

STATEMENT OF THE NDI ELECTION OBSERVATION MISSION TO UKRAINE'S MARCH 31, 2019 PRESIDENTIAL ELECTION

Kyiv, Ukraine, April 1, 2019

This preliminary statement is offered by the National Democratic Institute (NDI) election observer delegation to Ukraine's March 31 presidential election. The delegation included observers from nine countries and was led by former Ambassador to Ukraine Bill Taylor (U.S.), former Director of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Audrey Glover (U.K.), and former Minister for European Union Affairs Birgitta Ohlsson (Sweden). This statement builds on the findings of four long-term analysts and the ongoing work of NDI's office in Ukraine, as well as the joint NDI and European Parliament [pre-election assessment delegation statement](#) issued in November 2018.¹

The aims of NDI's election observation mission were to accurately and impartially assess various aspects of the election process, and to offer recommendations to support peaceful, credible elections and public confidence in the process. The Institute has undertaken its mission in accordance with the Declaration of Principles for International Election Observation, its accompanying Code of Conduct for International Election Observers, and Ukrainian law. The delegation would like to stress that this statement is preliminary in nature. The official results are not yet finalized, and any electoral complaints that may be lodged are yet to be adjudicated. NDI will continue to monitor electoral processes, will observe the second round scheduled for April 21, and will issue further statements. The delegation recognizes that it is the people of Ukraine who will ultimately determine the credibility and legitimacy of their election.

SUMMARY

This election was genuinely competitive and voters turned out in higher numbers than in the 2014 presidential poll. For the second time since the Revolution of Dignity, despite ongoing Russian aggression, Ukraine held an election that broadly reflects the will of voters and meets key international standards. However, many important opportunities to promote public confidence by improving the electoral process have been missed in recent years.

On election day, voting, counting, and tabulation processes were largely peaceful and orderly. The Central Election Commission's preliminary results were confirmed by a credible parallel vote tabulation conducted by the Ukrainian citizen association OPORA. Voter turnout was robust. Election officials and observers performed their roles effectively. Since no candidate received a majority, a second round is scheduled for April 21.

Ukraine has many of the necessary ingredients for credible elections, including an adequate legal framework, an open media environment, respect for basic freedoms, and a vibrant civil society. The political landscape is fundamentally competitive. Ukrainians demonstrated their resilience and overwhelming commitment to a democratic future through their constructive, peaceful participation in this election.

At the same time, the process highlighted underlying problems, some new and some long-standing. During the campaign, many candidates appeared to set the stage to contest the outcome by preemptively

¹Statement of the National Democratic Institute and European Parliament Pre-Election Delegation to Ukraine, November 17, 2018. Link: <https://www.ndi.org/publications/statement-national-democratic-institute-and-european-parliament-pre-election-delegation>

discrediting the process. These efforts amplified Russian narratives. Other key challenges relate to shortcomings in the election law and concerns about the transparency and impartiality of election administration; abuses of resources and power, including politicization of state institutions; failures to promote equality between men and women, and inclusion of marginalized groups; unequal access to traditional media; and disinformation in offline and online media sources. Many of the more persistent challenges have readily available solutions. Future progress in these areas will depend on political will.

As no candidate won an absolute majority of the votes cast, a second round between the two frontrunners will take place in three weeks. The delegation offered a number of recommendations for improvements that could be implemented before the next round. These included:

- the Central Election Commission (CEC) should adopt additional transparency measures;
- the parliament should deliberate and vote on draft law #8270, which would increase penalties for electoral violations;
- candidates should refrain from negative campaigning and disseminating disinformation;
- candidates should participate in debates and focus on issues of importance to voters;
- technology companies should evaluate the role their platforms played in these elections in order to act earlier and more decisively in advance of future elections; and
- government bodies and election management bodies should increase efforts to monitor, prevent and sanction the misuse of administrative resources during the campaign.

POLITICAL CONTEXT

The 2019 presidential and parliamentary elections cycle is the second since Ukraine's historic Revolution of Dignity in 2014. The country has progressed significantly since that time. Achievements of the post-Revolution government and parliament have included decentralization of power to the local level; free trade with and visa-free travel to the European Union; the creation of anti-corruption institutions; reform of public procurement and the health, education and pension systems; energy independence from Russia; and macroeconomic stabilization. The political environment is open and competitive. Even more impressive has been the transformation among Ukrainians themselves, who have clearly demonstrated their aspiration for integration into European institutions and their overwhelming commitment to a democratic future.

The snap elections of 2014 were characterized by high expectations for the reform process and hopes for an early end to the conflict with Russia. Five years later, 80 percent of Ukrainians across all regions say it is important for the country to become a fully functioning democracy, according to NDI surveys.² At the same time, many have been adversely affected by the conflict and feel frustrated by a slow pace of change and a decrease in living standards. Dissatisfaction with progress in combating corruption and promoting judicial independence has contributed to low approval ratings for political leaders and institutions. Aspirations for democracy and unrealized expectations have fueled demand for change. In this sense, this election represents a crossroads for Ukrainian leaders.

Kremlin aggression remains a central feature of Ukrainian politics. Russian occupation of Crimea, control of territory in eastern Ukraine, and other forms of hybrid warfare aimed at thwarting Ukraine's democratic and European aspirations are ongoing. Disinformation campaigns and other actions designed to foment social division and destabilization are key among them. Responding to this aggression strains and complicates Ukraine's fragile political, economic, and social systems.

²Opportunities and Challenges Facing Ukraine's Democratic Transition, NDI, December 2018. Link: <https://www.ndi.org/publications/ukraine-voters-undecided-seeking-new-faces-pivotal-2019-election>

The presidential and parliamentary elections of 2019 will shape Ukraine's policy directions for the coming years. Just as important, the conduct of the elections -- including the public confidence they inspire -- will define the mandates for the next presidential administration, parliament, and government. Credible processes will lend forward momentum to the country's democratic path. Ukraine's trajectory will, in turn, reverberate beyond its borders.

Following the presidential election, a political realignment is likely. New parties and alliances may emerge as political leaders turn their attention to the parliamentary elections scheduled for the fall. This will present a renewed opportunity for parties to earn the support and confidence of the sizable electorate that continues to feel unrepresented by the political choices currently available.

The success of Ukraine's efforts to establish a prosperous, independent and democratic future is of vital importance to global security and well-being. The international community of democracies -- with leadership from the U.S. and Europe -- owes Ukraine both moral and material support on its journey forward. Foremost among these expressions of solidarity is the assurance that the doors to EU and NATO membership remain open.

ELECTION DAY

Election day proceedings

For the most part, OPORA, NDI, and other observers positively assessed voting, adherence to procedures, and the overall environment in polling stations. OPORA noted improvements in the performance of precinct election commissions (PEC) compared with the 2014 presidential polls. Fears of extensive overcrowding and violence at precincts were not realized. NDI observed that only a small minority of polling stations were accessible to voters with disabilities.

OPORA's parallel vote tabulation results are aligned with the preliminary results published by the CEC. Since no candidate received a majority, Volodymyr Zelenskyi and Petro Poroshenko will advance to a second round scheduled for April 21.

Independent observers were present in polling stations throughout the country, including observers from established observation groups such as OPORA and the Committee of Voters of Ukraine (CVU). Other groups, including paramilitary organizations such as National Troops, as well as observers from multiple candidates, were present.

According to the Ministry of Internal Affairs, by the close of polls there were isolated reports of election day violations with 17 administrative protocols issued and 31 criminal proceedings opened. There were 18 reports of bomb threats at polling stations, including 11 in Dnipropetrovsk oblast. The media reported that a Molotov cocktail was thrown at a polling station in Chernihiv. The flame was quickly extinguished and voting was not interrupted.

Many campaigns issued statements throughout the day accusing other campaigns, candidates, electoral administration bodies, and the security services of various electoral violations and falsifications.

ELECTORAL FRAMEWORK AND ADMINISTRATION

Framework

There is broad agreement among international and domestic experts that the legal framework for the presidential election is generally adequate. However, some key improvements recommended by

OPORA, NDI,³ and others have not yet been enacted. These include harmonizing the presidential, parliamentary, and local election laws; refining procedures for internally displaced persons (IDPs) and internal labor migrants to vote where they currently reside; strengthening electoral justice through enhancing impartial electoral dispute resolution; and ending impunity through timely, effective, and proportionate punishment for violations of election laws.

The method by which district election commissions (DECs) and precinct election commission (PECs) are composed remains problematic and susceptible to abuse. Parties, candidates, and observers lack confidence in the system. All registered candidates may nominate members to DECs and PECs. In this election, more than a third of the 39 candidates failed to conduct active campaigns but took advantage of the right to appoint lower-level commissioners.⁴ These so called “technical candidates” are suspected of entering the race in part to secure commission positions, in support of more viable candidates, giving them disproportionate influence on the commissions. A related problem was widespread turnover among commissioners between the formation of the DECs and PECs and election day, amounting to more than a third of DEC members, and an even greater proportion of PEC members. Turnover on this scale detracts from the commissioner training provided by the CEC and others earlier in the electoral process.

Election Administration

The CEC -- newly appointed in September 2018 -- operated professionally and efficiently and met most election deadlines, despite facing time and resource constraints. It registered candidates in a timely and inclusive manner and upgraded its cybersecurity infrastructure. These measures were not sufficient, however, to overcome low public trust in the Commission, according to several surveys. The Commission made some efforts to increase transparency. However, deliberations often took place in closed-door preliminary sessions.

The CEC took modest steps to enable voting by those in Crimea and the Russian-controlled areas of Donetsk and Luhansk, as well as IDPs. The parliament failed to pass draft law #6240 that would have simplified this process. As of March 28, more than 300,000 Ukrainians had taken advantage of new procedures to change their place of voting.⁵ Only a small fraction of IDPs were among this number. Also, CSOs reported that the financial and physical barriers to safely crossing the “line of contact” prevented many residents of the occupied and conflict areas from changing their place of voting.

Electoral Justice

³ Top Priority Steps for Further Implementation of Recommendations in the Area of Elections, OPORA, September 10, 2018. Link: <https://www.oporaua.org/report/vybory/45461-protses-vykonannya-ukrayinoyu-rekomendatsiy-u-sferi-vyboriv-nadanykh-mizhnarodnymy-ta-natsionalnymy-sposterezhnymy-misiyamy-mizhnarodnymy-orhanizatsiyamy-ta-inozemnymy-krayinamy-partneramy>; Statement of the National Democratic Institute and European Parliament Pre-Election Delegation to Ukraine, November 17, 2018. Link: <https://www.ndi.org/publications/statement-national-democratic-institute-and-european-parliament-pre-election-delegation>

⁴ Third Report Based on the Observations of Ukraine’s 2019 Presidential Election, OPORA, March 29, 2019. Link: <https://oporaua.org/report/vybory/vybory-prezydenta/vybory-prezydenta-2019/17172-tretii-zvit-gromadianskoyi-merezhi-opora-za-rezultatami-sposterezhennia-na-viborakh-prezydenta-ukrayini-31-bereznia-2019-roku-berezen>

⁵ Record Number of Citizens Changed their Place of Voting, OPORA, March 27, 2019. Link: <https://www.oporaua.org/news/vybory/vybory-prezydenta/vybory-prezydenta-2019/17128-tsogorich-na-viborakh-prezydenta-mistse-golosuvannia-zminila-rekordno-velika-kilkist-liudei>

The parliament delayed consideration of draft law #8270 that would increase penalties for electoral violations.⁶ Many campaigns and civil society groups assessed that the delay was politically motivated.

The national police and other law enforcement agencies were generally responsive to violations that occurred during the campaign. OPORA and the International Foundation for Electoral Systems (IFES) jointly trained officers on detecting and reacting to irregularities. The Ministry of Internal Affairs regularly published information on the numbers and types of violations that had been registered.

A CEC member reported to NDI that the majority of the pre-election complaints were dismissed by individual members on technical grounds, precluding transparent consideration of their substance by the full commission or assessment of the process by observers, a problem noted in past elections.

Candidates made a number of appeals against decisions and actions made by the CEC and State Register of Voters (SRV). In the cases followed by NDI, the courts provided online access to full texts of their decisions within a week, an important transparency measure. OPORA reviewed more than 1,000 cases and noted that local court rulings were at times “unequal and contradictory.”⁷

CANDIDATES AND CAMPAIGN ENVIRONMENT

The campaign was competitive and voters had a range of choices. At the same time, voters were dissatisfied with the choices available to them. While anti-establishment sentiment is strong within the electorate, the presence of only one genuine newcomer among the leading candidates left many voters undecided until late in the campaign.⁸

Candidates and parties were able to campaign openly for the most part. Freedoms of assembly and expression were generally respected. Candidate teams, observers, and the media reported on isolated instances of provocations and counter-rallies at some candidate events, particularly those for Yulia Tymoshenko and Petro Poroshenko. The most active campaigns were those of Petro Poroshenko, Yulia Tymoshenko, Oleh Lyashko, and Anatolii Hrytsenko, while Yuriy Boyko and Oleksandr Vilkul were particularly active in the East and South, and Ruslan Koshulynskyi in some areas of central and western Ukraine. Volodymyr Zelenskyi took an unconventional approach, reaching out to voters primarily online while maintaining an active calendar of live entertainment events not billed as campaign activities.

Negative campaigning, including personal and polarizing attacks, was a consistent feature of this election. Traditional techniques of so-called “black PR” were combined with disinformation, accusations of fraud, and accusations of disinformation about fraud. Personal attacks, especially those online, often used malicious language or imagery to discredit the target. The attacks on the electoral process itself have contributed to high levels of distrust in institutions. Campaign messages intended to communicate policy plans and priorities were largely drowned out.

⁶ Draft law No 8270 “Draft Law on Amendments to Certain Legislative Acts of Ukraine to Increase Liability for Violation of Election Legislation”, April 13, 2018. Link: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63864

⁷ Third Report Based on the Observations of Ukraine’s 2019 Presidential Election, *OPORA*, March 29, 2019. Link: <https://oporaua.org/report/vybory/vybory-prezydenta/vybory-prezydenta-2019/17172-tretii-zvit-gromadianskoyi-merezhi-opora-na-rezultatami-sposterezhennia-na-viborakh-prezydenta-ukrayini-31-bereznia-2019-roku-berezen>

⁸ Opportunities and Challenges Facing Ukraine’s Democratic Transition, NDI, December 2018. Link: <https://www.ndi.org/publications/ukraine-voters-undecided-seeking-new-faces-pivotal-2019-election>

A record 39 candidates competed in the first round of the election. Citizen monitoring groups reported that more than a third of the candidates did not run full-scale election campaigns.⁹ These individuals were so-called “technical candidates,” whose role was to confuse voters, serve as decoys to draw votes from opponents, or stack election commissions on behalf of other candidates, as described above.

Allegations of vote buying, a longstanding feature of Ukrainian elections, were prominent in this campaign. Complaints about the campaigns of Yulia Tymoshenko and President Poroshenko were pervasive. While more than 70 criminal investigations into vote buying have been opened, any proceedings in court will not be resolved until after the election is complete. These allegations, irrespective of the underlying realities, have a corrosive effect on the electoral process and, at times, seemed to be laying the groundwork for post-election challenges.

Notable claims of abuse of administrative resources, another pervasive feature of Ukrainian elections, included several one-time budgetary programs, such as special pension payments during March and April; salary increases for members of the armed forces; monetization of energy subsidies to households; and regional development subsidies. While the legality of these instances is open to interpretation in the Ukrainian context, they do not align with guidelines articulated by the OSCE/ODIHR and Council of Europe’s Venice Commission.¹⁰

Equally troubling was the perception of fragmentation and allegations of partisanship among the security services. Representatives of multiple campaigns publicly accused various agencies and bodies of ignoring their mandates and acting with partisan motivations. Another worrying feature of the pre-election period was the rise of paramilitary groups that interfered with campaign events, clashed with police, and vandalized premises linked to candidates and parties.

This election was conducted under a new regulatory framework for party and campaign finance that increased transparency. However, a number of NDI’s and others’ recommendations remain unaddressed. The framework includes inconsistencies, the process for making small donations remains burdensome, regulation of spending prior to the official campaign is inadequate, and the CEC lacks the resources to effectively monitor and enforce laws and regulations. In addition, the National Agency for Prevention of Corruption (NAPC) has yet to establish a reputation for impartiality.

There is overwhelming demand among Ukrainians for political parties and elected officials to represent the interests of citizens, rather than those of a narrow elite. Yet oligarchic financing remains a key driver of the political and electoral environment. One civil society representative described the presidential election as “a competition of money rather than ideas.” While candidates were free to raise campaign funds, there were large disparities in reported income. The incumbent president reported self-funding his campaign with more than double the resources of the next highest candidate and more than the next eight candidates combined.¹¹ One candidate’s status as a television personality afforded him significant media exposure that was not captured by campaign finance reports.

Citizen Election Observation

⁹ According to the reports of observer groups *Opora* and the Committee of Voters of Ukraine (*CVU*), the so-called “technical candidates” generally did not campaign.

¹⁰ Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes, *Venice Commission and OSCE/ODIHR*, March 14, 2016. Link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)004-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)004-e)

¹¹ Financial Reports of Presidential Candidates: Illusion of Transparency, *Chesno*, March 29, 2019. Link: <https://www.chesno.org/post/983/>

Nonpartisan citizen election monitoring is by now a well-established practice in Ukraine. Civic watchdog groups have observed every major election since 1994. In contrast to 2014, however, the citizen observer network OPORA faced apparent attempts to interfere with and discredit its efforts. In January, the OPORA ombudsman was assaulted in the hallway of his apartment building in the course of reporting on electoral fraud in Kropyvnytskyi.¹² Individuals impersonating OPORA representatives called voters in March and conveyed partisan and intimidating messages.¹³ On two occasions, the CEC questioned the access of OPORA representatives to its meetings while not challenging international observers.¹⁴

The CEC accredited 139 citizen observer groups, 14 times the number in 2014. According to OPORA, many of the newly-accredited observer groups have undisclosed links to political parties or presidential candidates, or have no previous experience observing elections.¹⁵ Among the registered groups, a number were associated with extremist or paramilitary elements that openly pledged to use force on election day “to protect the vote.” These trends point to observer registration requirements that are subject to abuse by groups hoping to influence or disrupt processes on election day.

EQUAL PARTICIPATION AND INCLUSION

Although women remain underrepresented as political leaders, 77 percent of Ukrainians say equality between men and women is important, or very important, to them.¹⁶ In 2018, for the first time, a majority of the newly-appointed CEC members were women. Gender balance in the DEC's was maintained. Several major political parties have responded to the progressive trend in public opinion by establishing women's wings or internal gender quotas in recent years. But this approach has not been reflected in the programs or campaigns of the candidates in the presidential election. Few have prioritized outreach to women voters or highlighted measures to achieve greater equality between men and women.

In addition, a well-organized campaign against equality has been gathering pace in the background of the presidential election. In March, several presidential candidates and campaigns attended the All Ukrainian Family Forum where organizers launched an initiative to remove the term “gender” from all Ukrainian legislation and opposed ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. In response, 147 civic groups called on the presidential candidates to address equality between men and women in their programs. Interlocutors told NDI that the anti-gender campaign is setting the stage for the parliamentary elections and could presage the emergence of religiously affiliated political parties that could prove divisive in this context. They also told NDI that this campaign is amplifying Russia's rhetoric. Russia aims to thwart Ukraine's aspirations by attacking equality and tolerance, core values of the European Union. Also, sexism and

¹² Attack on OPORA Public Ombudsman in Kropyvnytskyi, OPORA, February 28, 2019. Link: <https://www.oporaua.org/en/news/vybory/vybory-prezidenta/vybory-prezidenta-2019/46437-attack-on-opora-public-ombudsman-in-kropyvnytskyi>

¹³ Civil Network OPORA doesn't make any phone calls to citizens, OPORA, March 12, 2019. Link: <https://www.oporaua.org/en/news/vybory/vybory-prezydenta/vybory-prezydenta-2019/16866-gromadianska-merezha-opora-ne-provodit-zhodnikh-telefonnikh-obdzvoniv-gromadian>

¹⁴ Statement of OPORA on the unlawful actions of the CEC to bring forward for discussion and granting permission to official observer to attend the meeting, OPORA, March 22, 2019. Link: <https://www.oporaua.org/en/statement/vybory/vybory-prezydenta/vybory-prezydenta-2019/17014-zaiava-gromadianskoyi-merezhi-opora-shchodo-nepravomirnosti-dii-tsentralnoyi-viborchoyi-komisiyi-z-vinesennia-na-obgovorennia-ta-nadannia-dozvolu-na-pravo-prisutnosti-na-zasidanni-ofitsiinogo-spofterigacha>

¹⁵ One step away from fake: domestic observation during Presidential election in Ukraine, OPORA, February 21, 2019. Link: https://oporaua.org/article/vybory/vybory-prezidenta/vybory-prezidenta-2019/fake_observers

¹⁶ Attitudes towards women's political participation in Ukraine, NDI, February 2016. Link: <https://www.ndi.org/ukraine-gender-research-2016>

ageism have been explicit features of presidential campaign messaging on billboards, at public events and on social media.

According to NDI polls, a majority of Ukrainians want to live in a society where human rights are respected and there is equal justice for all, in keeping with European values.¹⁷ Public attitudes toward LGBTI communities are changing slowly, however, and homophobia-tinged campaign messages were prevalent in the presidential campaign. In addition, despite a Ministry of Health order in 2016 that made it easier for transgender people to acquire the appropriate identification cards, the civic group Insight reported to NDI that if the sex entered on an ID does not correspond to a person's appearance they may be prevented from voting.

People with disabilities also face barriers to participation and are underrepresented in political leadership. While the law requires that polling stations be accessible to people with disabilities, in practice most are not. OSCE/ODIHR recommendations on accessibility have yet to be implemented. Recourse to mobile voting is available but is insufficient to meet the standards of the UN Convention on Rights of Persons with Disabilities. Election and campaign materials remain largely inaccessible to certain categories of voters with disabilities, including those who are visually impaired.

Participation by Roma voters may have been impeded because, among other issues, some members of the community do not possess valid identification cards or cite fixed addresses, which are necessary for inclusion on the voter lists. While non-native Ukrainian speakers face no formal barriers to participation, there have been limited efforts to facilitate it. Ballots and other election materials are only available in Ukrainian, although 30 percent of the population speak Russian, Hungarian, Romanian or Bulgarian as their first language.

INFORMATION ENVIRONMENT

Broadcast Media

The Ukrainian media environment is open and voters had access to a diversity of viewpoints. Information about the candidates and their campaigns was widely available. Candidates' access to the media, however, was inequitable. Most Ukrainians still get their news from television. But online sources of political information are growing in importance. Online information sources offer more diversity than television and give campaigns broader access to voters, but they also expose users to a large volume of unsourced disinformation.

Ownership of most TV channels is concentrated in the hands of a few wealthy individuals, or "oligarchs." In general, candidates with close ties to oligarch-backed media outlets received abundant and disproportionately positive coverage on those channels, interfering with the ability of other candidates to deliver their messages. A number of these competing campaigns also noted that some of these channels are flooded with negative coverage of them, sometimes in the form of deliberate distortions of their views and statements.

Volodymyr Zelenskyi, a television celebrity, benefited during the campaign from dozens of hours of prime television airtime that was not available to other candidates. The legality of this is open to interpretation, but many civil society and party representatives considered it an unfair advantage. New

¹⁷ Opportunities and Challenges Facing Ukraine's Democratic Transition, NDI, December 2018. Link: <https://www.ndi.org/publications/ukraine-voters-undecided-seeking-new-faces-pivotal-2019-election>
Attitudes towards women's political participation in Ukraine, NDI, February 2016. Link: <https://www.ndi.org/ukraine-gender-research-2016>

episodes of Mr. Zelenskyi's most popular television series, in which he portrays a political outsider who is unexpectedly elected president, were released days before the election.

Attempts to level the media playing field have been insufficient. The legal framework on presidential election allocates 30 minutes of free public television and radio time to candidates, but this was insignificant compared to the time provided to candidates backed by privately-owned television stations and the time purchased by well-funded candidates. The National Council of Television and Radio Broadcasting (NCTRB) and the newly created Independent Expert Council on Election Issues monitored violations of campaign regulations regarding the media, but neither has effective sanctioning power, nor was able to fully exercise their supervisory functions.

The Public Broadcasting Company (UA:PBC), the only national television company funded by the state, has a mandate to provide balanced information in the public interest. UA:PBC has been chronically underfunded and thus prevented from serving as an alternative to privately financed channels. There are also signs of interference in the station's political coverage, including the abrupt dismissal of the UA:PBC's board chairman during the campaign period.

Social Media

The communications and research agency PlusOne reports 21 million internet users in Ukraine, with Facebook as the most popular social media platform (13 million users).¹⁸ The leading presidential candidates used Facebook daily to engage supporters and promote their activities. Negative campaigning, including messages with homophobic and sexist content, was widespread on social media.

According to StopFake and Detektor Media, Russian disinformation on social media platforms, messaging apps, and television outlets promulgated several narratives, including the imminent collapse of the Ukrainian state and society, Ukraine's abandonment by its friends in the West, and the illegitimacy of the election.¹⁹ Some of these information attacks attempted to amplify real tensions or exploit cultural flashpoints. In addition, allegations from key electoral stakeholders about disinformation and fake news outpaced complaints about other election violations.²⁰

While authorities have blocked some Russian news sources and digital platforms, many Ukrainians have evaded these bans by utilizing virtual private networks. A number of non-governmental initiatives to address disinformation are underway, including efforts by OPORA, Detektor Media, StopFake, Internews, IREX, and NDI. Public understanding and awareness of disinformation and its intended destabilizing effects remains low, particularly on social media, despite these efforts.

Efforts by platforms such as Facebook, Instagram, WhatsApp, Google, YouTube, Twitter, Telegram and others to ensure transparency regarding advertisements have so far been insufficient to prevent their manipulation and seem piecemeal rather than proactive and comprehensive. Some of these platforms have taken steps during the election period to mitigate the threat of disinformation and increase transparency. Facebook, for example, removed 107 "inauthentic" pages, accounts and groups, some

¹⁸ Facebook in Ukraine, PlusOne, January 2019. Link: http://plusone.com.ua/fb/en/facebook_in_ukraine.pdf

¹⁹ Information sources, media literacy and Russian propaganda: findings of all-Ukrainian public opinion survey, Detektor Media, February 2019. <https://detektor.media/infospace/article/164308/2019-03-21-dzherela-informatsii-mediagramotnist-i-rosiiska-propaganda-rezultati-vseukrainskogo-opituvannya-gromadskoi-dumki/>

²⁰ NDI monitored statements from key electoral stakeholders and major media outlets for allegations of disinformation, vote buying, and other forms of interference in the electoral process. Sources for monitoring included online platforms for nine national TV channels, ten newspapers and news services, and over 75 social media platforms maintained on behalf of candidates.

operating in Russia and targeting Ukraine, required administrators of influential pages to disclose their country of residence, and announced that purchasers of political ads must be located in Ukraine. Facebook demonstrated that it is possible to make changes to increase transparency of advertisements online; however, these steps were not enough and occurred too late in the campaign to have a positive effect. While these efforts are helpful, there are still issues with implementation: the definition of “inauthentic” remains unclear, the mid-March release of Facebook’s ad library was too late to be effective, and the expectation that advertisers would voluntarily label their ads was not fully realized.

RECOMMENDATIONS FOR IMPROVEMENTS PRIOR TO THE SECOND ROUND POLLS

The delegation respectfully offers the following recommendations that focus primarily on steps that could be taken to improve the electoral process prior to the second round. In a statement following the second round, NDI will offer recommendations for the longer term.

Election Administration

- The CEC should adopt transparency measures, including conducting all deliberations, consideration of draft decisions, and requests during CEC sessions open to observers; publicizing agendas, draft resolutions, draft decisions, complaints and other key election data in a timely manner on the CEC website in machine readable formats.

Electoral Justice

- To increase the transparency of the complaints process, the CEC should consider standardizing the complaints submission process and provide a registry of all complaints submitted on the CEC website.
- The parliament should strengthen the legal framework to deter and prosecute violations of electoral laws. Draft law #8270 should be deliberated and voted upon ahead of the second round.
- Police, prosecutors, and the courts should pursue timely, effective, and proportionate punishment for violations of election laws.

Campaign Environment

- To avoid exacerbating societal divisions, candidates should refrain from conducting campaigns based on negative, derogatory and intolerant messages and disseminating disinformation.
- Candidates should seek opportunities to participate in debates on issues of importance to voters and strive to encourage participation through dialogue focused on a contest of political ideas.
- Candidates should consider agreeing on a code of conduct that makes clear they will abide by the law and high ethical standards.
- Greater efforts should be made to monitor, prevent, and punish the misuse of administrative resources during the campaign.
- The media should encourage, and provide airtime for, candidates to discuss their policy prescriptions for the challenges the country faces.
- All security organs should take extra steps to demonstrate their impartiality.

Citizen Election Observation

- All international and citizen observers should operate in accordance with the Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations.

- While registration should not be unreasonably denied to bona fide citizen observer groups, the CEC should have the power to withdraw the accreditation of observers who threaten to use violence.

Equal Participation and Inclusion

- Candidates should address the inclusion of under-represented groups and reflect popular demand for greater equality between men and women in their programs and campaigns.

Media and the Information Environment

- Media, especially the public broadcaster, should provide forums for balanced, constructive discussion of issues and policy proposals, including discussions of fundamental democratic principles, such as equality, tolerance and non-discrimination.
- Technology platforms such as Facebook, Instagram, WhatsApp, Google, YouTube, Twitter, Telegram should, in collaboration with relevant local and international organizations, evaluate the role the platforms played in disseminating disinformation during these elections.
- The platforms should also assess the mitigation steps taken so that they can act earlier and more effectively in advance of future elections.

THE DELEGATION AND ITS WORK

The NDI delegation's leadership, Taylor, Glover, and Ohlsson, symbolizes the importance of a trans-Atlantic commitment to a democratic Ukraine. The delegation arrived in Kyiv on March 26 and held meetings with political leaders, candidate teams, election officials, senior government officials, representatives of nongovernmental organizations, the media and the diplomatic community. On March 29 and 30, observers deployed in teams to 14 regions across Ukraine, including Kyiv, where they met with local election administrators, observation groups, and civic leaders. On election day, the NDI teams observed voting and counting processes in polling stations across the country. The delegation also included:

Paige Alexander, USA
Mariam Baramidze, Georgia
Robin Carnahan, USA
Corina Cepoi, Moldova
Naz Durakoglu, USA
Rachel Weston Eschenbacher, USA
Katie Fox, USA
Calvin Garner, USA
Gabrielle Gould, USA
Christina Hartman, USA
Laura Jewett, USA
Natia Jikia, Georgia
Lionel Johnson, USA
Peeter Kaaman, Sweden
Jonathan Katz, USA
Mirjam Krijnen, Netherlands
Magda Labadze, Georgia

John Lovdal, Norway
Kathleen Matthews, USA
Ian McGinnity, USA
Michelle McGrorty, USA
Maka Meshveliani, Georgia
Antoni Mis, Poland
Damian Murphy, USA
Mary O'Hagan, United Kingdom
Tamta Otiashvili, Georgia
Peter Podkopaev, USA
Christy Quirk, USA
Joanna Rohozinska, Canada
Bob Satawake, USA
Stefan Szwed, Poland
Andriy Shymonyak, USA
Ian T. Woodward, USA



The mission builds on the ongoing observations of NDI's long-term analysts, who have been in Ukraine since early January and the ongoing work of the Institute's Kyiv-based staff, as well as the findings of NDI's November, 2018 pre-election assessment mission.

NDI wishes to express its appreciation to the United States Agency for International Development (USAID), which has funded the work of the delegation. In addition to the international observation activities, NDI supported ENEMO's monitoring mission and provided technical assistance to OPORA's observation efforts. NDI is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. NDI has organized more than 250 international observation missions or assessments to more than 65 countries, including 11 assessments in Ukraine since 1992.

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