



ENEMO International Election Observation Mission Presidential Election - Ukraine 2019

INTERIM REPORT

February 8 – March 8, 2019

Overall, the framework and essential conditions for holding democratic elections and political campaigns are present in Ukraine for the 2019 presidential election. However, cases of violations to the rules of campaigning, allegations of abuse of administrative resources and vote buying, continuous changes in the membership of district election administration, concentrated media ownership and polarized media coverage negatively affect what is otherwise a highly competitive political environment.

In January 2019, the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission to Ukraine to observe the March 31st upcoming Presidential election.

In addition to the ten Core Team members based in Kiev, ENEMO has accredited 48 Long term observers (LTOs) and on February 21st deployed them in teams of two to all regions (*oblasts*) of Ukraine. The Mission is headed by Dr. Zlatko Vujovic.

This interim report is based on the ENEMO mission findings both at the national and at the local level and focused on the work of election administration, registration of candidates, conduct of the election campaigns, election-related complaints and appeals and other election related activities.

ENEMO is a network of 21 leading election monitoring organizations from 18 countries of Europe and Central Asia, including 3 European Union countries. For more information on ENEMO, please visit <http://www.enemo.eu/>.

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The year 2019 constitutes a significant democratic challenge for Ukraine, with the holding of Presidential Elections on March 31st, and the holding of upcoming parliamentary elections in the fall.

ENEMO notes that despite the consensus over the need to reform the electoral legislation, substantial changes have not been carried out for upcoming presidential elections. Despite remaining shortcomings, existing legal framework provides sufficient ground for the election to be conducted in line with the international standards.

The composition of the CEC was renewed in September 2018 and 13 new members were appointed after a long standing political disagreement. Such changes six months before the presidential elections pose challenges for the new members to prepare for a considerable and complicated task ahead of them.

In general, the CEC operates in an open and collegial manner. Its official sessions are open to observers, media and candidate representatives. However, ENEMO notes that the CEC holds preparatory meetings where the actual deliberation and decision-making take place at which presence of observers is at the discretion of the CEC and has at times been denied, limiting the transparency of their work.

Majority of DEC's are transparent and open to observers. However, majority of DEC's face frequent replacement of commission members, including ones holding the managerial positions, which negatively affects overall performance of commissions, leads to confusion or/and disrupts the electoral process. In addition, newly appointed DEC members would not necessarily have attended the CEC trainings.

Registration of presidential candidates has shown a considerable increase of participants in the electoral race in comparison to previous 2014 Presidential Election (21 candidates in 2014 as opposed to the 39 confirmed candidates for 2019). ENEMO notes that the overall participation of women candidates remains low (with only 4 out of 39), even though one of the most prominent candidates is a woman.

The registration of voters and updates to the voter lists overall seem to be processed in a timely and effective manner. However, concerns may be raised with regard to the low number of IDPs registered as of yet.

ENEMO emphasizes the importance of compliance of candidates and their supporters with the rules of campaigning and campaign finances. Observations from the field have shown a considerable level of illegal campaign materials and unfair conditions, smearing of opposing candidates and personalized verbal attacks, damages to campaign materials or candidate headquarters and increased tensions in campaign rallies.

Allegations of broad use of administrative resources and public office, as well as reports of various schemes for direct or indirect vote buying may decrease public confidence in the electoral process.

ENEMO would like to point out that there is no publicly accessible registry of complaints at

any level of election administration. However, ENEMO welcomes the new practice of the Ministry of Internal Affairs which provides statistics and information related to election violation requests to the national police published on a special web-page.

Media violations during elections are inadequately regulated, without clear division of roles and responsibilities between different institutions and ineffective sanctioning mechanisms, which may lead to unequal access to media for all presidential candidates. New regulations related to countering disinformation have been criticized for lacking oversight with regards to fundamental rights and freedoms.

ENEMO expresses concern that voters' rights and possibilities to make an informed choice may be limited, as the information provided to voters by media is often biased and contains different forms of hidden political campaign.

Lastly, the number of accredited citizen observer organizations are unprecedentedly high and some of them don't have election observation experience. Alarmingly, one accredited organization has announced that their observers would use violent means during the Election Day if they consider it necessary. Moreover, concerns are being raised about political affiliations of some of the accredited groups. ENEMO strongly condemns any intention of accredited civil society organizations to be used for political or other interests, let alone use of violent practices. ENEMO urges all domestic observer organizations to use credible methodology and maintain impartiality and accuracy at all stages of electoral process.

ENEMO would like to thank the authorities of Ukraine for their assistance and cooperation, as well as all interlocutors for having time to meet with us and share their views. ENEMO would also like to acknowledge all our observers that have contributed to these findings.

On February 18th 2019, the people of Ukraine commemorated the events of Maidan and the fifth anniversary of the Revolution of Dignity. A month and a half later, on March 31st 2019 - date of the 2019 Regular Presidential Elections - the citizens of Ukraine will vote to determine who to elect as the next President of the country.

Previous presidential elections, held on May 25th 2014, led to the election of the incumbent President Petro Poroshenko. Under his current mandate, serious challenges have been posed to the Ukrainian state, including the annexation of Crimea by the Russian Federation following military intervention by Russian forces and a controversial referendum; armed conflict in the East of the country and - as a consequence - a high number of displaced persons; as well as difficulties in the economic sector and reform agenda. These political developments under the current presidential administration have additionally posed challenges to the building and strengthening of a fully-fledged democratic state.

In particular, events which occurred towards the end of 2018 increased the already considerable stakes of the upcoming presidential election. On November 25th, an incident between the Russian Federation and Ukraine occurred where Ukrainian Navy ships passing through international waters near the occupied Crimean Peninsula were seized, and 23 crew members captured by the Russian Federation. This violated international law and a treaty under which the Russian Federation and Ukraine previously agreed to share the Kerch Strait and Sea of Azov.

As a response to this crisis, the executive power and lawmakers voted to introduce martial law in the border areas with the Russian Federation. This was the first time Ukraine enacted martial law since the conflict with the Russian Federation began in 2014, indicating a major escalation in tensions between the two former Soviet Republics.

Martial law was lifted shortly before the official start of the presidential election campaign. However, the level of political and military tensions between the Russian Federation and Ukraine remains considerably high. The build up to the 2019 presidential election and the incident mentioned above shortly before the start of the official campaign, is the culmination point of five years of conflicts in the East of the Ukrainian territory, annexation of Crimea by Russian forces, and the struggle for developing as a democratic, stable, and independent state. In addition to the conflict in the East, difficulties in conducting economic reform and the struggle against corruption have posed significant challenges for the current presidential administration.

In this international and national context, the 2019 presidential election is of substantial importance for the people of Ukraine and for the democratic development of the Ukrainian state. Because these presidential elections is interrelated to parliamentary elections scheduled for October 27th 2019, the March 31st presidential elections is the commencement point of an electoral cycle which will last throughout the year. Thus, ensuring the integrity of the elections – both presidential in March and parliamentary in the fall – is one of the key challenges for Ukraine in 2019.

A. Legal Framework

Presidential Elections in Ukraine are primarily regulated by the Constitution of Ukraine and the Law on Elections of the President of Ukraine¹. The electoral process, e.g. election administration, pre-election campaign, campaign financial activity, and election dispute resolution, are mainly regulated by this law.

At the same time, certain segments of elections are regulated by other laws such as: the Law on the Central Election Commission²; Law on State Voters' Register³; Law on Political Parties⁴; Code of Administrative Proceedings⁵; Code of Administrative Offenses⁶; Criminal Code of Ukraine.⁷ Together with above listed laws important legal sources for regulating presidential elections are resolutions adopted by the CEC that are available on the CEC web-page.⁸

In 2015, the Parliament passed reforms on the legal framework and regulations for political party and campaign finance. These reforms included the introduction of restrictions to private donations, direct public funding of political parties, increased reporting requirements, and oversight by the National Agency for the Prevention of Corruption (NAPC). These reforms were praised by various stakeholders, though concerns may be raised with regard to the lack of compliance by parties and candidates with the existing rules for campaign funding, caused by inconsistencies or loopholes in the legal framework, as well as a lack of appropriate human, institutional, and financial resources for fully enforcing regulations. In light of the above, cases of suspicious donations and irregularities in financial reports submitted by candidates holds the risk of the existence of black funds for campaigning.

In addition, the decision of the Constitutional Court published on February 27th, 2019 to abolish the criminal liability for illegal enrichment (on the basis that it violates the presumption of innocence), by declaring unconstitutional the provisions of the Criminal Code requiring state or local officials to justify the source of their assets, potentially further weakens the legal framework for accountability of political finance.

The Constitution of Ukraine guarantees the freedom of speech and expression in Ukraine, while main principles for media conduct during elections are set out in the "Law on Elections of the President", which regulates the use of media during the pre-election campaign and

¹ No. 474-XIV, dated March 5, 1999

² No. 1932-IV, dated June 30, 2004

³ No. 698-V, dated February 22, 2007

⁴ No. 698-V, dated February 22, 2007

⁵ No. 2747-IV, dated July 6, 2005

⁶ No. 8073-X, dated December 7, 1984

⁷ No. 2341-III, dated April 5, 2001

⁸ Database of resolutions of the CEC available at: <http://www.cvk.gov.ua/pls/acts/New?py=2019>

envisages equal and impartial treatment for all presidential candidates⁹.

In general, three laws provide the normative frameworks of Ukraine's media landscape: The Law of Ukraine on Television and Radio Broadcasting regulates television and radio, the Law of Ukraine on Printed Media (Press) regulates the print media and the Law of Ukraine on information agencies regulates the news and wire services.

There have been no significant changes in the presidential election law for upcoming presidential polls and, due to lack of political will, important electoral reforms are still to be agreed upon and implemented.

Last substantial changes in this law were made in March 2014.¹⁰ Discussions on electoral reform have continued since 2015 local elections, including through the parliamentary working group established in 2016 by the Chairman of the Verkhovna Rada Andriy Parubiy. Following popular demands for reforms, a bill introducing changes to the electoral code was passed in the first reading in early November 2017. However, the time frame for the final vote remains unknown. There are also several draft laws submitted to the Verkhovna Rada that are important for strengthening sanctions for election violations and for full enfranchisement of IDPs in elections.

Notwithstanding the fact that substantial recommendations issued by international and domestic EOMs including ENEMO¹¹ remain unaddressed, existing legal framework for the 2019 presidential election provides sufficient ground for the conduct of elections in line with international commitments and standards.

B. Electoral System

The president is elected by popular vote for a five-year term by the citizens of Ukraine on the basis of universal, equal and direct suffrage by means of a secret ballot. One and same individual cannot be a president for more than two consecutive terms.

The process for electing the president is based on a two-round system. The winning candidate needs to receive an absolute majority of valid votes for victory in the first round.¹² If no candidate receives more than 50 percent of the valid votes in the first round, the two candidates who received the largest number of votes in the first round will run in the second round.

The second round is scheduled by the Central Election Commission on the third Sunday after the Election Day.

⁹ https://ips.ligazakon.net/document/view/T990474?ed=2018_02_28&an=909695#909695

¹⁰ The election law was amended on 28 February, 13 March, 8 April, 6 May, 15 May, and 20 May 2014

¹¹ See Final Report of Early Parliamentary Elections of Ukraine; published July 2014: <http://enemo.eu/uploads/file-manager/Missions/Ukraine-2014-Early-Presidential/ENEMO%20Final%20Report%20UKRAINE%202014.pdf>

¹² Paragraph 3 of article 84 of the Law on Elections of the President of Ukraine.

The presidential election is administered by a three-tier election administration consisting of the Central Election Commission (CEC), district election commissions (DECs) and precinct election commissions (PECs).

The CEC is a permanent independent election management body that has an authority for planning and regulating elections in the whole territory of Ukraine. The DECs are responsible for conducting the elections in their districts and administering the work of all PECs within its territory. Precinct election commissions are created by a respective DEC no later than eight days before the polls, i.e. no later than March 12th, 2019.

Elections of the president is held in one nationwide constituency that encompasses the entire territory of Ukraine and a foreign polling station commissions. Ukraine is divided into 225 election districts, the same as for the parliamentary elections.¹³ Since Crimea is annexed by Russia and certain areas of the Donetsk and Luhansk oblasts are out of effective control of Ukraine, the CEC only formed 199 DECs in 24 regions.¹⁴ 12 DECs in Autonomous republic of Crimea and in Sevastopol, 9 DECs in Donetsk and 5 DECs in Luhansk have not been formed.

A. Central Election Commission (CEC)

The Central Election Commission, as defined by the Law on Central Election Commission, is founded on principles of collegiality, independence and openness.¹⁵

The Central Election Commission is composed of 17 members. Each member is appointed for a term of 7 years by the Verkhovna Rada (Parliament). Nominees are submitted by the President of Ukraine upon consultations with the parliamentary factions and groups.

On September 18th 2018, only six months ahead of the Presidential Election, Verkhovna Rada increased the number of the Central Election Commission members from 15 to 17 people. Because of the long-standing political disagreements, even though mandates of 13 CEC members expired in 2014, the new members were only appointed on September 20th 2018.

Two CEC members retained their seats since their term of office expires in 2021. As of September 20th 2018, one seat is still vacant.¹⁶

ENEMO raises concern about the fact that the term of office of 12 former CEC members out

¹³ Single-mandate election districts formed in accordance with the Law of Ukraine "On Elections of National Deputies of Ukraine" and existing on the permanent basis.

¹⁴ The deadline for formation of DECs was February 18th, 2019. According to the law, district election commissions are established by the CEC no later than 40 days before Election Day, and consist of a commission chair, a deputy chair, a secretary and other commission members whose number cannot be inferior to 12 members.

¹⁵ Articles 2 - 4 of the Law Of Ukraine On Central Election Commission

¹⁶ <https://rada.gov.ua/news/Novyny/162274.html>

of 15 expired in July 2014, however the law on the CEC was amended that allowed commissioners to perform their duties until the autumn of 2018.¹⁷ Because of political disagreements, new CEC members were appointed only 6 months ahead of presidential elections.

The CEC holds regular official sessions open to observers. The majority of the CEC decisions listed on the agenda are adopted unanimously without debate.

Prior to the official session, the time of preparatory meetings is not publicly announced and that observer presence is at the CEC discretion and has at times been denied.

The CEC has adopted 519 resolutions regarding the 2019 Presidential Elections as of March 7th, 2019. The majority of these resolutions are of technical nature and related to registration of candidates and their proxies, replacements of DEC members, registration of official observers, approving DEC budgets, etc. Some of the resolutions adopted by the CEC were further challenged in the courts. One of the decisions was resolution #274 according to which the CEC changed the list of regular overseas polling stations, created in April 2012. Consequently, it has abolished 5 polling stations in the Russian Federation and made redistricting in Georgia, Kazakhstan and Finland.¹⁸

Four cases were brought to court claiming that the CEC decision about polling stations abroad violated their constitutional rights. Whereas three claims were denied by the Courts, in one case the Supreme Court partially sustained the claim ruling that Resolution #274 remains in force, though its motivational part should be changed.¹⁹

Another important decision adopted by the CEC deals with the prohibition of payments to campaign staff.²⁰ The CEC resolution allowed the campaigners to be reimbursed for costs incurred during their engagement, which would not be considered as indirect vote buying. This resolution was appealed by two different candidates and the court adopted two different and contradictory decisions - one panel of judges ruled that decision was lawful, while another panel of the same court ruled that it was unlawful and should be annulled. Both the candidate and the CEC appealed the decisions to the Supreme Court that found the CEC resolution to be lawful.

B. District Election Commissions (DECs)

The district election commissions are in charge of organizing the preparation and conduct

¹⁷ Article 30 of the “Law on Central Election Commission” stipulates that the powers of the member of the Commission shall be terminated based on the decision of the Verkhovna Rada of Ukraine discharging him/her from office.

¹⁸ Central Election Commission dissolved polling stations #900075, 900077, 900078, 900117, and 900118, located in cities of Moscow, Rostov-on-Don, St. Petersburg, Yekaterinburg and Novosibirsk respectively. CEC resolution #274 <http://www.cvk.gov.ua/pls/acts/ShowCard?id=44232&what=0>

¹⁹ see decisions made by the Courts: <http://www.revestr.court.gov.ua/Review/79088674>; <http://www.revestr.court.gov.ua/Review/79124986>; <http://www.revestr.court.gov.ua/Review/79088713>; <http://www.revestr.court.gov.ua/Review/79124907>

²⁰ resolution #376 “Explanation on the Implementation of the Provisions of Section 6 of Article 64 of the law on the elections of the president of Ukraine”; Paragraph 6 of article 64 stipulates: “It shall be prohibited to conduct a pre-election campaign that is accompanied by giving money to voters or providing them with goods, services, works, securities, credits, or lotteries on preferential terms or free of charge. Such a pre-election campaign or the act of giving out money or providing services, works, securities, credits, or lotteries on preferential terms or free of charge, which are accompanied by calls or suggestions to vote or not to vote for a certain candidate or mentioning his or her name, shall be regarded as bribery of voters”

of the elections in their districts.

On February 18th, the CEC created 199 DEC. According to the Law, DEC members are nominated by presidential candidates. DEC consists of a commission chair, a deputy chair, a secretary and other commission members whose number cannot be less than 12 members. The CEC, simultaneously with forming the DEC appoints a chair, a deputy chair and a secretary for each DEC. All presidential candidates were entitled to nominate one person in each DEC. 17 presidential candidates submitted list of nominees to all 199 DEC.²¹ Five candidates nominated DEC members in 198 DEC; 11 candidates submitted their nominees in more than 180 DEC; four candidates nominated commission members in more than 100 DEC. Only one candidate did not nominate any commission members to any of DEC.

According to information provided by the CEC, total number of DEC members as of March 8th is 6845, including 55.93% women and 44.06% men.

The presidential election law allows candidates to replace appointed member to the DEC at any time prior to election day without any need to justify the reason of such changes.

Up until March 8th, ENEMO visited 62.3% of DEC and observed the work of the commissions. Since DEC started working, tendency of replacing commission members by presidential candidates was observed by ENEMO. According to the findings from the field, replacement of DEC members even on managerial level is carried out in almost all districts and it has a continuous nature. Many newly appointed members are inexperienced and missed initial training, which may have a negative effect on the performance of the commissions, lead to confusion or/and disrupt the electoral process.

Majority of DEC observed by ENEMO have held their first meetings, operate in compliance with the law and meet deadlines set by election calendar. However, there are some challenges DEC across the country face in their everyday work, including inability to hold their sessions because of a lack of quorum, members unwilling to accept leadership positions, essential materials and IT equipment missing or not complying with general security standards, premises being renovated, bank accounts which are still not open, unapproved budgets etc. It is the imperative that these obstacles are promptly removed in order to enable election administration to conduct its work efficiently. Moreover, candidates should ensure that their delegates fulfill their duties in a professional manner.

On February 26th, trainings of DEC chairs, deputies and secretaries were held by the CEC in Kiev. Trainings were delivered professionally and without obstacles.

On February 27th, the CEC started series of trainings for the DEC members with help from International Foundation of Electoral Systems (IFES). Within the cycle, 106 training sessions were held in all regions of Ukraine where over the 3000 DEC commissioners participated. Next cycle of trainings will be delivered for PEC members.

The trainings included theoretical and practical parts as well as workshops which are useful for DEC members. However in some districts there was a serious lack of participation from DEC members because the CEC's financial plan included only 15 members from each DEC.²²

²¹ Analytical information on the composition of DEC: <http://www.cvk.gov.ua/pls/vp2019/WP001>

²² CEC resolution No 67 - April, 2012 <http://www.cvk.gov.ua/pls/acts/ShowCard?id=44479&what=0>

During the first week of March, the DEC in Kiev, Dnipro, and Sumy received a four-hour long Cyber Hygiene Awareness training facilitated by IFES. Following the March 5th decision of the CEC, the trainings in the rest of the DECs were canceled. The reason for the cancellations of the trainings was the overfilled schedule of the DECs.

C. Precinct Election Commissions (PECs)

Precinct Election Commissions (PECs) should be formed by a respective DEC no later than March 12th, 18 days before Election Day.

To date, the CEC has established 101 PECs for voting abroad. Among them 99 PECs have been created at foreign diplomatic units and two in military units in the Democratic Republic of Congo and Kosovo.²³

The CEC estimates that the total number of PECs will be 29 823.

Each PEC consists of a commission chair, a deputy chair, a secretary and other commission members whose number should be no fewer than nine. The candidates have the right to nominate one member for each PEC. Nominations for the PECs members are submitted to the DEC in hard copies and in an electronic form no later than 23 days before the Election Day, and are to be signed by the authorized representative of a candidate in the respective territorial election district.

Registration of Candidates

The conditions for registering as a presidential candidate are Ukrainian citizenship, being at least 35 years old, speaking the state language (Ukrainian) and having lived in Ukraine for the past 10 years prior to day of the election.

A candidate can be nominated by a political party or be self-declared. In both cases, they were obliged to submit a statement on income for the previous year, followed by checking by the National Agency for the Prevention of Corruption and the CEC, in addition to registration documents.

In addition to the mandatory documents, candidates to the election were obliged by law to pledge the amount of 2,5 million UAH (Ukrainian Hryvnia). The deposit is only returned to candidates or the parties that nominated them if the candidate wins the election or if the candidate enters the second round. The remaining deposits are transferred to the state budget.

The final deadline for candidacy submissions was February 3rd, while the registration of candidates lasted until February 8th included. In total, 93 individuals applied to the CEC, and CEC rejected 47 applications. Most of these rejections were due to failure to pay the deposit; improper, incomplete or irregular submission of the mandatory documents; or programs

²³ CEC Resolution #67 dated April 12, 2012 amended 2014-2019

which contained provisions violating constitutional norms, calls to violence, or major violations to human rights.

In comparison, the number of individuals who applied to be registered as candidates for 2014 presidential elections was 53. For the 2019 presidential election, out of the total of 44 candidates registered, 24 were nominated by political parties and 20 were self-nominated. In terms of gender, the number of registered men nearly doubled (20 men for 2014 presidential elections; 40 in 2019), while the number of registered women increased only by one (three women in 2014, four in 2019).

ENEMO notes that the overall participation of women candidates remains low, even though one of the most prominent candidates is a woman.

A total of 15 complaints were filed to the first instance court contesting rejection of candidate registrations, and to the Supreme Court in cases of appeals of first instance court's decision, with all claims of plaintiffs denied in the court verdicts.

Candidates had the possibility to withdraw their candidacy by submitting an official statement to the CEC no later than March 7th, 2019, included. The final list of candidates was published on March 8th. Five out of 44 registered candidates withdrew their candidacy, thus bringing the final number of contestants to 39.

Registration of Voters

The law grants the right to vote to all Ukrainian citizens that have reached 18 years of age on the day of elections and have not been disenfranchised through a court decision. Documents confirming Ukrainian citizenship for voting may be one of the following: identity card; passport for traveling abroad; diplomatic passport; service passport; a military ticket; a temporary identity card; and a certificate issued by the penitentiary system for individuals held in penitentiary institutions.

Voters' registration in Ukraine is conducted based on the permanent registers of residency. The State Voter Registry (SVR) is supervised by the CEC, and receives updates on residency registration on a monthly basis from over 20,000 public authorities.

As of February 28th, the total number of registered voters according to the CEC is 35,560,427, with 993,181 requests for registration changes to the voting address. There are approximately a total of 527,000 voters abroad, which may vote in 101 polling stations outside of Ukraine.

Overall, the process of registration of voters and updates to the voter lists appears to function appropriately, without interference, and in a timely manner.

ENEMO mission emphasizes as a positive fact the possibility of voters to check their records online in the central SVR database, as well as to request amendments to their records with the SVR body at their current place of residence, though the possibility to request amendments is not currently offered as an online service.

Despite some concerns raised by electoral contestants about the integrity of the voters list, so far no evidence of significant deficiency of the voters list has been put forward.

However, high number of voters wishing to temporarily change their place of voting may be expected closer to March 26th deadline. It is probable in such cases that registers may need assistance from regional and local administration in maintaining orderly registration of voters.

Specific attention should be paid to the situation of the estimated 1,6 million internally displaced persons (IDPs) and their requests to temporarily register to vote at their current place of displacement. The majority of IDPs have retained their official place of residence from the area they were displaced from. Only a few weeks before the election, an estimated less than 4% of IDPs have currently changed their place of voting²⁴. However, the current legal framework does allow IDPs to temporarily register in the area they were displaced to.

Each voter has the right to temporarily change their place of voting without changing their electoral address. This requires submission of request to the SVR no later than five days before the elections, by providing the following documents: passport, certificate of place of employment (or place of study), right of ownership, rental housing, or place of stay at the time of the vote. In addition, voters should submit a statement requesting to temporarily change their place of voting. This request is valid only once, and should be re-submitted in case of a second presidential election round.

Preliminary voter lists will be transferred to territorial district election commissions (DECs) and precinct election commissions (PECs), and a final voters' list will be printed five days before the election and transferred to PECs no later than two days before the elections.

Voters may be registered only at one polling station. Voters should receive nominal invitations notifying their inclusion in the voter list, the address of the PEC, telephone number, schedule and place of voting, no later than five days before the elections (March 24th). Voters who are unable to move independently have the possibility to vote at their place of residence (mobile voting).

Electoral Campaign and Campaign Finance

A. Electoral Campaign

The official pre-election campaign period started on December 31st, 2018, and is planned to continue until March 30th. According to the law, candidates are allowed to begin their pre-election campaign the day after they are registered by the CEC. All pre-election campaigning should end twenty-four hours before the Election Day.

Potential candidates and parties have been holding public events and posting billboards for several months before the official start of the campaign. Although the CEC urged potential

²⁴ According to NGO "Committee of Voters of Ukraine" (CVU), "CVU report on the results of long-term observation for preparing for the regular elections of the President of Ukraine (February 2019)".

candidates to comply with the law, existing campaign rules are not sufficiently specific in order to prevent and sanction early campaigning.

Among the recommendations which were voiced in previous election observation missions of ENEMO to Ukraine was that candidates and political parties conduct constructive and issue-based political campaigns, which avoid exacerbation of divisions within Ukrainian society. Based on ENEMO mission observations, the pre-election period has shown active campaigning of candidates throughout the territory of Ukraine, with some variations depending on the regions.

According to ENEMO reports, campaigning methods mainly consist of political advertising through the use of billboards and posters, outdoor rallies, meetings with voters, tents for distribution of campaign materials (leaflets, newspapers), in addition to social networks, national or regional press, and television channels. In more secluded areas, campaigning of presidential candidates is limited to posters and billboards, and the conduct of meetings with voters is on a smaller scale. In rural areas, door-to-door campaigns are also used for meeting with voters. Overall, visibility of the campaign and candidates varies considerably depending on areas throughout the territory of Ukraine.

In accordance with these observations, a number of concerns should be raised. Major campaign themes have proved to be socially divisive, in particular with regard to the issue of corruption, the war in the Eastern territories of Ukraine, low salaries and pensions, and growing prices of household utilities.

The developments of the campaign have shown polarization of candidates' rhetoric in the form of direct personalized attacks. Negative campaigning against candidates has been witnessed by ENEMO observers. Smearing of political opponents with distorted, inaccurate information, "fake news" or "fake images", and conspiracies constitute some of the tactics used by certain candidates to discredit others. Divisive, negative campaigning is a risk to social cohesion and to the electoral process, and could potentially exacerbate divisions in the country. Such cases were reported in Kyiv, Zhytomyr, Rivne, Volyn, Zaporozhye and Cherkasy. The noticed presence of paramilitary or radical groups in some of the oblasts (Dnipro for example) as well as violent counter-rallies, also adds to the political radicalism and tension of the campaign.

Reports from ENEMO observers indicated a considerable number of complaints about illegal campaign materials (incomplete information on billboards and posting campaign material on places which are not foreseen for campaigning), damaging of campaign materials (such as printed materials), and pressure, intimidation and physical aggression (against voters or candidates through vandalizing or damages to their headquarters).

All of the above may considerably decrease the level of trust of citizens in the electoral process, and even discourage certain voters from participating in the election.

B. Campaign Finance

According to the law, the campaign fund of a candidate should have an account to which campaign funds are transferred, as well as an expenditure account from which the financing of election campaign expenses is covered. Funds should be transferred to the expenditure

accounts exclusively from the campaign funds account and all campaign spending should be done in cashless transactions.

Individual donations are limited to approximately 1 669 200 UAH, while corporate donations cannot exceed approximately 3 338 400 UAH. No donations are allowed from, among others, foreign citizens, government authorities or affiliated entities, unregistered organizations, or charities.

The CEC and the National Agency for Prevention of Corruption (NAPC) should publish their analysis of the financial statements provided for interim reports no later than five days before the Election Day, as well as final reports no later than thirteen days after the day of voting. In case of violations, the CEC should notify the relevant law enforcement bodies for inspection and response.

Transparency and accountability of political financial dealings are essential to enhancing the credibility and integrity of the electoral process. Since the start of the campaign, concerns have been raised in regard to considerable allegations of broad vote-buying schemes and the use of administrative resources which were revealed in the media and which are being investigated by Ukrainian authorities. These reports and allegations, even if not proven, may affect citizens' trust in the process and the credibility of the elections.

There are also complaints voiced that candidates nominated and supported by political parties may have more support or preferential treatment from the authorities - for example, for advertisement placement and campaigning throughout the country - thus creating an unfair environment. On the national level, political announcements and use of the state budget for conducting reforms specifically during the electoral campaign creates ambiguity, since, according to the law, political campaigning of candidates should operate strictly from candidates' campaign funds. In this sense, the announcement of pensions' raise for retired individuals and military during two months covered by the campaign period poses a challenge to the principle above.

ENEMO reports also indicate a considerable number of allegations of illegal remuneration of campaigners (promises of paying groups of campaigners if they campaign in favor of a particular candidate), use of administrative resources (such as use of regional state administration press services for campaigning, local authority representatives campaigning in favor of a candidate), and cases of vote buying (bribery of voters). Cases of alleged vote buying were reported by ENEMO observers across the country, for example in Zhytomyr, Chernivtsi, Poltava, Sumy, Odessa, Cherkasy, and Khmelnytskyi. Methods vary, but ENEMO observers noticed the presence of door-to-door operations, gathering of personal data through questionnaires, and signature of contracts explicating voting for a particular candidate in exchange for money.

Civil society and election stakeholders in general raised the issue of the challenges caused by perceived bribing of voters, in particular the definition of indirect vote buying. Although both selling and buying of votes are criminalized, many of the campaigns are accused of using creative methods in avoiding a direct violation of the law, while still providing or promising services or goods to the voters. In light of the above, particular attention should be paid by authorities to cases of direct and indirect vote buying.

The right to an effective remedy is guaranteed in the electoral legislation of Ukraine.

Since the Constitution guarantees the right to challenge in court the decisions, actions, or inactivity of state or local authorities and their officials, the majority of election-related complaints can be brought to the election administration or the courts, or to both.²⁵ However, the presidential election law points out that when a court initiates consideration of an administrative complaint concerning the same issue and on the same grounds as the complaint considered by the respective election commission, such election commission has to reject the complaint without consideration no later than the day after receiving the court notification.

The current legal framework categorizes election-related cases into three main forms: disputes, administrative offenses, and criminal offenses.²⁶ Disputes are considered by the courts according to the Code of Administrative proceedings, as well as by election commissions prescribed by the presidential electoral law²⁷. The supreme court considers cases against CEC decisions, actions or inactions related to the establishment of the election results. The decisions made by lower instance courts can be challenged with the administrative courts of appeals.

Administrative offenses are unlawful action or omission of action that infringes public order, property, citizens' electoral rights and freedoms and for which law envisages administrative liability. Administrative offences are revised by the courts based on the cases delivered by police, official observers, election commissions and other authorized officials.

Criminal offenses are directed to the police. Law enforcement authorities are responsible for conducting an investigation, while the local courts examine the criminal cases.²⁸

The right to seek legal remedy on decisions, actions or inactions of election commissions and other actors in electoral process is granted to presidential candidates and their proxies, official observers, election commission members and voters.²⁹

A complaint submitted to an election commission or court should be submitted in written form and shall include a comprehensive list of documents including copies of proofs referred to in the complaint; the copies of all other documents attached to it and the number of concerned persons mentioned in the complaint and number of subjects against which the complaint is lodged.³⁰

²⁵ IFES policy paper: brief Overview of Elections in Ukraine; IFES Ukraine; 17 December, 2017

²⁶ *ibid*

²⁷ *ibid*.

²⁸ Brief Overview of Elections in Ukraine; IFES Ukraine; 18 December, 2017

²⁹ Articles 36¹; 69; 91 of the law on Elections of the President of Ukraine

³⁰ Article 95 of the law on Elections of the President of Ukraine stipulates that A complaint that is submitted to an election commission or a court shall include: 1) the name of the election commission, to which the complaint is submitted; 2) the surname, name and patronymic (title) of the subject filing the complaint, his or her residence address (postal address), as well as a dial number, e-mail address if any; 3) the surname, name and patronymic (title) of the subject against whom the complaint is lodged, his or her residence address (postal address), as well as a dial number, e-mail address if known; 4) the essence of the issue in question; 5) an outline of the circumstances and an indication of the proofs, based on which the complainant justifies his or her claims; 6) clearly formulated claims indicating the essence of a demanded decision to be taken by an election commission; 7) a list of attached documents and materials; 8) an indication of the concerned persons, if there are any, whom the complainant considers necessary to include in the consideration of the complaint; 9) the

A complaint submitted without fulfilling all of the above listed requirements is rejected without consideration.³¹

ENEMO notes that this particular provision permits election commissions to dismiss complaints based on trivial insufficiency in technical details without examining the complaint.

A. Election related disputes (Administrative cases)

ENEMO notes that election administration does not provide publicly accessible register of complaints filed with commissions, hence, limiting the transparency of the complaints adjudication process.

From December 31st up until March 8th, the CEC has resolved one complaint³², three requests³³ based on the Law on Access to Public Information; two implementations of the Supreme Court rulings³⁴ and one request from a candidate for replacement of his electoral program. ENEMO notes that subject matters of these complaints and requests remain publicly unavailable until the CEC publishes resolution on its web-page with all types of resolutions.

Following a lawsuit filed by a candidate whose request for access to the voters list outside the CEC premises was denied through a commission member's letter, the Supreme Court found that the CEC should collectively consider candidates' claims. However, since the court did not rule on the actual substance of the request, the CEC rejected the access request, but through a proper resolution and in consultation through a working group on this issue.

Information about court decisions related to electoral cases is published on the State Registry of Court Decisions.³⁵ In the pre-election period, the Administrative Cassation Court of the Supreme Court adjudicated complaints on denial of registration of applicants for presidential candidates and accreditation of domestic civil society organizations as well as performance of the CEC. Up until March 5th, ENEMO has analyzed all 30 court cases concerning the CEC activity available on State Registry of Court Decisions from which: 15 cases are related to denial of candidate registration; four cases are related to CEC resolution on closing polling stations in Russia; two cases on denial of NGO registration as an observer; two case related to CEC decision to grant access only to the soft copy of the Voters Registry only in the CEC premises; and nine cases related to violation of pre-election campaign restrictions.

B. Criminal and administrative offences

signature of the complainant (the representative of the legal person, who is the complainant) with an indication of the date it was signed.

³¹ Article 96 of the law on Elections of the President of Ukraine

³² CEC Resolution #439s

³³ CEC Resolutions #351, #377, #417

³⁴ CEC Resolutions #327 and #385

³⁵ See state registry of court cases <http://revestr.court.gov.ua/>

On February 22nd, the Ministry of Internal Affairs launched an online monitoring web site of electoral violations.³⁶ The MIA portal daily monitors and publishes the violations of the electoral process: administrative, criminal, unclassified and other violations of the electoral process. Since the beginning of election campaign the National Police registered 2539 cases associated with electoral activities. Among them: 1612 cases are about illegal campaigning; 257 cases related to vote buying; 135 cases are related to hooliganism and property damage. Within the scope of investigation 19 suspects were identified.

From December 31st up until March 8th police compiled 479 administrative protocols on violations of election campaign rules.³⁷ Majority of cases are related to pre-election printed materials that do not contain information about the institution that printed the material, as well as the circulation figures and information about the persons responsible for their issuance.³⁸

Media

A. General media environment

Media environment in Ukraine is pluralistic with a high number of registered media outlets. However, actual diversity of viewpoints is limited due to high concentration of media ownership with close ties to politics, according to numerous interlocutors and relevant reports on media published in the pre-election period.³⁹

The Constitution guarantees the freedom of speech and expression. Main principles for media conduct during elections are set out in the presidential election law, which envisages equal and impartial treatment for all candidates. The main regulatory authority for the broadcasting media is the National Council of Television and Radio Broadcasting, and all broadcasters must be registered and licensed by it. Printed media are only required to register with the Ministry of Justice, while registration of online media outlets is not obligatory, nor prescribed by the law and there is no formal mechanism for registration of online media outlets, except for those registered as news agencies.

There is no official database of all media outlets in Ukraine. The total number of all media in the country is high, but the exact number of all media varies depending on the source.⁴⁰ According to recent polls, television is the main source of information for citizens, but it is also the most concentrated and polarized. A recent analysis of the official data⁴¹ claims that only four individuals effectively control media groups and channels that cover more than 75

³⁶ Online accessible portal is available on the following link: <https://vybory2019.mvs.gov.ua/>

³⁷ *ibid.*

³⁸ Statement of National Police of Ukraine: <https://www.npu.gov.ua/news/vibori/lz-pochatku-peredviborchoji-kampaniji-policzija-ogolosila-pro-pidozru-19-osobam/>

³⁹ E.G. Ukrainian Commission on Journalism Ethics, Human Rights Platform, Ukrainian Media and Communications Institute and StopFake with the support of the Council of Europe, Detector Media etc.

⁴⁰ According to Ukrposhta <https://ukrposhta.ua/en/> print media outnumbers other media with 2292 newspapers and 1057 magazines available, both at the national and regional level. Also, according to the NTRBC there are 432 national, regional and satellite television and radio broadcasters. In addition, there are numerous national news agencies, the largest being the state-owned Ukrinform and the privately held UNIAN and Interfax.

⁴¹ <https://www.nrada.gov.ua/>

percent of the television audience.⁴²

Many EOM interlocutors have raised concerns about the functional media independence, due to their politically influenced editorial policies and high level of self-censorship. Due to the absence of a clear division of responsibilities between different authorities and ineffective sanctioning mechanisms, many observed occurrences fall between the legal and regulatory gaps and cannot be effectively and timely resolved, especially issues regarding (hidden) political advertisement.

Social media play an important role in election campaigning. They are used extensively by most candidates, enabling them to diversify their campaigns for different target audiences and to reach a broader public. However, a number of interlocutors raised concerns about the lack of oversight of the implementation of the new regulations, put in place by the state to counter foreign interference and disinformation, as they may endanger fundamental rights and freedoms related to privacy and access to information.

B. Media Oversight and Regulation

The presidential election law does not clearly stipulate the body responsible for overseeing media during elections, nor commends the power to any institution on imposing sanctions upon media for violating provisions of the law. The only legally effective mechanism the candidates have to address biased media reporting is addressing the court, in case of a defamatory media content against them. Nevertheless, according to the Law on National Television and Radio Broadcasting Council, the main body responsible for overseeing and regulating broadcasting media conduct is the National Council⁴³, composed of eight members appointed by the President and the Parliament of Ukraine (four members each).

ENEMO is concerned whether such composition may guarantee functional independence of the National Council, particularly as the incumbent President is one of the election contestants. Additionally, the legal framework does not sufficiently enable the National Council to adequately respond to and prevent media violations in the pre-election period, due to deficient sanctioning mechanism as well as lack of clear definitions of violations.

For these elections, the National Council is monitoring news broadcasts and special news editions about elections on a limited number of national, regional and local broadcasters (61 out of 432)⁴⁴. Its findings are announced bi-weekly at the session of a specialized working group⁴⁵. In cases of observed or reported instances of media bias, the National Council can either address the media directly and request an explanation or correction, or notify the relevant election management body – the CEC (for national media) and DEC (for local media). However, in case the request of the National Council is sent to the media directly, the media has one month to reply to such requests, in which case the correction of the bias

⁴² <http://ukraine.mom-rsf.org/en/media/tv/>

⁴³ National Council of Television and Radio Broadcasting Ukraine.

⁴⁴ NC is monitoring 28 national digital TV, 15 national radio stations, and 18 news format satellite broadcaster.

⁴⁵ The Working Group for oversight of media during the election process, which cooperates with the Central Election Commission (CEC) and the National Agency on Corruption Prevention (NACP). After the election process is finished, the Working Group will prepare a report with information on detected violations in the conduct of broadcasters during elections and specific proposals for the improvement of the electoral legislation.

can appear when the campaign is already over. The National Council also detected a number of irregularities, such as: biased reporting in favor or against one or more candidates; improperly marked, or non-marked political advertising; inadequately marked public opinion polls, etc. A high number of cases related to political advertisements prompted the National Council to request from the CEC clarification about what should be considered as political advertisement.

During the observed period, the National Council has received 88 complaints, out of which 87 from one candidate, regarding media conduct. Most of the complaints were about deliberate spreading of false information about a candidate. These complaints are taken into consideration pending the decision of National Council.

Also, the National Council monitors if all broadcasters comply with the requirements of the law to disclose prices for political advertising and whether the volume of election related advertising exceeds the statutory norms by the broadcasting organizations. This obligation was respected by majority of broadcasters within the defined deadline.⁴⁶ The National Council is additionally responsible for monitoring the prescribed limits on political advertising on television and radio stations⁴⁷ and so far there were no reported violations.

In addition to the Working Group, the National Council formed⁴⁸ an Independent Expert Council on media oversight during elections. Members of this Council are representatives of civil society organizations, media lawyers, political scientists, representatives of the academia and others, whose role is to provide conclusions on disputed and controversial matters and situations that may arise during the electoral process.⁴⁹ This body is yet to become fully operational. Even though sessions of the Working Group and the Independent Expert Council provide a possibility for wide discussions among different stakeholders, these bodies have no clear competences, nor legal enforcement powers.

While the National Council is tasked with providing oversight of the broadcasters conduct in elections, the CEC, among other responsibilities, establishes the procedure for providing candidates with free airtime and print space financed from the state budget; compiles a price lists from all the media; draws lots between candidates for allocation of slots for radio and television appearances; and provides the payment for broadcast time. So far, the CEC carried out these responsibilities in a timely and efficient manner. The CEC signed contracts and announced the amount of the campaign funds⁵⁰ from the state budget for services of the National Public Television and Radio of Ukraine and with two national newspapers⁵¹ to grant candidates free print space. Also, the CEC conducted drawing of lots for the provision of airtime for candidates and published the decision on its website.

Imprecise articles of the law concerning political advertisement leave space for interpretations and are one the main issues of concern in the pre-election campaign period

⁴⁶ Among local and regional broadcasters 323 TV and radio organizations published tariffs for political advertising, 123 - violated the terms, and 82 - did not publish the prices.

⁴⁷ Campaign advertising on television cannot exceed 15% (9 minutes) during each hour of program broadcasting, while radios cannot exceed more than 20% (12 minutes) for advertising during each hour.

⁴⁸ Forming of Independent Expert Council was initiated by the Public Council of National Council.

⁴⁹ Decision of the National Council <https://www.nrada.gov.ua/wp-content/uploads/2019/01/R-2019-00002.pdf>

⁵⁰ Annual purchases plan of the CEC on the preparation and holding of the elections for the President of Ukraine.

⁵¹ Holos Ukrainy and Uriadovy Kurier

so far. Furthermore, hidden advertisement is not precisely defined, nor explicitly prohibited and there are no sanctions for verified breaches, which represents a barrier for respective institutions to adequately react.

This concern was raised by the majority of EOM interlocutors and was considered by courts in three separate cases. The most prominent case alleged illegal use of entertainment content as electoral advertisement, as the candidate concerned is also a popular media figure. However, the Court rejected the complaint, stating that the defendant exercised his right to a profession, which is guaranteed by the Constitution and that the TV show in question began long before the presidential electoral process officially started.

The other two cases were related to alleged illegal use of media coverage of the official appearances of an acting head of state as a part of the political campaigning, and as a political advertisement which should be paid as such. The Supreme Court also rejected these complaints, finding that the coverage of the actions of the candidates related to the performance of their official duties provided for by the Constitution or the laws of Ukraine cannot be identified with election campaigning, as the relevant information messages have different purposes.

Another case was filed to the District Court of Sumy, and related to the activities of mass media during the election process and the obligation to refute widespread alleged inaccurate information. In all filed cases, courts ruled in favor of the defendant.

The Public Broadcasting Service (PBS) of Ukraine came under public scrutiny for dismissing its Director Zurab Alasania on January 31st, just two months before elections. Since before dismissal Mr. Alasania was criticized for insufficiently covering the incumbent President's activities and events, his removal from office was interpreted as a political interference. Following a strong reaction from several prominent media organizations, independent journalists and media activists, the Supervisory Board of PBS decided to delay the decision until the end of the presidential election.

Within the reporting period, monitoring results conducted by several international and domestic organizations show that the reporting of the PBS was mainly focused on electoral process in general, with limited but balanced reporting on candidates. In the current polarized media environment, PBS should strive to provide voters with comprehensive, objective and impartial information about the elections and contestants and maintain its independence.

At the regional and local level, ENEMO observers reported close ties of media outlets with political actors, biased reporting and high level of self-censorship as well as a number of cases of black PR, "jeansa" payments⁵² and improperly marked advertisement in local media. Based on the assessment of numerous interlocutors, mainly from the media community, candidates are mostly preferring to publish campaign information in form of news or articles, rather than clearly marked campaign materials, due to negative attitude of readers towards political advertisement. Special concern was raised on local media's readiness to publish this kind of unmarked political advertising, despite reasons given by

⁵² Jeansa, eg. publishing unverified news articles for a fee

local media of being in a difficult financial situation. Self-censorship and clearly biased news reporting by media, whose owners have close ties to candidates, or political parties were also reported from a number of regional interlocutors. On a positive note, cases of violence against journalists were not reported so far.

Many of the Mission interlocutors highlighted the absence of a Code of Conduct or any other relevant document providing essential principles to guide actions of media and journalists during the election period, as well as lack of effective self-regulating mechanisms.

Observers

Ukrainian legislation guarantees observation of the election process for both domestic and international organizations. Observer organizations are accredited by the CEC, provided that they fulfill the accreditation requirements by officially being registered, and having election-related activities and election observation in its statutory documents.

The application deadline is 60 days before the polls, or January 29th for the upcoming elections. On January 22nd, the CEC published guidelines of accreditation process for citizen organizations.

Deadline for accreditation of civil society organizations expired on January 29th.

A. Domestic Observers

The CEC has accredited 139 domestic observer organizations for the upcoming presidential elections. Accreditation of individual observers is conducted by DECs.⁵³

ENEMO notes that the number of accredited citizen organizations has increased almost fourteen times in comparison with the previous presidential elections.⁵⁴ Among them only two accredited domestic observers' organizations – OPORA and CVU are the members of Global Network of Domestic Election Monitors, but also the signatories of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations.

ENEMO further notes, that 67 out of 139 citizen observer organizations were granted state registration in between 2016 and 2019. Since there were no national elections held during these years, newly registered organizations did not have an opportunity to observe elections on a national level. Many of ENEMO's interlocutors raised a concern that some of the accredited domestic observer organizations are linked to the interests of some of the presidential candidates, which could generate a threat of fake observation. Moreover, on March 6th, the CEC requested from the National Police to verify activities of accredited domestic NGO "National Watch- Natsionalni Druzhyny" since the commission has received

⁵³ Article 78.1 of the law on Elections of the President of Ukraine

⁵⁴ Number of Accredited domestic observer organizations during 2014 early presidential elections was 10; for 2014 early parliamentary elections – 37; 2015 local elections – 83.

information that the organizations possibly intend to obstruct electoral process during the Election Day. ⁵⁵

ENEMO urges all domestic observer organizations to use credible methodology and maintain impartiality and accuracy at all stages of the electoral process, in respect with the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for Non-Partisan Election Monitor Observers and Monitors. ⁵⁶

B. International Observers

To date the CEC has accredited 14 international organizations with 399 observers.⁵⁷ Deadline for the registration of official observers from foreign states and international organizations is March 23rd.⁵⁸

On February 7th the Verkhovna Rada adopted a law that bans Russian citizens from participating as observers in the presidential, parliamentary and local elections.⁵⁹

ENEMO expresses its concern about the decision of the Ukrainian government not to allow Russian citizen observers in the country, since it negatively affects the work of ENEMO as one of its member organizations GOLOS is not allowed to send its members for the ENEMO EOM in Ukraine. Members of GOLOS who are supposed to be part of the ENEMO observation mission are human rights defenders and political dissidents from Russia, and therefore face double discrimination since they cannot be a part of ENEMO mission by the decision of the Verkhovna Rada.

⁵⁵ CEC resolution #494 “On the appeal concerning the necessity of ensuring law and order during the electoral process of the President of Ukraine on March 31, 2019”: <http://www.cvk.gov.ua/pls/acts/ShowCard?id=45100&what=0>

⁵⁶ Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2012\)018-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2012)018-e)

⁵⁷ See: Section Офіційні спостерігачі available at: <http://www.cvk.gov.ua/pls/vp2019/WP001>

⁵⁸ Article 70.1 of The Law on the Elections of the President of Ukraine

⁵⁹ The Law On Amendments to certain Laws of Ukraine on Observing the Election Processes in Ukraine http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=65409

The European Network of Election Monitoring Organizations (ENEMO) is an international non-governmental organization that represents a network of national non-governmental civic organizations founded on September 29, 2001 in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 18 countries of Central and Eastern Europe and Central Asia, including three European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all of its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers. ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 27 international election observation missions to eight countries: Armenia (2018), Albania (2005 parliamentary elections), Georgia (2008 early presidential elections), Kazakhstan (2005 presidential elections), Moldova (2009 parliamentary elections, 2016 presidential elections and 2019 parliamentary elections), Kosovo (2009 municipal elections; 2010 parliamentary elections, 2013 municipal elections), Kyrgyzstan (2005 presidential elections; 2005 parliamentary elections; 2007 early parliamentary elections; 2009 presidential elections and 2010 parliamentary elections), and Ukraine (2004 presidential elections; 2006 parliamentary elections; 2006 mayoral elections in Chernihiv, Kirovograd and Poltava; 2007 parliamentary elections; 2010 presidential elections, 2012 parliamentary elections, 2013 parliamentary repeat elections in 5 districts, 2014 early presidential elections and 2014 early parliamentary elections).

ENEMO member organizations are: Centers for Civic Initiatives - Bosnia and Herzegovina, Center for Democratic Transition - Montenegro, Center for Free Elections and Democracy - Serbia, Center for Monitoring and Research CeMI - Montenegro, Coalition for Democracy and Civil Society - Kyrgyzstan, Committee of Ukrainian Voters - Ukraine; Election Monitoring Center - Azerbaijan, GONG - Croatia, SFED - Georgia, It's your choice - Armenia, Citizens Association MOST - Macedonia, Republican Network of Independent Monitors - Kazakhstan, Golos - Russia, Obcianske Oko - Slovakia, Belarusian Helsinki Committee - Belarus, Society for Democratic Culture - Albania, Promo LEX - Moldova, KRIIK - Albania Association, Foundation for Support of Civic Initiatives - Kazakhstan; Kosovo Democratic Institute - Kosovo, Transparency International Center TIAC - Armenia.

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

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