



**Ukrainian World Congress
International Observation Mission to Ukraine's 2019 Elections**

Interim Report - 26 March 2019

A. ABOUT THE MISSION

The 2019 Presidential Election in Ukraine is taking place at a time when Ukraine is facing challenges to its territorial integrity, including the illegal occupation of Crimea ongoing armed aggression on its Eastern territories. This situation makes Ukraine vulnerable to the additional potential threat of being a target for foreign interference in its electoral process.

It will, therefore, be extremely important for Ukraine in 2019 to ensure free, fair and transparent presidential and parliamentary elections for its citizens who, like all other free peoples, have the absolute right to express their will in choosing their country's leadership in a democratic process free from foreign interference.

To this end, on 24 January 2019, the Ukrainian World Congress (UWC) announced the launch of the UWC International Observation Mission to Ukraine's 2019 Elections (UWC Mission) to monitor and safeguard democracy in Ukraine.

The UWC's immediate Past President, Eugene Czolij, was appointed as the Head of the UWC Mission.

The UWC Mission will monitor and provide reports on the Presidential election slated for 31 March 2019 and, in the event of a second round of voting on 21 April 2019. The UWC Mission will also monitor the Parliamentary election scheduled for 27 October 2019.

The UWC Mission will focus on the following:

- Commenting on the legal framework of the electoral process, particularly on Ukraine's domestic legislation and legal norms as well as Ukraine's commitments to the Organization for Security and Co-operation in Europe and the Council of Europe, and to other international standards for democratic elections;
- Intelligence gathering on Ukraine's preparedness to ensure democratic elections and to counter possible foreign interference, including cyberattacks, manipulations and violations of the electoral process;
- Media-monitoring around the world and in different languages in order to detect any attempts to undermine Ukraine during this election year, including the integrity of Ukraine's electoral processes and the legitimacy of its democracy; and
- Observing the electoral process in the days leading up to and on election day, as well as the counting and transfer of ballot boxes to the Central Election Commission from polling

stations in Ukraine and Ukrainian diplomatic missions around the world where voting will take place.

From an extensive UWC network in more than 60 countries, the UWC Mission has mobilized 122 long-term observers (LTOs) who are performing media-monitoring. The LTOs are based throughout the world and monitor media in their country of residence for any evidence of disinformation. Through an online reporting process information is vetted for accuracy and compiled according to source and narrative.

On election day, the electoral process will be monitored by 219 short-term observers (STOs).

The UWC Mission is also working closely with the observation mission of the UWC member organization - Ukrainian Congress Committee of America, which is deploying 77 short-term observers. Combined the two missions will deploy 296 short-term observers. UWC STOs will be coming to Ukraine from 17 countries and will also observe elections in diplomatic representations of Ukraine in 24 countries. The findings of both missions will be integrated into the Final Report of the UWC Mission.

By its composition and scope, the UWC Mission is unique because it:

- consists in its vast majority of Ukrainian-speaking observers who are familiar with the situation in Ukraine;
- includes LTOs who will carry out media-monitoring outside of Ukraine; and
- includes STOs who will monitor the electoral process not only in Ukraine but also at Ukrainian diplomatic missions abroad.

Online training on media-monitoring for UWC LTOs was held on 2 March 2019 with media experts from Stop Fake and Kyiv-Mohyla Academy. UWC STOs will be trained in person on 28 and 29 March 2019 in Kyiv and 30 March 2019 in Lviv and Khmelnytsky.

The Mission will be issuing three reports:

- a) an Interim Report on 26 March 2019;
- b) Preliminary Observations the day after the election on 1 April 2019; and
- c) Final Report eight (8) weeks after the election.

The UWC Mission core team includes:

Eugene Czolij - Head of Mission;
Andrew Futey - Deputy Head of Mission;
Peter Sztyk - Chief Observer;
Maryna Iaroshevych - Advisor to Head of Mission;
Volodymyr Kistianyk - Coordinator of Mission; and
Irene Mycak - Media Officer.

The UWC Mission is completely independent and does not receive any government funding.

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B. DOMESTIC AND INTERNATIONAL OBSERVERS

The Central Election Commission (CEC) has accredited 139 domestic observer organizations.

The deadline for the registration of official observers from foreign states and international organizations was 23 March 2019. The CEC has accredited 15 international organizations with 1, 841 observers as well as 179 observers from 16 states.

The UWC Mission ranks as the third largest international observation mission.

On 7 February 2019, the Verkhovna Rada adopted a law that bans Russian citizens from participating as observers in the Presidential and Parliamentary elections. This has affected the UWC Mission in that it has excluded citizens of the Russian Federation that are members of UWC member organizations from joining the UWC Mission.

C. BACKGROUND

The 2019 Presidential Election in Ukraine is taking place on the heels of the 5th anniversary of Ukraine's Revolution of Dignity and the invasion by the Russian Federation of the sovereign territory of Ukraine including the illegal occupation of Crimea and subsequently, parts of the Eastern Ukrainian territory of the Donbas.

In 2014, the people of Ukraine stood up against the authoritarian regime of Viktor Yanukovich in a Revolution of Dignity which ended in sniper fire and the deaths of 100 peaceful Ukrainian protesters from 18-20 February 2014 in Kyiv.

Immediately following the Revolution of Dignity, the Russian Federation invaded and illegally occupied Ukraine's Crimean Peninsula and launched military aggression against Ukraine on its Eastern territories.

The Russian military aggression has affected the entire population of Crimea and 4.4 million people in Eastern Ukraine.

The consequences of the military actions of the Russian Federation in the Donbas include over 11,000 deaths, 25,000 injuries and the internal displacement of more than 1.5 million people.

Since the beginning of the aggression over 2,500 people have been the victims of exploding landmines, including at least 240 children, and 1.9 million people live on territories littered with landmines.

3.4 mln people require humanitarian aid, 2.2 mln – medical aid and 1.2 mln – food aid.

More than 70 political prisoners are being illegally detained by the Russian Federation, and more than 100 hostages are being held in the Donbas.

The conflict has escalated further with the assault of the Russian Federation's naval forces on three Ukrainian naval vessels near the Kerch Strait. The three ships were seized and 24 crew members were unlawfully detained.

The human rights situation in Crimea continues to deteriorate.

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The hybrid aggression of the Russian Federation against Ukraine has been widely acknowledged and repeatedly condemned by the international community which has provided military, financial and humanitarian aid to Ukraine.

Since the last Presidential election in Ukraine in 2014, the following events have occurred:

- coming into force of the EU-Ukraine Association Agreement, as well as the Deep and Comprehensive Free Trade Area;
- adoption of a visa free regime for Ukrainian citizens travelling to Schengen zone countries;
- signing of the Canada-Ukraine Free Trade Agreement;
- granting of a Tomos of autocephaly to the Orthodox Church of Ukraine; and
- adoption of constitutional amendments reflecting Ukraine's strategic goal of becoming a member of NATO and the European Union.

D. LEGAL FRAMEWORK

Ukraine's Legislation

The legal framework governing elections in Ukraine is based upon the following laws: a) Constitution of Ukraine; b) Law on Elections of the President of Ukraine; c) Law on the State Register of Voters of Ukraine; d) Law of Ukraine on the Central Election Commission; e) Code of Administrative Proceedings; f) Code of Administrative Offences; and g) Criminal Code of Ukraine. Below are excerpts from salient provisions of these laws:

a) Constitution of Ukraine:

Article 38. Citizens have the right to participate in the administration of state affairs, in All-Ukrainian and local referendums, to freely elect and to be elected to bodies of state power and bodies of local self-government

Article 69. The expression of the will of the people is exercised through elections, referendum and other forms of direct democracy.

Article 70 Citizens of Ukraine who have attained the age of eighteen on the day of elections and referendums have the right to vote in the elections and referendums. Citizens deemed by a court to be incompetent do not have the right to vote.

Article 71 Elections to bodies of state power and bodies of local self-government are free and are held on the basis of universal, equal and direct suffrage, by secret ballot. Voters are guaranteed the free expression of their will.

b) Law on Elections of the President of Ukraine:

Article 1. Main Principles of the Elections of the President of Ukraine

1. The President of Ukraine shall be elected by the citizens of Ukraine on the basis of universal, equal and direct suffrage, by means of a secret ballot.

2. The term of office of the President of Ukraine shall be determined by the Constitution of Ukraine.

Article 2. General Suffrage

1. The elections of the President of Ukraine are general. Citizens of Ukraine, who have reached 18 years of age on the day of elections, shall have the right to vote.

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[...]

3. Citizens of Ukraine who have the right to vote may participate in the work of election commissions as their members, as well as in the conduct of the pre-election campaign, in the observation of the elections of the President of Ukraine and in other events in accordance to the procedure specified in this and other laws of Ukraine.

4. Any direct or indirect privileges or restrictions of the voting rights of the citizens of Ukraine based on race, skin colour, political, religious and other convictions, gender, ethnic and social origin, property status, place of residence, or based on language or other criteria, besides those envisaged by the Constitution of Ukraine and this Law, shall be prohibited.

5. Citizens found incompetent by a court shall not have the right to vote.

6. The right to vote in the election of the President of Ukraine of citizens of Ukraine, who, at the time of preparation and conduct of the elections, reside or are staying outside the boundaries of Ukraine is guaranteed by inclusion in the registry of voters in the relevant electoral precinct established in accordance with this Law.

7. Citizens of Ukraine who have the right to vote are voters.

Article 3. Equal Suffrage

1. The elections of the President of Ukraine shall be equal: citizens of Ukraine shall take part in them on an equal basis.

2. Each citizen of Ukraine has one vote in the elections of the President of Ukraine. The voter may only cast his/her vote at one election precinct on the day of elections where he/she is registered on the voters' list. The voter exercises his/her right to vote in accordance with the regulations as stipulated in this Law.

3. All candidates nominated for the post of the President of Ukraine shall enjoy equal rights and opportunities to take part in the election process.

4. The equality of rights and opportunities to take part in the election process is guaranteed by:

1) the prohibition of all privileges and restrictions on the candidates for the post of President of Ukraine based on race, skin colour, political, religious and other convictions, gender, ethnic and social origin, property status, place of residence, or based on language or other criteria;

2) the prohibition on interference from State executive bodies, governing authorities of the Autonomous Republic of Crimea and bodies of local self-government in the election process, except in cases envisaged by this Law;

3) the prohibition on using funds for the purposes of financing the pre-election campaign other than funds from the State Budget of Ukraine and the election funds of the candidates for the position of President of Ukraine.

4) the equal and objective treatment by the institutions of state governing authorities, governing authorities of the Autonomous Republic of Crimea and bodies of local self-government, and their civil and elected officials, of the candidates for the position of President of Ukraine.

5) equal and objective treatment by the media of of the candidates for the position of President of Ukraine.

Article 4. Direct Suffrage

Elections of the President of Ukraine are direct. Citizens of Ukraine shall directly elect the President of Ukraine.

Article 5. Voluntary Participation in Elections

Citizens of Ukraine participate in the elections of the President of Ukraine on a voluntary basis. No one may be forced to take part or not take part in the elections.

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Article 6. Free Elections

1. The elections of the President of Ukraine are free. The voters are guaranteed conditions to form and express their will freely during voting.
2. The use of violence, threats, fraud, bribery or any other actions impeding the free formation and free expression of the will of the voters is prohibited.
3. Military servicemen shall vote at ordinary election precincts located outside the boundaries of dislocations of military units, except in cases envisaged by this Law. Fixed-term military servicemen shall be provided with at least a four hour leave on the day of elections in order to ensure the free expression of their will.

Article 7. Secret Ballot

The ballot for the elections for the President of Ukraine is secret: control over the expression of the will of voters is prohibited. Photographing, videotaping in any way the results of the expression of will of the voters in the voting booth for casting a secret ballot, and the revelation by the voter of the results of the expression of will in the electoral precinct is forbidden and a violation of the secret vote.

Members of electoral commissions, other individuals are forbidden to take any action or announce information that could lead to the revelation of a specific voter's expression of will.

Article 8. Personal Voting

Each voter shall cast s his/her vote at the elections of the President of Ukraine in person. Voting on behalf of other persons, as well as delegating one's right to vote to any other person, is prohibited.

Assisting a voter with specific needs unable to independently fill out a ballot or drop it into a ballot box during the expression of his/her free will and in accordance with this Law is not considered voting in place of the voter.

Article 9. Eligibility

1. A citizen of Ukraine, who is thirty-five years of age on the day of elections, eligible to vote, has a commands of the state language and has resided in Ukraine for the last ten years prior to the day of elections, can be elected the President of Ukraine.
2. According to this Law, residence in Ukraine mean a residence registered in Ukraine in accordance with the Law on Freedom of Movement and Free Choice of Place of Residence in Ukraine.
3. One and the same individual cannot be the President of Ukraine for more than two consecutive terms. An individual who has been elected the President of Ukraine for two consecutive terms cannot be nominated as a candidate for this post.
4. A person, whose powers at the post of President of Ukraine have been terminated before the term according to the Constitution of Ukraine, cannot be nominated candidate to the post of the President of Ukraine in extraordinary elections called in connection with the aforementioned termination of powers.

Article 10. Right to Nominate Candidates for the post of the President of Ukraine

1. The right to nominate candidates to the post of the President of Ukraine shall belong to Ukrainian citizens who are eligible to vote. They shall exercise this right through political parties or their election blocs (hereinafter parties (blocs)), as well as by self-nomination in accordance with this Law.
2. A party (bloc) may only nominate one candidate to the post of the President of Ukraine.

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Case law

Case law of the Constitutional Court of Ukraine also plays an important role with respect to the electoral legislation of Ukraine (article 147 of *the Constitution of Ukraine*).

International Law

Ukraine has also made commitments to the UN, OSCE and Council of Europe and is bound by other international standards of the democratic expression of will, specifically:

a) *Universal Declaration of Human Rights* adopted by the UN General Assembly:

Article 21. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be conducted by universal and equal suffrage and shall be held by secret vote or by other equivalent free voting procedures that guarantee freedom of the vote.

b) *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe*:

5. They solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

5.1. free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives

c) *Law of Ukraine on Implementing decisions and applying practices of the European Court of Human Rights*:

Article 17. Courts [of Ukraine] in hearing cases apply the Convention [Convention for the Protection of Human Rights and Fundamental Freedoms] and the practice of the Court [European Court of Human Rights] as the sources of law.

d) *Law of Ukraine on The Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, First Protocol and protocols No.2, 4, 7 and 11 of the Convention*:

Article 1. Ukraine fully recognizes on its territory article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 on the recognition of the competency of the European Commission for Human Rights to accept from any individual, non-governmental organization or group statements addressed to the Secretary General of the Council of Europe on violations by Ukraine of rights, as designated by the Convention, and article 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 on recognizing as mandatory and without the need for a special agreement the jurisdiction of the European Court of Human Rights in all questions related to interpreting and applying the Convention.

Recent relevant updates

In 2015, Ukraine adopted the *Law of Ukraine on the Condemnation of the Communist and National Socialist (Nazi) Regimes, and Prohibition of Propaganda of Their Symbols* which prevents the nomination of a candidate for President of Ukraine by a party that disseminates the propaganda of Communist or national-socialist (Nazi) totalitarian regimes.

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As a result of the illegal occupation of Crimea and the armed aggression of the Russian Federation in Eastern Ukraine, which have been repeatedly condemned by the international community, Ukrainian lawmakers have adopted the following legal acts:

- 1) *Resolution of the Central Election Commission of Ukraine No 274* dated 31.12.2018, that provides citizens of Ukraine living on the territory of the Russian Federation the right to vote in Georgia, Kazakhstan and Finland;
- 2) *Resolution of the Central Election Commission No. 303* dated 12.02.2019, confirming that citizens of Ukraine shall not be able to vote on the temporarily occupied territories of Crimea and Donbas;
- 3) *Resolution of the Central Election Commission No. 893* dated 13.09.2012, which foresees that residents of the temporarily occupied territories of Crimea and Donbas shall have a right to change their electoral precinct to one within Ukrainian controlled territory on the basis of a declaration;
- 4) Law of Ukraine “*On amendments to some laws of Ukraine on monitoring the electoral process in Ukraine*” dated 07.02.2019, which includes an amendment to article 68 of the *Law of Ukraine “On Elections to the President of Ukraine”*, stating that an official observer may not be an individual who is a citizen of a state recognized by the Verkhovna Rada of Ukraine as an aggressor state or occupier state. The Russian Federation is recognized by the Verkhovna Rada of Ukraine as an aggressor state in the declaration of the Verkhovna Rada of Ukraine “*On combating armed aggression of the Russian Federation and overcoming its consequences*” dated 21 April 2015 and the *Law of Ukraine “On the specifics of state policy on guaranteeing the state sovereignty of Ukraine on the occupied territories of the Donetsk and Luhansk Oblasts*” dated 18 January 2018.

E. UKRAINE’S PREPAREDNESS

The 2019 Presidential Election in Ukraine is being conducted while the country continues to combat the hybrid aggression being waged by the Russian Federation on Ukrainian territory. This, coupled with the fact that the Russian Federation has been linked to disruptions to electoral processes in other independent countries, has placed Ukrainian authorities on high alert with respect to monitoring any potential threat of foreign interference in the electoral process.

Ukrainian authorities have assured the UWC Mission of their readiness to act accordingly and respond to potential threats. In preparing to address any potential threats to the electoral process Ukrainian authorities have sought cooperation with international partners to learn from past experiences and best practices.

F. UWC MISSION ACTIVITIES

Launch of UWC Mission Activities in Ukraine: The UWC Mission launched its activities in Ukraine on 11-15 February 2019 during a working visit by Head of the UWC Mission Eugene Czolij and Advisor to the Head of Mission Maryna Iaroshevych.

Within the framework of his visit, the Head of the UWC Mission met with Hierarchs of Ukrainian Churches, representatives of the governing authorities, specifically with the Central Election Commission of Ukraine and the Ministry of Foreign Affairs, the leadership of other international and national observation missions in Ukraine, as well as representatives of civil society in Ukraine working mainly in the areas of media monitoring and communications. The meetings focused on the preparation of the Ukrainian Presidential election on 31 March 2019, and the monitoring of this process by the UWC Mission.

Meetings with experts in the field of media monitoring and communications touched upon the monitoring activities by UWC LTOs and coverage of the electoral process in Ukraine by foreign media.

The Head of the UWC Mission met with the following individuals:

Aivazovska Olga, "OPORA" Head of the Board, Political Programs Coordinator

Bekeshkina Iryna, Director of the Ilko Kucheriv Democratic Initiatives Foundation

Bernatska Nataliia, Secretary at the Ukraine Central Election Commission

Bodnar Vasyl, Deputy Minister of Foreign Affairs of Ukraine

Boggeri Francesca, Media Analyst of OSCE/ODIHR Election Observation Mission to Presidential Election 2019 in Ukraine

Bondarenko Anatoliiy, Editor of "data journalism" of TEXTY.org.ua online media

Bozhok Yehor, Head of External Intelligence Service of Ukraine

Boiarchuk Roman, Head of State Center for Cyber Protection and Counteraction of Cyberthreats

Domenico Reno, Chief Observer of the Election Observation Mission of the Ukrainian Congress Committee of America

Druckman Mehri, IREX Ukraine Country Representative

Dumanska Vita, Coordinator of CHESNO Movement

Fedchenko Yevhen, Director of the Mohyla Journalism School, Co-Founder and Chief Editor at StopFake

His Beatitude Epifaniy, Primate of the Orthodox Church of Ukraine, Metropolitan of Kyiv and All Ukraine

His Beatitude Sviatoslav, Head of the Ukrainian Greek Catholic Church

Hopko Hanna, Head of the Committee on Foreign Affairs at the Verkhovna Rada of Ukraine

Hrytsak Vasyl, Chairman of Security Service of Ukraine

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Jepsen Harald, International Senior Adviser of International Foundation for Electoral Systems

Krause Stefan, Deputy Head of Mission of OSCE/ODIHR Election Observation Mission to Presidential Election 2019 in Ukraine

Meleshevych Andriy, President of the National University of “Kyiv-Mohyla Academy”

Odynska Olya-Grod, Deputy Head of Mission Canada – Ukraine Elections 2019

Ogrysko Volodymyr, Ambassador, Minister for Foreign Affairs of Ukraine (2007-2009), Director of the Center for Russian Studies

Pavlenko Rostyslav, Director of the National Institute for Strategic Studies

Radchenko Yevhenii, Vice-Chairman of the Ukraine Central Election Commission

Rozkładaj Igor, Media-Lawyer at the Media Law Institute, Expert at the Reanimation Package of Reforms

Savanevskiy Maksym, Managing Partner at PlusOne Digital Agency

Slipachuk Tetiana, Chairperson of Ukraine Central Election Commission

Sologub Ilona, Scientific Editor at VoxUkraine

Tejler Peter, Ambassador, Head of OSCE/ODIHR Election Observation Mission to Presidential Election 2019 in Ukraine

Tsibulska Liudmyla, Head of the Hybrid Warfare Analytical Group of Ukraine Crisis Media Center

Turchynov Oleksandr, Secretary at the Council of National Security and Defence of Ukraine

Vujovic Zlatko, Head of ENEMO Election Observation Mission to Ukraine 2019

Waschuk Roman, Extraordinary and Plenipotentiary Ambassador of Canada to Ukraine

Woodward Ian, Deputy Director of National Democratic Institute

Yevdochenko Leonid, Chairman of the State Service of Special Communications and Information Protection of Ukraine

Zolotuhin Dmytro, Deputy Head of the Ministry of Information Policy of Ukraine

Launch of UWC LTO activities: Disinformation in the lead up to the Presidential election in Ukraine has been identified as one of the most serious threats to a free, unhindered from foreign interference, democratic electoral process. Media experts and think tanks continue to warn of the dangers of fabricated and falsified information that aim to alter the opinions of voters, and incite confrontation and conflict. The disinformation campaign is not confined to the Ukrainian information sphere and is widespread throughout the world with the goal of disillusioning Ukraine's allies.

The UWC Mission has organized a team of 122 LTOs from 28 countries that is working remotely from each observer's respective country of residence monitoring the global media environment for evidence of disinformation. The monitoring started on 2 March 2019 and will continue until the end of the Presidential election.

G. ABOUT THE UWC

The UWC is the international coordinating body for Ukrainian communities in the diaspora representing the interests of over 20 million Ukrainians. The UWC has a network of member organizations and ties with Ukrainians in 62 countries. Founded in 1967, the UWC was recognized in 2003 by the United Nations Economic and Social Council as a non-governmental organization with special consultative status and obtained in 2018 participatory status as an international non-governmental organization with the Council of Europe.

Since 1999, the UWC has deployed election observation missions to monitor all Presidential and Parliamentary elections in Ukraine.