528	73.22%
POROSHENKO Petro	4,522,450	24.45%

Source: [CEC website](#)

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

### FIRST ROUND

#### OSCE Parliamentary Assembly

Ilkka	Kanerva	Special Co-ordinator (1 <sup>st</sup> round)	Finland
Georgi	Tsereteli	Special Co-ordinator (2 <sup>nd</sup> round)	Georgia
Doris	Barnett	Head of Delegation	Germany
Christian	Hafenecker	MP	Austria
Katharina	Kucharowits	MP	Austria
Reinhold	Lopatka	MP	Austria
Anna	Starovoytova	MP	Belarus
Pol	Van den Driessche	MP	Belgium
Desislava	Atanasova	MP	Bulgaria
Addie Mark	Warawa	MP	Canada
Boris	Wrzesnewskyj	MP	Canada
Colin	Deacon	MP	Canada
David	Christopherson	MP	Canada
Kerry	Diote	MP	Canada
Hedy	Fry	MP	Canada
James	Maloney	MP	Canada
Mary Ann	Mihychuk	MP	Canada
Michael Lewis	Macdonald	MP	Canada
Peter	Fonseca	MP	Canada
Wayne	Easter	MP	Canada
William James	Eglinski	MP	Canada
Robert	Podolnjac	MP	Croatia
Kyriakos	Hadjiyianni	MP	Cyprus
	Charalambides	MP	
Irene	Papapavlou		Cyprus
Jan	Bauer	MP	Czech Republic
Jan	Hornik	MP	Czech Republic
Jan	Zaloudik	MP	Czech Republic
Josef	Hajek	MP	Czech Republic
Karla	Marikova	MP	Czech Republic
Ladislav	Vaclavec	MP	Czech Republic
Pavel	Plzak	MP	Czech Republic
Jaanus	Marrandi	MP	Estonia
Mart	Nutt	MP	Estonia
Mati	Raidma	MP	Estonia
Didier	Paris	MP	France
Sereine	Mauborgne	MP	France
Andreas	Schwarz	MP	Germany
Christoph	Neumann	MP	Germany
Paul Viktor	Podolay	MP	Germany
Anastasia	Gkara	MP	Greece
Maria	Theleriti	MP	Greece
Alan	Farrel	MP	Ireland
Alex	Bazzaro	MP	Italy
Gianluca	Castaldi	MP	Italy



Gianluca	Ferrara	MP	Italy
Mauro	Del Barba	MP	Italy
Paolo	Grimoldi	MP	Italy
Luigi	Augussory	MP	Italy
Emanuele	Scagliusi	MP	Italy
Paola	Taverna	MP	Italy
Vito	Vattuone	MP	Italy
Dulat	Kustavletov	MP	Kazakhstan
Kanat	Mussin	MP	Kazakhstan
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Howard	Bemis	United States
Brian	Block	United States
Mary	Bluestocking	United States
Christian	Bock	United States
Stephen	Bows	United States
John	Brautigam	United States
Shannon	Bruder	United States
Jonathan	Brunson	United States
Frederick	Brust	United States
Cynthia	Bunton	United States



Elizabeth	Callahan	United States
Barbara	Cates	United States
Henry	Crawford Jr	United States
Scott	Cullinane	United States
David	Darrin	United States
Dennis	De Santis	United States
Janet	Demiray	United States
Orest	Deychakiwsky	United States
Robert	Downes	United States
Andrew	Doyle	United States
John	Dwyer	United States
Evan	Eberle	United States
Harry	Edelman V	United States
Daria	Fane	United States
John	Finkbeiner Jr	United States
Jarret	Fisher	United States
Nina	Frankel	United States
Sarah	Galt	United States
Michelle	Gavin	United States
Jeffrey	Gelman	United States
David	Gepass	United States
Andrew	Gridinsky	United States
Amy	Hamblin	United States
Christine	Harper	United States
Robert	Hyams	United States
Susan	Inman	United States
Nasser	Ishaq	United States
Kathleen	Johnson	United States
Gail	Kalinich	United States
Marsha	Kennedy	United States
Daniel	Klingenberg	United States
Thaddeus	Kontek	United States
Tamara	Kowalski	United States
Daniel	Lauer	United States
Catherine	Lawrence	United States
Linda	Lee	United States
Heidi	Lernihan	United States
George	Liber	United States
Donald	Marshall	United States
James	Martin	United States
Sara	Martin	United States
Paul	Matier	United States
Karen	Mckenney	United States
Hannah	Mcmillen	United States
Ann	Merrill	United States
Douglas	Metz	United States
Mark	Morrison	United States
Sarah	Moss	United States
Vernon	Nelson	United States
David	O'Connell	United States
Tara	O'connor	United States

Iris	O'rourke	United States
Deane W.	Parker	United States
Tristan	Pierce	United States
Joseph	Procak jr	United States
Russell	Raymond	United States
Gretchen	Reinemeyer	United States
Philip	Richter	United States
Cynthia	Rome	United States
Emily	Rome	United States
Gregory	Sarafian	United States
Derek	Sarchet	United States
Steven	Saum	United States
Matthew	Schmidt	United States
Kathy	Schnare	United States
Robert	Schupp	United States
Steven	Shapiro	United States
Richard	Shieldhouse	United States
Christopher	Siddall	United States
Chris	Steineger	United States
Rokey	Suleman ii	United States
Eric	Sutphin	United States
Arthur	Traldi	United States
Bobbie jo	Traut	United States
Derek	Turner	United States
Armen	Vardanyan	United States
Edward	Verona	United States
Daniel	Villegas	United States
Frederick	Vogel	United States
Deborah	Walker	United States
Teresa	Walsh	United States
Annisa	Wanat	United States
Roxanne	Weiss	United States
George	White	United States
Caroleen	Williams	United States
Shari	Wilson	United States
John	Winters	United States
Nicholas george	Yiannias	United States
Kimberly	Zapfel	United States

#### **ODIHR EOM Short-term Guest Observers**

Hikaru	Ito	Japan
Takaaki	Kobayashi	Japan
Hiroyuki	Urabe	Japan

#### **ODIHR EOM Locally Recruited Short-term Observers**

Richard	Bisanz	Austria
Fritz	Pokorny	Austria
Nicola	Kim	Canada
Mavourneen	Mooney	Canada
Nathalie	Smolynec	Canada
Henrik	Larsen	Denmark

Emil	Lisborg	Denmark
Anne Toft	Soerensen	Denmark
Anna	Anjapharidze	Georgia
Lita	Surmava	Georgia
Johannes	Baur	Germany
Alexandros	Boudouris	Greece
Ismini	Panagopoulou	Greece
Eszter	Nemeth	Hungary
Eamonn	Prendergast	Ireland
Tjadina	Herbert	Netherlands
Anna	Jüngen	Netherlands
Djeyhoun	Ostowar	Netherlands
Evelina	Schulz	Poland
Daniel Robert	Gronvius	Sweden
Linn Rebecka	Härfast	Sweden
Karolina	Jozic	Sweden
Kalle Antero	Kniivilä	Sweden
Otto Gunnar	Pagels Fick	Sweden
Sean	Loughna	United Kingdom

#### **ODIHR EOM Locally Recruited Short-term Guest Observers**

Sanshiro	Hosaka	Japan
Yasuhiro	Ikuta	Japan

#### **ODIHR EOM Long-term Observers**

Dhimiter Gjodede	Albania
Zdzislaw Gwozdz	Austria
Andrei Krasnyansky	Belarus
Yelena Kovalyova	Belarus
Anne Sochan	Canada
Daniel Nash	Canada
Eduard Nuhu	Canada
James Hart	Canada
Marc Lemieux	Canada
Oricia Krucko	Canada
Rezart Xhelo	Canada
Nellie Drozd	Canada
Dita Bicanovska	Czech Republic
Jana Novotna	Czech Republic
Olga Blatakova	Czech Republic
Petr Base	Czech Republic
Erik Thau-Knudsen	Denmark
Karen Skipper	Denmark
Marielise Berg-Sonne	Denmark
Niels Erik Nielsen	Denmark
Pia Christmas-Møller	Denmark
Sofia Svensson	Denmark
Soren Sonderstrup	Denmark
Jens Vang	Denmark
Niels Boel	Denmark

Helena Laatio	Finland
Petri Varjos	Finland
Alexandre Benz	France
Beatrix Boonekamp	France
Frederic Oberson	France
Mathieu Lemoine	France
Nadia Yakhlaf-Lallemand	France
Peter Erhardy	France
Rodolphe Oberle	France
Sabine Ohayon	France
Lela Taliuri	Georgia
Brigitte Heuer	Germany
Christa Mueller	Germany
Ingo Buettner	Germany
Jana Bürgers	Germany
Jochen Michael Rinck	Germany
Jutta Bangel	Germany
Stefan Koeppe	Germany
Thomas Leszke	Germany
Helmut Goeser	Germany
Petra Bornhoeft	Germany
Federica Raimondo	Italy
Riccardo Lepri	Italy
Vygandas Aleksandravičius	Lithuania
Marianne De Wit	Netherlands
Onno Van der Wind	Netherlands
Birgit Madslie	Norway
Cecilie Orestis	Norway
Jan Hugo Holtan	Norway
Trond Husby	Norway
Andrzej Klimczyk	Poland
Radziława Gortat	Poland
Zbigniew Cierpinski	Poland
Astrid Nunez	Sweden
Eva Jakobsson	Sweden
Marie Sigrid Utterman	Sweden
Mats Ekholm	Sweden
Alexandra Von Arx	Switzerland
Mario Barfus	Switzerland
Martin Minder	Switzerland
Akinola Akinsanya	United Kingdom
Alexander Folkes	United Kingdom
Andrew McEntee	United Kingdom
Anthony Robinson	United Kingdom
Julian Nundy	United Kingdom
Kiron Reid	United Kingdom
Mark Waller	United Kingdom
Sandra Gale	United Kingdom
Sarah McGuckin	United Kingdom
Stella Hellier	United Kingdom
Aubrey Menarndt	United States

Degee Wilhelm	United States
Elia Varela Serra	United States
Gregoire Houel	United States
Harold Otto	United States
Helen Kornblum	United States
James Berk	United States
Joan Brown	United States
Karen Reinhardt	United States
Max Gough	United States
Nicholas Jahr	United States
Robert Gillette	United States
Sherry Murphy	United States
Susanne Cooper	United States
Tanya Karpiak	United States

### ODIHR EOM Core Team

Ambassador Peter	Tejler	Head of Mission	Sweden
Stefan Krause	Krause		Germany
Jarosław Marcin	Domański		Poland
Kakha	Inaishvili		Georgia
Caroline	Gonthier		France
Marla	Morry		Canada
Francesca	Boggeri		Italy
Polyna	Lemos		United Kingdom
Maša	Janjušević		Serbia
Silke	Tittel		Germany
Paweł	Jurczak		Poland
Ahmad	Rasuli		Kyrgyzstan
Jane	Kareski		North Macedonia
Roman	Railean		Romania
László	Belágyi		Hungary
Peter	Booker		United Kingdom
Michał	Gałkowski		Poland
Anders Uno	Eriksson		Sweden
Saša	Pokrajac		Serbia
Chris John	Taylor		United Kingdom
Karolina Magdalena	Riedel		Sweden

### SECOND ROUND

#### OSCE Parliamentary Assembly

George	Tsereteli	Special Co-ordinator	Georgia
Doris	Barnett	Head of Delegation	Germany
Pol	Van den Driessche	MP	Belgium
David	Christopherson	MP	Canada
Wayne	Easter	MP	Canada
William James	Englinski	MP	Canada
Kerry	Diote	MP	Canada
Hedy	Fry	MP	Canada

Michael Lewis	Macdonald	MP	Canada
James	Maloney	MP	Canada
Mary Ann	Mihychuk	MP	Canada
Josef	Hajek	MP	Czech Republic
Pavel	Zacek	MP	Czech Republic
Mati	Raidma	MP	Estonia
Andreas	Schwarz	MP	Germany
Mateo Luigi	Bianchi	MP	Italy
Paolo	Grimoldi	MP	Italy
Adriano	Paroli	MP	Italy
Lubova	Svecova	MP	Latvia
Migel	Santos	MP	Portugal
Edward	Riedl	MP	Sweden
Sven-Olof	Sallstrom	MP	Sweden
Margareta	Kiener Nellen	MP	Switzerland
Nigel	Mills	MP	United Kingdom
Mark	Pritchard	MP	United Kingdom
John	Whittingdale	MP	United Kingdom
Matthieu	Boulianne	Staff of Delegation	Canada
Stephanie, Anne-Marie	Koltchanov	OSCE PA Secretariat	France
Tim	Knoblau	OSCE PA Secretariat	Germany
Andreas	Nothelle	OSCE PA Secretariat	Germany
Guido	Almerigona	OSCE PA Secretariat	Italy
Anna	Di Domenico	OSCE PA Secretariat	Italy
Dimitrije	Todoric	OSCE PA Secretariat	Serbia

### Council of Europe Parliamentary Assembly

Angela	Smith	Head of Delegation	United Kingdom
Ervin	Bushati	MP	Albania
Edmon	Marukyan	MP	Armenia
Stefan	Schennach	MP	Austria
Nagif	Hamzayev	MP	Azerbaijan
Ulla	Sandbaek	MP	Denmark
Andres	Herkel	MP	Estonia
Alexandra	Louis	MP	France
André	Vallini	MP	France
Jacques	Le Nay	MP	France
Emanuelis	Zingeris	MP	Lithuania
Emilie	Enger Mehl	MP	Norway
Gheorghe-Dinu	Socotar	MP	Romania
Alfred	Heer	MP	Switzerland
Pierre-Alain	Fridez	MP	Switzerland
Simon	Russel	MP	United Kingdom
Ian	Murray	MP	United Kingdom
Bogdan	Torcatariu	PACE Secretariat	Romania
Anne	Godfrey	PACE Secretariat	United Kingdom

### European Parliament

Rebecca	Harms	Head of Delegation	Germany
Josef	Weidenholzer	MEP	Austria
Laima	Andrikiene	MEP	Lithuania
Valentinas	Mazuronis	MEP	Lithuania
Ana	Gomes	MEP	Portugal

Jose Ignacio	Faria	MEP	Portugal
Robert	Golanski	Political advisor	Poland
Doichin	Cholakov	EP official	Bulgaria
Cristina	Castagnoli	EP official	Italy
Montse	Gabás	EP official	Spain

**ODIHR EOM Short-term Observers**

Boçi	Blerina	Albania
Kurti	Elvana	Albania
Gevorgyan	Tatevik	Armenia
Sargsyan	Edgar	Armenia
Aschaber	Manfred	Austria
Berger	Martina	Austria
Holzinger	Astrid	Austria
Jakober	Andrea	Austria
Lepuschütz	Lena	Austria
Maschek	Lukas	Austria
Welz	Heike	Austria
Gurbanov	Ravan	Azerbaijan
Shahbazov	Ilkin	Azerbaijan
Bukonkin	Dzianis	Belarus
Mayorova	Lyubov	Belarus
Kennis	Arnt	Belgium
Saelman	Helena	Belgium
Vervoort	Niko	Belgium
Mitrovic	Dobrica	Bosnia and Herzegovina
Vasiljevic	Aleksandar	Bosnia and Herzegovina
Cholakova	Kalina	Bulgaria
Andrusevich	Alexander	Canada
Ansari	Aurangzaib	Canada
Arsenault	Mathieu	Canada
Bednarczyk	Tanya	Canada
Bennett	Larry	Canada
Bolotenko	Tamara	Canada
Brunet	Louise	Canada
Cornish	Stephen	Canada
Dalphond	Frederic	Canada
Dayal	Uday	Canada
Hetmanczuk	Alexander	Canada
Hrynda	Marianna	Canada
Huneault	Michel	Canada
Ilyniak	Sophia	Canada
Jacques	Mathieu	Canada
Kagaoan	Lowella	Canada



Korbabicz	Danylo	Canada
Krawetz	Nicholas	Canada
Kress	Jeffrey	Canada
Laku sr.	Justin	Canada
Lavoie	Denis	Canada
Leidl	Patricia	Canada
Loneban	Mariam Asngar	Canada
Luke	Elizabeth	Canada
Lupul	David	Canada
Lyles	Benjamin	Canada
Mains	Mavis	Canada
Maslo	Bohdan	Canada
Moskalyk	John	Canada
Mychaltchouk	Pierre	Canada
Nikoula	Maryana	Canada
Noor	Ahmad Jawid	Canada
Novak	Viktoriya	Canada
Olchoway	Jennifer	Canada
Proulx	Genevieve	Canada
Puszkas	Barbara	Canada
Rodrique	Daniel	Canada
Rubuliak	Linda	Canada
Tkachuk	Darcy	Canada
Toroshenko	Laryssa	Canada
Vincent	Jordan	Canada
Walker	Michael	Canada
Western	Michele	Canada
Danova	Kristyna Inka	Czech Republic
Franc	Petr	Czech Republic
Hosek	Martin	Czech Republic
Hradilek	Adam	Czech Republic
Janku	Martin	Czech Republic
Klepetko	Jiri	Czech Republic
Kratochvilova	Petra	Czech Republic
Macek	Dan	Czech Republic
Netuková	Petra	Czech Republic
Pavlicek	Tomas	Czech Republic
Prochazka	Ladislav	Czech Republic
Rehor	Josef	Czech Republic
Snajdrova	Hana	Czech Republic
Stanek	Roman	Czech Republic
Trousil	Pavel	Czech Republic
Uruba	Valdemar	Czech Republic

Baehr	Ivan	Denmark
Bille	Grethe	Denmark
Faber-Rod	Christian	Denmark
Flindt	Bo	Denmark
Hansen	Svend	Denmark
Hastrup	Søren	Denmark
Hvalkof	Søren	Denmark
Karlsen	Henrik	Denmark
Larsen	Peder	Denmark
Nielsen	Niels Henrik Jermiin	Denmark
Nyholm	Lars	Denmark
Pedersen	Flemming	Denmark
Poulsen-Hansen	Lars Peder	Denmark
Ravn	Peter	Denmark
Schacke	Lene Tybjerg	Denmark
Severinsen	Hanne	Denmark
Skov	Grete	Denmark
Staffe	Palle	Denmark
Ventegodt	Peder	Denmark
Vestergaard	Anemette	Denmark
Weber	Bo	Denmark
Winkel	Wagn	Denmark
Autere	Birgit	Finland
Collander	Kimmo	Finland
Hallenberg	Minna	Finland
Jansson	Tomi	Finland
Nikkinen	Saara	Finland
Patokallio	Mikko	Finland
Veikanmaa	Henrik	Finland
Werner	Erik	Finland
Arnoult	Julien	France
Bellin	Alexandra	France
Ben Mami	Skander	France
Bennes	Marie-Florence	France
Bouyssou	Benoit	France
Corlin	Peggy	France
Coutts	Sheila	France
Dreyfus	Emmanuel	France
Esteban	Antoine	France
Falaise	Indiana	France
Forite	Camille	France
Gaume	Myriam	France
Iffly	Catherine	France

Kurtz	Thibaud	France
Le Hel	Pascale	France
Lewandowski	Stephan	France
Malki	Mounia	France
Mondamert-chartron	Clément	France
Nedjaa	Amirouche	France
Okolotowicz	Michèle-Ann	France
Ollier	Sylvain	France
Pascal	Catherine	France
Pellerin	Rémi	France
Piltant	Christine	France
Rizk	Vanessa	France
Schmidt	Edouard	France
Vagogne	Pascal	France
Vivien	Kilian	France
Vuillaume	Magali	France
Wallisky	Catherine	France
Wocial	Andrzej	France
Chkadua	Malkhaz	Georgia
Mikeladze	Ana	Georgia
Adams	Valerie	Germany
Bloss	Lasia	Germany
Boehnke	Rolf	Germany
Buurman	Hendrik	Germany
Cetin	Timur	Germany
Daiber	Birgit	Germany
Dufaux	Stefanie	Germany
Fix	Torsten	Germany
Goepfert	Walter	Germany
Herkenhoff	Maria Mechthild	Germany
Høyem	Tom	Germany
Jelonek	Michael	Germany
Kaboth	Hartwig Hans	Germany
Keilbach	Christian	Germany
Kleffel	Rainer	Germany
Koehrsen	Harald	Germany
Koerbel	Thomas	Germany
Lehnert	Joerg	Germany
Meinhardt	Heiko	Germany
Meyke	Frank	Germany
Oye	Thomas	Germany
Palluch	Detlev	Germany
Riccò	Daniel	Germany

Rieser	Hans-Heinrich	Germany
Seel	Jennifer	Germany
Seifert	Christine	Germany
Taphorn	Rita	Germany
Wittschorek	Peter	Germany
Baracsi	Zsuzsanna	Hungary
Fügedi	Zita	Hungary
Schönstein	Elza	Hungary
Byrne	Eric	Ireland
Caherty	Therese	Ireland
Macdermott	Eithne	Ireland
Marron	Peter	Ireland
Scanlon	Joseph	Ireland
Alfieri	Marco	Italy
Cella	Giorgio	Italy
D'alessandro	Chiara	Italy
Dell'ariccia	Aldo	Italy
Di luccia	Giuseppe	Italy
Ferrero	Elena	Italy
Figus	Alessandro	Italy
Pala	Alessandra	Italy
Polizzi	Giulia	Italy
Stefano	Giulia	Italy
Kaliyev	Talgat	Kazakhstan
Sabitova	Marina	Kazakhstan
Dzhurabaeva	Gulnar	Kyrgyzstan
Kochetkova	Kseniia	Kyrgyzstan
Lapsa	Guntis	Latvia
Genys	Mindaugas	Lithuania
Gostautaite	Milda	Lithuania
Ivanec	Taras	Lithuania
Lizūnas	Julius	Lithuania
Paldavicius	Arvydas	Lithuania
Tumalavicius	Dr. Vladas	Lithuania
Moroi	Corina	Moldova
Volkova	Antonina	Moldova
Batjil	Iveel	Mongolia
Batmunkh	Maimunkh	Mongolia
Jigjiddorj	Chantsaldulam	Mongolia
Tseveen	Navchaa	Mongolia
Krivokapic	Milivoje	Montenegro
Mugosa	Nikola	Montenegro
Appel	Catharina Maria	Netherlands

Bergervoet	Maria	Netherlands
Bouwhuis	Gerrit Jan	Netherlands
Horeman	Maarten	Netherlands
Sedee	Robbert	Netherlands
Stienen	Johannes	Netherlands
Teunissen	Margriet	Netherlands
Dalby	Orrvar	Norway
Hauger	Rune	Norway
Kroepelien	Anne Christine	Norway
Lund	Toril	Norway
Molandsveen	Anne Sofie	Norway
Naas	Gunnhild	Norway
Ramadani	Gent	Norway
Skatvedt	Anne	Norway
Svartefoss	Per n.	Norway
Bladyniec	Tomasz	Poland
Desmarquest	Joanna	Poland
Kaluza	Justyna	Poland
Kamionka	Mateusz	Poland
Kapinos	Beata	Poland
Lustyk	Ireneusz Andrzej	Poland
Lutkiewicz	Zofia	Poland
Magierski	Iwo	Poland
Margaryan	Raffaella	Poland
Materkowska	Katarzyna	Poland
Mazurek	Jan	Poland
Mrowka-jasiecka	Barbara	Poland
Nodzykowska	Katarzyna	Poland
Orlikowski	Marian	Poland
Osiński	Jan	Poland
Ostapczuk	Anna	Poland
Ostrowski	Bartłomiej	Poland
Semeniuk	Arkadiusz	Poland
Staszowska	Marika	Poland
Szymańska	Justyna	Poland
Weremiuk	Łukasz	Poland
Ani	Catalina-Oana	Romania
Bettina	Teodorescu	Romania
Domnitanu	Aurelia	Romania
Laza	Cosmin Dragos	Romania
Rotaru	Vasile	Romania
Rugina	Nicolae-Aurelian	Romania
Milanovic-Ilic	Marina	Serbia

Savic	Ivana	Serbia
Korba	Matúš	Slovakia
Ruttkayová	Ivana	Slovakia
Tomaga	Juraj	Slovakia
Trajcikova	Silvia	Slovakia
Gregorec	Matej	Slovenia
De la Fuente Rivas	María José	Spain
De Toledo Loma Osorio	Blanca	Spain
Garranzo Asensio	Luis	Spain
Gomez Vidal	Elena	Spain
Hernandez Perez	Laura	Spain
Montero Arce	Maria	Spain
Vicente Martinez	Pedro	Spain
Almqvist	Bengt	Sweden
Backlund	Emma	Sweden
Bergknut	Knut	Sweden
Bogaeus	David	Sweden
Bolling	Jan	Sweden
Bringholm	Sven tommy	Sweden
Ekstedt	Carl Johan Pontus	Sweden
Enarsson	Anna	Sweden
Glans	Stig Lennart	Sweden
Grahn	Karin	Sweden
Gyllin	Elisa	Sweden
Häggbloom	Vera Margareta	Sweden
Jacobson	Anna Birgitta Linnéa	Sweden
Karlsson	Tommy	Sweden
Lagergren	Lars	Sweden
Lagus	Maria	Sweden
Larsson	Lena	Sweden
Liden	Arvid Anders	Sweden
Nilsson	Jenny	Sweden
Nygren	Rickard	Sweden
Nyman	Per	Sweden
Ottosson	Ulf	Sweden
Palmer	Rebecca	Sweden
Persson	Erik	Sweden
Pile	Claes	Sweden
Prades Barcelo	Maximo Juan	Sweden
Rydell Kahandaliyanage	Roshan	Sweden
Sjöberg	Tomas	Sweden
Sundberg	Kerstin	Sweden
Swärd	Hans-Ivar	Sweden

Tallberg	Pontus	Sweden
Wandler	Mattias	Sweden
Wångborg	Aron	Sweden
Wångborg	Manne	Sweden
Wiik	Perg	Sweden
Wohlert	Christian	Sweden
Andreoli	Michele	Switzerland
Beguelin sargenti	Christine	Switzerland
Comandini	Fabrizio Mario Giuseppe	Switzerland
Damary	Martin	Switzerland
Degen	Loic Alexis	Switzerland
Egger maldonado	Barbara	Switzerland
Enzler	Roman	Switzerland
Hutson-hartmann	Evelin	Switzerland
John	Francine	Switzerland
Pazinski	Victor	Switzerland
Pfaff	Hans-Jürg	Switzerland
Schmidt	Zarah	Switzerland
Ziegler	Stefan	Switzerland
Aboud	Georgina	United Kingdom
Anderson	Alexander	United Kingdom
Austin	Trevor	United Kingdom
Balmforth	Richard	United Kingdom
Barnfield	Leslie	United Kingdom
Bellew	Christopher	United Kingdom
Brodrick	Helen	United Kingdom
Brooksbank	Mary	United Kingdom
Bryant	Roger	United Kingdom
Caldwell	Andrew	United Kingdom
Carnson	Sherrida	United Kingdom
Chappell	Derek	United Kingdom
Cooper	Nathan	United Kingdom
Cottringer	Anne	United Kingdom
Craig	Danielle	United Kingdom
Crombie	Anthony	United Kingdom
Cusack	Asa	United Kingdom
Davis	Steven	United Kingdom
De'ath	Patricia	United Kingdom
Dudley	Sarah	United Kingdom
Duffy	Terence	United Kingdom
Duncan	Helen Teresa	United Kingdom
Earls	John	United Kingdom
Etim-gorst	Teresa	United Kingdom

Fitt	Leila	United Kingdom
Fitzherbert	Charles	United Kingdom
Galliver-Andrew	Steven John	United Kingdom
Gifford	Brian	United Kingdom
Goodhind	William	United Kingdom
Gopal	Nirmala	United Kingdom
Gunn	Janet	United Kingdom
Hainsworth	David	United Kingdom
Hampson	John	United Kingdom
Howard	Michael	United Kingdom
Hurrell	Peter	United Kingdom
Igras	Katherine	United Kingdom
Ingelbrecht	Christopher	United Kingdom
Jol	Philip	United Kingdom
Jones	Alun	United Kingdom
Knight	Howard	United Kingdom
Leathers	Melanie	United Kingdom
Lopez y Royo	Vikram	United Kingdom
Malik	Shaama	United Kingdom
Mcginley	Francis	United Kingdom
Nicholson	Margaret	United Kingdom
Ogundipe	Olufemi	United Kingdom
Patel	Milan	United Kingdom
Paul	Stephen	United Kingdom
Paul	Leslie	United Kingdom
Pickles	Kenneth	United Kingdom
Porter	Claire	United Kingdom
Quoroll	Bernard	United Kingdom
Redding	Philip	United Kingdom
Scanlan	Neil	United Kingdom
Sellers	Robin	United Kingdom
Shelley	Richard	United Kingdom
Shevchenko	Anna	United Kingdom
Simon	Paul	United Kingdom
Smiles	Adrian	United Kingdom
Solomon	Valerie	United Kingdom
Strachan	Judith	United Kingdom
Summers	Fredrick	United Kingdom
Syrett	Annie	United Kingdom
Taylor	David	United Kingdom
Tilley	Marc	United Kingdom
Verjee	Aly	United Kingdom
Wesson	Paul	United Kingdom



Worrall	Joseph	United Kingdom
Wright	Richard	United Kingdom
Wykurz	Karen	United Kingdom
Wynne	Janet	United Kingdom
Abramiuk	Larissa	United States
Arneim	Ethan	United States
Arnoldy	David	United States
Barrus	Pamela	United States
Bartos	Omar	United States
Becker	Robert	United States
Bemis	Howard	United States
Blair	Christopher	United States
Block	Brian	United States
Bluestocking	Mary	United States
Bock	Christian	United States
Bowers	Kyle	United States
Bows	Stephen	United States
Brandstetter	Robert	United States
Bunton	Cynthia	United States
Butkevicius	Karolis	United States
Clark	Jeffrey Bruce	United States
Crawford	Melissa	United States
Crawford Jr.	Henry	United States
Cullinane	Scott	United States
De santis	Dennis	United States
Demiray	Janet	United States
Dinneen	Jacob	United States
Downes	Robert	United States
Doyle	Andrew	United States
Dudley	Miles	United States
Dwyer	John	United States
Eberle	Evan	United States
Edelman	Harry	United States
Fedkiw	Yuriy	United States
Finkbeiner	John	United States
Fisher	Jarret	United States
Ford	Stephen	United States
Frankel	Nina Louise	United States
Galbraith	Julie	United States
Gignilliat	Austin	United States
Golembiewski	Edward	United States
Gyurova	Dinka	United States
Hanna	Mara	United States

Harper	Kathyrne	United States
Hegeman	Frederick	United States
Hesse	Mary-Margaret	United States
Hyams	Robert	United States
Inman	Susan	United States
Ishaq	Nasser	United States
Jackson-Mcintosh	Barbara	United States
Kanter	Jordan	United States
Kennedy	Marsha	United States
Klingenberg	Daniel	United States
Kontek	Thaddeus	United States
Kulchyckyj	Yaropolk	United States
La strada	Nicholas	United States
Lasser	Mark	United States
Lauer	Daniel	United States
Lawrence	Catherine	United States
Lee	Linda	United States
Lernihan	Heidi	United States
Lockert	Lia	United States
Lyons	Susan	United States
Malanchuk	Oksana	United States
Margosian	Lester	United States
Marshall	Brian	United States
Martin	Sara	United States
Matchak	Eda	United States
McDonough	Gerald	United States
McKenney	Karen	United States
McMillen	Hannah	United States
McThomas	Andrea	United States
Miller	John	United States
Moran	Steven	United States
Nelson	Vernon	United States
Norfolk	Ruby	United States
O'Connell	David	United States
O'Connor	David	United States
O'Rourke	Iris	United States
O'Shea	Margaret	United States
Parker	Deane	United States
Paullin, jr	Robert	United States
Petit	Urania	United States
Pierce	Tristan	United States
Pollis	Peter	United States
Ravenscraft	Robert	United States

Richter	Philip	United States
Ripley	Rebecca	United States
Rome	Emily	United States
Sarafian	Gregory	United States
Sarchet	Derek	United States
Satches brohs	Penny	United States
Schindler	Jeannie	United States
Shapiro	Steven	United States
Sienkiewicz	Eugene	United States
Smellie	Jordan	United States
Solon	Kathryn	United States
Sowry	Jenny	United States
Suleman II	Rokey	United States
Suli	Gela	United States
Tatten	Susan	United States
Teschner	Douglass	United States
Traldi	Arthur	United States
Turner	Derek	United States
Velcich	Tina	United States
Villegas	Daniel	United States
Walsh	Teresa	United States
Wanat	Annisa	United States
Wasserman	Joel	United States
Wheeler	Richard	United States
White	George	United States
Winters	John	United States
Woodard	Alec	United States
Young	Steven	United States
Yurkovsky	Andrew	United States

**ODIHR EOM Short-term Guest Observers**

Kobayashi	Takaaki	Japan
Tsuda	Miki	Japan
Urabe	Hiroyuki	Japan

**ODIHR EOM Locally Recruited Short-term Observers**

Richard	Bisanz	Austria
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Mavourneen	Mooney	Canada
Olga	Borodankova	Estonia
Alexandros	Boudouris	Greece
Ismini	Panagopoulou	Greece
Anna	Jüngen	Netherlands

Tjadina	Herbert	Netherlands
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Otto Gunnar	Pagels Fick	Sweden
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Daichi	Sakamoto	Japan

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Zdzislaw	Gwozdz	Austria
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Andrei	Krasnyansky	Belarus
James	Hart	Canada
Oricia	Krucko	Canada
Daniel	Nash	Canada
Eduard	Nuhu	Canada
Anne	Sochan	Canada
Rezart	Xhelo	Canada
Nellie	Drozd	Canada
Petr	Base	Czech Republic
Dita	Bicanovska	Czech Republic
Olga	Blatakova	Czech Republic
Jana	Novotna	Czech Republic
Pia	Christmas-Møller	Denmark
Niels Erik	Nielsen	Denmark
Karen	Skipper	Denmark
Soren	Sonderstrup	Denmark
Sofia	Svensson	Denmark
Erik	Thau-Knudsen	Denmark
Hanne	Bang	Denmark
Niels	Boel	Denmark
Jens	Vang	Denmark
Matti	Heinonen	Finland
Helena	Laatio	Finland
Alexandre	Benz	France
Beatrix	Boonekamp	France
Peter	Erhardy	France
Mathieu	Lemoine	France
Adeline	Marquis	France
Nadia	Yakhlaf-Lallemand	France
Rodolphe	Oberle	France
Sabine	Ohayon	France
Lela	Taliuri	Georgia
Franziska	Best	Germany

Ingo	Buettner	Germany
Brigitte	Heuer	Germany
Stefan	Koeppe	Germany
Thomas	Leszke	Germany
Christa	Mueller	Germany
Jana Sophia	Nolle	Germany
Jochen Michael	Rinck	Germany
Helmut	Goeser	Germany
Janina	Markewitsch	Germany
Riccardo	Lepri	Italy
Federica	Raimondo	Italy
Vygandas	Aleksandravičius	Lithuania
Marianne	De Wit	Netherlands
Onno	Van der Wind	Netherlands
Jan Hugo	Holtan	Norway
Trond	Husby	Norway
Jon Roar	Strandenes	Norway
Nina	Wessel	Norway
Zbigniew	Cierpinski	Poland
Radziśława	Gortat	Poland
Andrzej	Klimczyk	Poland
Mats	Ekholm	Sweden
Eva	Jakobsson	Sweden
Astrid	Nunez	Sweden
Marie Sigrid	Utterman	Sweden
Mario	Barfus	Switzerland
Martin	Minder	Switzerland
Alexandra	Von Arx	Switzerland
Akinola	Akinsanya	United Kingdom
Alexander	Folkes	United Kingdom
Sandra	Gale	United Kingdom
Stella	Hellier	United Kingdom
Andrew	McEntee	United Kingdom
Sarah	McGuckin	United Kingdom
Julian	Nundy	United Kingdom
Kiron	Reid	United Kingdom
Anthony	Robinson	United Kingdom
Mark	Waller	United Kingdom
James	Berk	United States
Joan	Brown	United States
Susanne	Cooper	United States
Robert	Gillette	United States
Max	Gough	United States
Gregoire	Houel	United States
Nicholas	Jahr	United States

Kathleen	Johnson	United States
Tanya	Karpiak	United States
Helen	Kornblum	United States
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Sherry	Murphy	United States
Karen	Reinhardt	United States
Elia Varela	Serra	United States
Degee	Wilhelm	United States

**ODIHR EOM Core Team**

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Caroline	Gonthier	France
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Silke	Tittel	Germany
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Ahmad	Rasuli	Kyrgyzstan
Jarosław Marcin	Domański	Poland
Michał	Gałkowski	Poland
Paweł	Jurczak	Poland
Roman	Railean	Romania
Maša	Janjušević	Serbia
Saša	Pokrajac	Serbia
Anders Uno	Eriksson	Sweden
Karolina Magdalena	Riedel	Sweden
Jane	Kareski	North Macedonia
Peter	Booker	United Kingdom
Polyna	Lemos	United Kingdom
Chris John	Taylor	United Kingdom

## ABOUT ODIHR

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

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

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

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

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

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

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

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

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