



ENEMO International Election Observation Mission Presidential Election - Ukraine 2019

3rd INTERIM REPORT

April 1st - April 12th 2019

ENEMO notes that all candidates and stakeholders accepted the official CEC results. Delays in the counting process at the DEC level did not appear to have affected the legitimacy of the first-round results, though shortcomings in the voter list caused by technical issues at the State Voter Registry are a reason for concern. The intensification of candidates' campaigns focusing on "black PR", smearing techniques on social networks, and reports of illegal means of campaigning limit the possibility for voters to make an informed choice, and negatively affect perceptions of the electoral process.

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 Kyiv, ENEMO has accredited and deployed 48 Long term observers (LTOs) and deployed 158 Short term observers (STOs) for the first round of the election, in teams of two to all regions (*oblasts*) of Ukraine. The Mission is headed by Dr. Zlatko Vujovic.

This third interim report covers the period from April 1st to April 12th, and is based on the ENEMO mission findings both at the national and at the local level and focused on the work of election administration, conduct of the election campaign and media, election-related complaints and appeals and other election related activities. Previous ENEMO reports and statements on the 2019 presidential election can be found at <http://www.enemo.eu/en/missions/ukraine-presidential-2019/>

ENEMO is a network of 21 leading election monitoring organizations from 18 countries of Europe and Central Asia, including 2 European Union countries. For more information on ENEMO, please visit <http://www.enemo.eu/>.

ENEMO's international observation mission for Ukrainian Presidential Elections 2019 is financially supported by the United States Agency for International Development through the National Democratic Institute, the Federal Foreign Office of the Federal Republic of Germany and the European Union. The content of this document is the sole responsibility of ENEMO and does not necessarily represent the position of the donors.



← THIS PROJECT IS CO-FUNDED BY THE EUROPEAN UNION

Most election stakeholders and ENEMO interlocutors positively assessed the conduct of the first round, despite minor violations on Election Day, controversial campaigns and shortcomings in the electoral legislation. Candidates did not contest the official CEC results, despite earlier announcements that they would not accept a defeat.

The second round of elections will be held on April 21st, with Volodymir Zelenskiy and Petro Poroshenko competing for the majority of votes cast.

During the reporting period, the CEC continued to operate according to its mandate, in an efficient manner, and according to the election calendar. Its official sessions generally were open for authorized persons, however, the practice of closed sessions continued.

On April 10th, the CEC formed 199 DEC members and appointed 14 members to each commission – seven nominees from each candidate. The total number of DEC members in all 199 DEC members is 2,786. Among them 60.01% are women and 39.98% are men.

The total number of expected PECs for the second round is 29,806. Concerns remain about the level of professionalism, experience, and training of PEC members. In isolated cases, ENEMO observers reported that DEC members were expecting challenges in identifying and appointing PEC members by the prescribed deadline, should the candidates fail to submit sufficient number of nominees.

As of April 12th, 201,189 voters had registered for temporary change to their place of voting. The highest amount of requests was observed in Kyiv city (34,318 voters), Kyiv *oblast* (20,383 voters), and Kharkiv *oblast* (14,623 voters). A high number of these requests were submitted by IDPs and voters originating from occupied territories.

ENEMO interlocutors, including heads of State Registry departments explained that issues with the voter lists were mostly due to the lack of electronic feedback from the website of the State Registry. Based on the available information, ENEMO remains concerned that shortcomings in voters' lists may not be resolved ahead of the second round.

Negative campaigning and aggressive rhetoric by both candidates have marked the period between the two election rounds. "Black PR" tactics and smear campaigns were the main focus of candidate's campaign strategies, who used social media platforms for spreading negative messages on their opponent, which were then further spread by traditional media. These contained defamation techniques, including humiliating picture-collages, fake news, and aggressive name-calling. ENEMO raises concerns with regard to the use of illegal campaign materials, printed and digital, which use false information aiming at discrediting the credibility and dignity of candidates. ENEMO also notices the lack of sanctions enforced upon candidates in this regard.

Both candidates started a series of promotional video exchanges and discussions regarding the place and conditions of televised debates, before the CEC declared the election results and announced the second round. Such activities may be perceived as election campaigning, but imprecise provisions of the presidential election law leave space for interpretation, allowing contestants to use legal loopholes to their advantage.

ENEMO notes the importance of presidential debates, which are an essential platform for giving voters the opportunity to hear candidates discuss and debate key issues prior to elections, while increasing the degree of transparency and accountability of candidates at the same time.

The election dispute resolution process continues to illustrate ambiguity of regulations. A high number of complaints were dismissed on procedural grounds and were not investigated based on merit of their claims.

On Election Day and the post-election period, the majority of complaints were submitted to the police. Police recorded all complaints, however the majority of these cases remain unaddressed since they were categorized as “unclassified” or “other”. A considerable number of complaints, both verbal and written, submitted to the police were related to issues with the voter lists.

Background

The Central Election Commission (CEC) announced preliminary results of the first round of the 2019 Ukrainian presidential election on April 4th.

On April 7th, one week after the Election Day, the CEC announced the final results of the first round. Official results stated that the two candidates with the highest number of votes were Volodymir Zelenskiy, who gathered 30,24% of votes (5,714,034 votes), followed by Petro Poroshenko who gathered 15,95% (3,014,609 votes).¹ Since no candidate obtained more than 50% of the votes cast, the CEC scheduled the second round for April 21st. Voter turnout statistics showed that a total of 18,893,864 voters (62,8 %) participated in elections, some 800,000 more than in 2014.²

Most election stakeholders and ENEMO interlocutors positively assessed the conduct of the first round, despite minor violations on Election Day, controversial campaigns and shortcomings in the electoral legislation. Candidates did not contest the official results.

Legal Framework

The regulatory framework for the second round is mainly provided by the Constitution of Ukraine, the Law on the Election of the President of Ukraine, the Law on the Central Election Commission, the Law on the State Voter Register, the Law on Political Parties, the Criminal Code of Ukraine, the Code of Administrative Proceedings and the Law on National Television and Radio Broadcasting Council, as well as the regulations and resolutions passed by the CEC. The relevant provisions are applicable for both rounds and generally address essential aspects of holding a second round. However, certain aspects related to media, voter

¹ *Ibid.*

² <https://www.cvk.gov.ua/pls/vp2019/wp300pt001f01=719.html>

registration and campaign rules lack clarity and leave room for interpretation.

Election Administration

A. Central Election Commission (CEC)

During the reporting period, the CEC performed and administered elections in accordance with the legislation and election calendar. Its official sessions were generally open for official observers, media and authorized representatives of presidential candidates, however, the practice of closed sessions continued.³

The tabulation of results was concluded within prescribed deadlines. On April 7th, after receiving all protocols from the DEC, the CEC determined the final results of the election timely and announced April 21st to be the date for the second round.⁴ The CEC automatically posted all PEC protocols on the CEC web-page.⁵

Within its mandate, the CEC adopted 28 resolutions related to the second round of presidential elections, approved the final form of the ballot paper, accepted budgetary expenses for DEC, accredited official observers, and conducted other necessary preparations.

B. District Election Commissions (DECs)

Following the first round, all 199 DEC submitted protocols to CEC by April 5th. However, 21 DEC had protocols returned for some minor technical inaccuracies. After corrections were made, the CEC accepted re-submitted protocols. The last amended protocol was submitted on April 6th.

A majority of DEC were processing protocols efficiently. However, because of the heavy workload and lack of experience of several commission members, some DEC were processing PEC protocols up until late evening of April 1st and 2nd.

In some cases, the process of submission of summary protocols from PEC to DEC was accompanied by organizational difficulties, queues, and overcrowding. In many cases, protocols were returned to PEC to make the necessary corrections⁶. According to DEC members, these were corrections of minor technical discrepancies and mistakes, caused by the lack of legislative and procedural knowledge of PEC members on how to properly deal with election materials, how to fill descriptions and do numeration, where to put stamps and signatures, simple mathematical miscalculations, as well as fatigue.

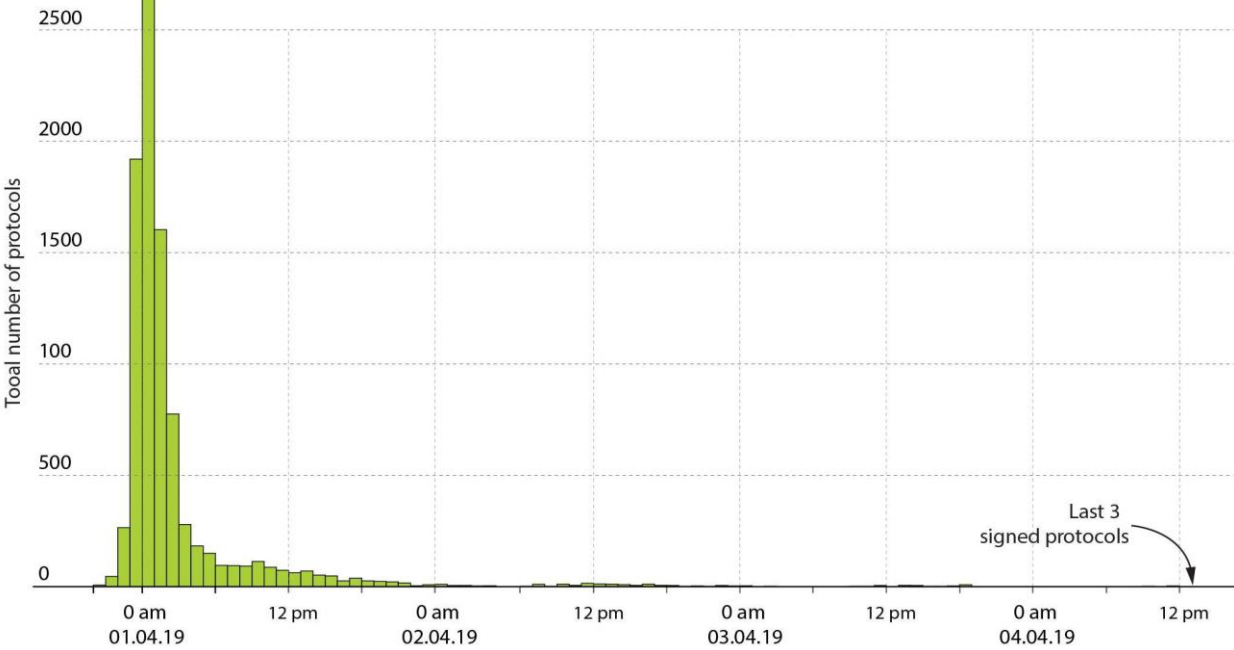
³ See “Statement of Preliminary Findings and Conclusions” ENEMO International Election Observation Mission Presidential Election - Ukraine 2019; published on 02.04.2019 <http://enemo.eu/uploads/file-manager/ENEMOPreliminaryStatement-March31st20191stRound.pdf>

⁴ Law prescribes results to be determined and publicly announced no later than 10 days after the Election Day.

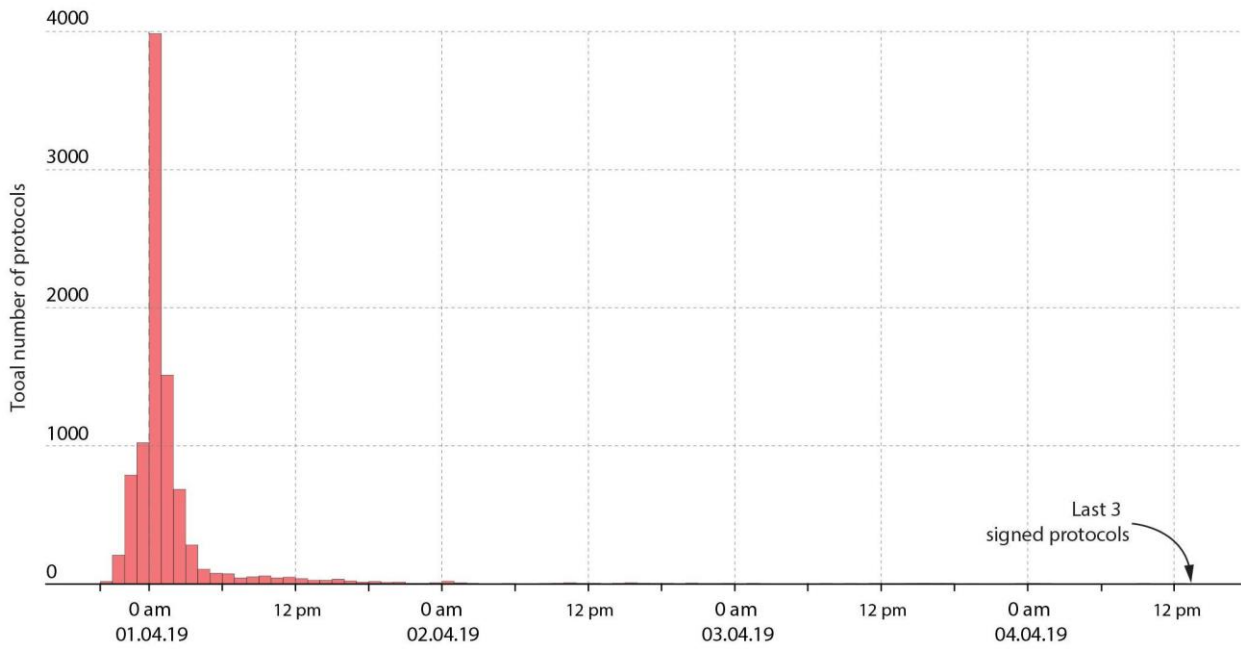
⁵ The CEC resolutions are available on the following link: <https://www.cvk.gov.ua/pls/acts/new.html>

⁶ ENEMO’s data from the preliminary statement on the first round indicated that in 23,2% of observed DEC, PEC protocols needed corrections due to various procedural mistakes: <http://enemo.eu/uploads/file-manager/ENEMOPreliminaryStatement-March31st20191stRound.pdf>

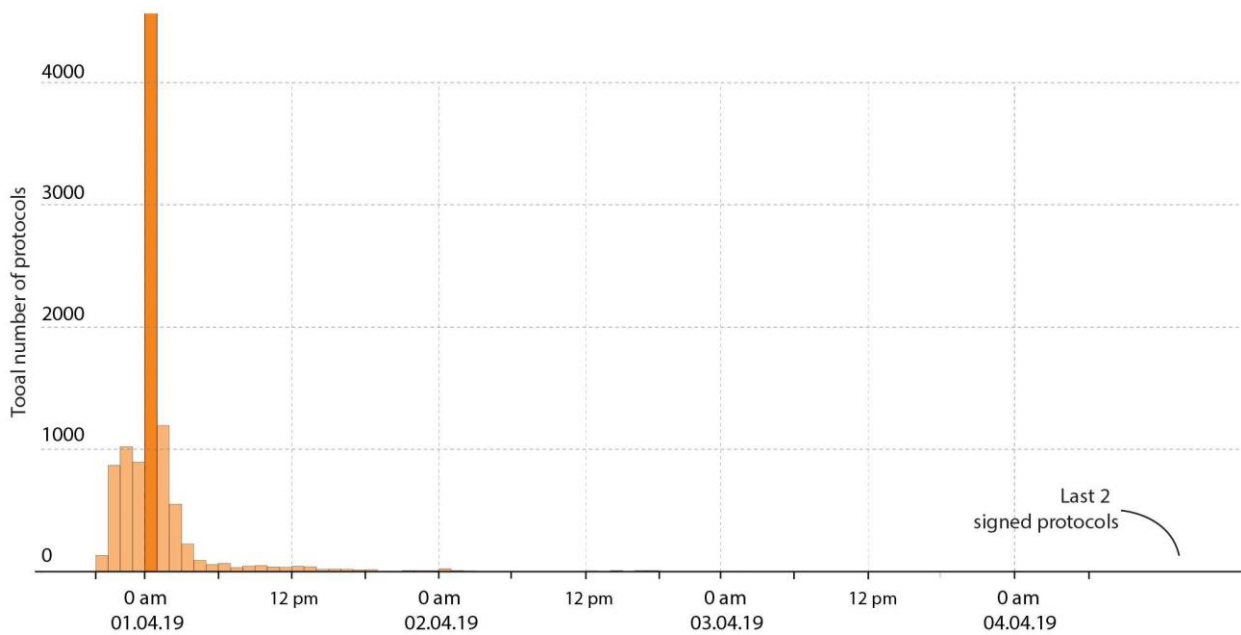
Election results at the precinct level were tabulated into PEC protocols. Alongside with the numbers of votes cast for each candidate, election protocols contained the time of completion. This information was made public on the CEC website, enabling an analysis of the speed of ballot counting at the PEC level. The time scales below represent the distribution of precincts by the time of their protocols signature, by size of polling stations. As illustrated, the last protocols were signed on April 4th, 2019, at 12:30 pm, 12:45 pm, and 12:30 pm at large, medium, and small size precincts respectively, causing considerable delays for counting in DECs.



Graph 1. Distribution of large (over 1,500 voters on the list) precincts by the time of protocol signature.



Graph 2. Distribution of medium (from 500 to 1,500 voters on the list) precincts by the time of protocol signature.



Data: ../data/timing.csv

Graph 3. Distribution of small (less than 500 voters on the list) precincts by the time of protocol signature.

Necessary corrections of the results protocols were mainly due to the following issues:

- The incorrect number of voters who voted and/or invalid ballots caused disbalances in the results protocols;

- Numbers given in hard copies of results protocols did not coincide with the numbers given in the electronic program software with difference of 1 or 2 votes;
- The PECs improperly filled in, or were missing some data in the protocols;
- The graphs of candidates who received zero votes were empty.

In isolated cases, PEC members were illegally correcting the protocols at DEC premises, which was later fixed when police and observers reacted.

The electronic system *Vybory* used for tabulation and double-checking the numbers, as well as an application recommended by the CEC, eased the process. However, it should be noted that on election day, the software for submitting the electronic results protocols occasionally did not work properly and CEC undertook a reboot in the first part of the day on April 1st.

On April 10th, the CEC formed 199 DECs upon nominations from candidates included in the ballot paper for the second round. As prescribed by law, DECs consist of fourteen persons – seven nominees from each candidate. The total number of DEC members in all 199 DECs is 2,786. Among them 60.01% are women and 39.98% are men.

For DECs' composition, candidate Poroshenko nominated 1,393 candidates in all 199 DECs and used all possible quotas, while candidate Zelensky nominated 1,379 members in 197 DECs. Zelensky did not nominate any commission members in DECs #57 and #58, therefore, the CEC fulfilled the rest of the composition of these DECs.⁷

The CEC ensured equal distribution of leadership positions of chairpersons and secretaries among the nominees of two candidates, according to the requirements of the law.⁸ Consequently, candidate Petro Poroshenko received 100 chairpersons and 99 secretaries, while candidate Zelensky received 99 chairpersons and 98 secretaries. Majority of DECs started preparations for the second round without significant impediments. However, in isolated cases, DECs work was assessed as chaotic, with previous and new compositions of commission members still being within the same premises, previous members finalizing their work for the first round, and new members preparing for the second round. Moreover, the majority of DEC members have complained about the short timeframe left for the proper preparation of the second round.

C. Precinct Election Commissions (PECs)

According to the law, precinct election commissions (PECs) should be formed by DECs no later than five days before the date of the second round (April 15th). In terms of nominations, the distribution of PEC members should respect the principle of proportionality between the two candidates. For large election precincts, 16 members should be appointed (eight

⁷ Article 85 (12) of the Presidential Election Law defines that If the candidate did not use the opportunity to nominate candidates for the respective district election commission the CEC shall form the membership of the DEC upon the submission of the Chair of the CEC based on proposals of the members of the Commission.

⁸ Article 85 (7) of the Presidential Election Law defines that When distributing positions in the district election commissions, the Central Election Commission ensures equal number of positions of the chair and the secretary of the district election commission for each candidate for the President of Ukraine (with a possible deviation not exceeding one position of the commission chair or the commission secretary, respectively). The chair and the secretary of the district election commission may not represent the same candidate for the President of Ukraine.

members from each candidate), 14 members for medium precincts (seven from each candidate), and 12 members for small precincts (six from each candidate).

If a candidate does not nominate the defined number of members for a PEC, the respective DEC should appoint additional members. In isolated cases, ENEMO observers reported on concerns voiced by DECs regarding their ability to identify and appoint PEC members within legal deadlines, should candidates fail to nominate a sufficient number of members. Such concerns were reported in Zaporozhye, Kharkiv, Dnipro, Zakarpattia, Chernivtsi, and Sumy oblasts.

The total number of expected PECs for the second round is 29,806. Concerns should again be raised as to the level of professionalism, experience, and training of PEC members for the second round of the election, as no systematic trainings are currently planned for newly formed PECs.

Registration of Voters

Main issues reported with regard to voter lists on Election Day involved isolated cases of voters who could not find themselves in the final lists (but had not checked themselves in the preliminary lists in advance); young voters having recently turned 18 years of age and not finding themselves in the lists; cases of last names that were not updated resulting in voters not allowed to vote; voters not found in the final lists even though they had found themselves in the preliminary lists beforehand and received invitations from PECs; and isolated cases of hundreds of voters registered at a single address.

ENEMO interlocutors, including heads of State Registry departments, explained that issues with the voter lists were mostly due to lack of electronic feedback from the website of the State Registry. Errors may also have occurred due to the lack of clarification of personal data by voters in the “Voter’s Personal Area” section of the website. ENEMO is concerned that shortcomings in voter lists are likely to recur for the second round.

The law provides that voters having temporarily registered to change their place of voting without changing electoral address should register for the second round of the presidential election, regardless of whether they did so for the first round. State Voter Registration bodies opened for requests to temporary changes of place of voting on April 8th, the day following the announcement of the second round of election by the CEC. Voters will have the possibility to register until 5 days before the Election Day, in accordance with the law (April 15th included).

Although the work and professionalism of State Voter Registration bodies continues to be generally positively assessed by observers (varying depending on the regions), reports indicate a high number of crowded queues for registration, with voters at times having to wait several hours before being able to register. Many young voters were noticed in these queues. Premises are also not always adequate for access to elderly people and/or individuals with physical disabilities.

As of April 12th, 201,189 voters had registered for temporary change to their place of voting. The highest amount of requests was observed in Kyiv city (34,318 voters), Kyiv *oblast* (20,383 voters), and Kharkiv *oblast* (14,623 voters). A high number of these requests were initiated by IDPs and voters originating from occupied territories.

ENEMO observers also reported that the State Registry authorities do not conduct active information of voters in media and online on the need for voters to check their data in the lists. Deadlines for doing so are also not efficiently, nor systematically communicated to citizens, while understaffed SRV administration bodies remain an issue.

Electoral Campaign and Campaign Finance

According to the law, the presidential election campaign for the second round begins on the day following the official CEC announcement of holding of a second round and ends twenty four hours before the day of voting⁹.

However, a considerable number of cases of hidden campaign were observed throughout Ukraine, in particular messages on billboards with symbols (font and colors) of leading candidates without their photos and missing legally-prescribed information. These billboards were noticed on the “day of silence” twenty four hours before the day of the election for the first round, and remained posted the week following the first round, even though the second round had not yet been announced. Though this may not be envisaged as formal campaigning according to the law and no sanctions are provided, concerns may be raised as to the presence of such materials given that campaigning is prohibited on the “day of silence” (billboards should be removed 24 hours before the day of the election), on Election Day, as well as during the period between the election and the official announcement of results. Campaigning on social networks was also observed during the “day of silence” in the first round, Election Day and the period before announcement of the holding of the second round. Article 57 of the presidential election law clearly states that the campaign before the repeat voting shall start the day after the repeat voting was announced by the CEC, and prohibits direct or indirect campaigning during the election process beyond the established terms.

Before and after the start of the official campaign period for the second round however, a high number of social network posts and videos containing negative campaigning and “black PR” were observed being shared on messaging applications containing violence and discrediting candidates. In some cases, the police opened criminal proceedings under Article 346 of the Criminal Code on threats or violence against a statesman or a public figure. In addition to social networks and messaging applications, a high number of cases of publicly distributed (illegal) leaflets containing “black PR” to discredit candidates were also reported

⁹ Article 57, paragraph 3 of the “Law on Elections of the President of Ukraine”.

by ENEMO observers¹⁰. These contained defamation techniques, including humiliating picture-collages, fake news, and aggressive name-calling. Such cases were observed in most *oblasts*. Concerns should be raised with regard to the use of improperly marked campaign materials, printed and digital, which use false information aiming at discrediting the credibility and dignity of candidates. ENEMO also notices the lack of sanctions enforced upon candidates in this regard.

ENEMO observers reported that campaign headquarters are often closed or inactive in the regions. Overall, regional campaign activities have decreased, though door-to-door campaigning operations have resumed in some *oblasts* (for instance in Sumy and Kharkiv *oblasts*), and new political advertisement billboards and posters were observed. Presidential candidates seem to focus on campaigning at the national level, with an emphasis on the use of social networks and broadcasting of videos.

In several areas, reports indicated allegations of ongoing pressure on state employees to vote in favor of a particular candidate, as well as isolated cases of abuse of state resources through the involvement or pressure on administrative staff. Such cases were reported in Kyiv city, as well as Odessa *oblast*.

According to the law, in case of a second round, candidates should submit an interim financial report on the receipt and use of funds for campaigning four days prior to Election Day. This report should be provided to the party which nominated the candidate (provided the candidate is not self-nominated) and to the CEC and National Agency for the Prevention of Corruption. Reports from candidates should be published on the CEC website on the day following their receipt. ENEMO considers the time frame for checking and analysis of these reports (published 4 days before Election Day) is too short for voters to receive comprehensive information on campaign expenditures of candidates.

Complaints and Appeals

Although the right to an effective remedy is guaranteed in the Ukrainian electoral legislation, problems related to adjudication of electoral disputes remain unsolved. Moreover, majority of election related disputes were reported to the police, even when the issues raised by complainants were not within the competence of the police.

For the period of March 31st – April 1st the CEC received 23 complaints. All of them were returned to complainants without consideration because, according to the CEC, complainant did not fulfill formal requirements for complaints and the complainants were provided with respective clarifications. It should be noted that contents of returned complaints are not publicly available.

¹⁰ Article 64 paragraph 5 contains provisions restricting campaigning in forms of deliberate dissemination of false information on candidates, in addition to the provisions of Article 59 paragraph 3 which explicit the informational requirements which should appear on printed materials.

In total, for the period of January 1st – April 5th the CEC received 189 complaints. Among them, the CEC considered 16 complaints and issued formal resolutions. Complainants withdrew 14 complaints and 159 were returned to complainants without consideration, as they were assessed to have failed to fulfill prescribed prerequisites.

On Election Day and in the post-election period, some DEC members reported receiving written complaints. In total, DEC members received 12 formal complaints¹¹. Two complaints were forwarded to the police and nine were rejected on various procedural grounds, such as missed deadline, or for being submitted by unauthorized persons. Only one complaint was satisfied¹². Notably, the DEC #74 refused to consider a complaint submitted by an observer who did not personally witness the violation, but had filed a complaint in the DEC based on the observer's report claiming denied access to the PEC #230881. The DEC members claimed that the complaint should have been filed by the observer whose right was violated¹³.

The election dispute resolution process illustrated that regulations that apply to electoral disputes are needlessly difficult, and may be the reason for a high number of complaints being returned to complainants, or rejected on procedural grounds.

In the first round, during the counting of votes, and in the post-election period, the majority of election related complaints were submitted to the police.¹⁴ Police recorded all complaints, however majority of these cases remains unaddressed since the police categorized them as "unclassified" or "other". In addition, according to the law, the police are not obliged to forward election-related complaints to the relevant state institutions for consideration. A considerable number of complaints, both verbal and written, which were submitted to the police were related to issues regarding the voter lists.

During the April 1st-April 12th period, the police announced that it received 706 election related cases. Among them, the police opened 60 criminal investigations and drew up two administrative protocols. All reported criminal cases are still under investigation.

During the first round's Election Day and post-election period, majority of cases were submitted to the courts by voters who could not find themselves in the voter list, or against certain actions or inactions of DEC members. In many cases the courts satisfied cases and included voters in the voter list, while a high number of cases were rejected because the plaintiff missed the 2-days deadline before election day.

¹¹ Complaints were submitted to the following DEC members: #11; #17; #62; #74; #76; #78; #159; #171; #172; #187;

¹² In DEC #17, the representative of Poroshenko filed a complaint during E-day. On the previous day, on 30th of March, at PEC 050008 a new chairman who didn't take the oath was appointed, not even at the beginning of E-day. So, the process of voting was stopped for a short while, the newly appointed chairman took the oath, and the election day continued without other complaints.

¹³ PEC 230881 started its first session on E-Day at 6:45 AM. OPORA observer, which came to the PS at 7:07AM considered that his right to observe the opening of the safe and the other opening procedures was violated. A complaint was filed to the 74th DEC by another observer from OPORA present at DEC, however, the complaint was rejected by the DEC because he was not the subject whose rights were violated.

¹⁴ On Election Day police registered 2605 notifications related to election process, among which police filed 33 protocols and opened 61 criminal investigations.

Media continues to play a very significant role in the election, with continuous biased reporting and high polarization attributed to corporate and political interests of media owners, allegedly with close ties to certain candidates. Negative campaigning and sharp rhetoric used by both candidates has marked the period between the two election rounds. Candidates dominantly used social media to facilitate the dissemination and exchange of political content on platforms that accommodate direct interaction with voters, which were further spread by traditional media.

However, lack of regulations concerning the political campaigning on social network platforms allowed candidates to carry out direct or indirect campaigning beyond the legally prescribed timelines.

Both candidates started a series of promotional video exchanges and discussions regarding the place and conditions of televised debates before the official results were announced. Such activities may be perceived and interpreted as election campaigning. The CEC issued a public statement reminding candidates of their legal obligations and asking them to respect the law.¹⁵ However, the CEC did not issue any official warning, nor impose other possible sanctions prescribed in Article 56 of the law.

On the same subject, a lawsuit was filed to the Sixth Administrative Court of Appeal¹⁶ against both candidates, as well as the CEC, the National sports complex "Olympic" and the Ministry of Health of Ukraine as third parties, with a request to recognize the unlawful actions of the subjects of the electoral process in carrying out illegal campaigning, and oblige them to refrain from such actions. The plaintiff¹⁷ requested the Court to oblige the CEC to impose prescribed sanctions against the candidates. The Court rejected the lawsuit in full, stating that video conversations distributed by candidates through social networks are not political campaigning, since candidates did not publish any statement, nor carry any other actions in order to motivate voters to vote or not vote for a particular candidate. The plaintiff appealed this decision to the Supreme Court and the appeal was rejected.

ENEMO interlocutors have pointed out imprecise provisions of the presidential election law which leaves space for interpretation and allow contestants to use legal loopholes to their advantage.

On the other hand, presidential debates, recognized and regulated by Article 62 of the law, were a topic that shaped media reporting between the two rounds. According to the law and the CEC Decree¹⁸, televised debates at the expense of budget funds should be held on the last Friday before the day of the second round, between 19 and 22 hours, live, with a duration of

¹⁵ <https://www.cvk.gov.ua/>

¹⁶ Case No. 640/5921/19

¹⁷ Official observer for the election of the President of Ukraine in the territorial election district 221 from the NGO "Ukrainian Association of Shareholders"

¹⁸ No. 472, On the provision of the procedure for the UA:PBC to conduct pre-election TV debates between the candidates included in the ballot for re-voting.

not less than 60 minutes, in the studio of the UA:PBC¹⁹ and be broadcasted free of charge by other broadcasting companies. Candidates shall participate in TV debates personally. In case one of the candidates refuses, or is unable to participate, the time allocated shall be granted to the other candidate for the purpose of conducting his or her pre-election campaign. Other forms of debates are allowed as a part of campaigning, but should be paid by candidates.

So far, the candidates have not reached an agreement and only one of them announced his participation in the official debate on April 19th.

ENEMO notes the importance of presidential debates, which are an essential platform for giving voters the opportunity to hear candidates discuss and debate key issues prior to elections, while increasing the transparency and accountability of candidates, at the same time.

Negative campaigning increased in between election rounds. “Black PR” tactics and smear campaigns were the main focus of candidate’s campaign strategies, who mainly used social media platforms, especially Facebook, Telegram, YouTube and Twitter for spreading negative messages on their opponents, which were then picked up and further spread by traditional media. At the regional and local level, ENEMO observers reported a high number of cases of black PR, both in the traditional and social media. Several cases of alleged intimidation and threats against journalists and representatives of presidential candidates were reported by ENEMO observers and domestic NGOs.

During the reporting period, the National Council continued to observe broadcasters’ conduct in relation to respecting of legal provisions. However, even when determining a violation²⁰ of the law, the National Council failed to impose any sanctions that would improve media conduct, other than addressing media directly. Since the first round, this institution received 13 answers and explanations from previously addressed broadcasters. Since the beginning the election period, up until April 11th the National Council received a total of 131 complaints regarding media, mostly related to different forms of hidden political advertisement and alleged cases of defamation, or untrue information published about candidates, without the possibility to contest such information, as well as 30 requests for additional explanations from media. Imprecise legal provisions continue to limit the work of the National Council.

Observers

As of April 13st, there are 88,957 accredited domestic election observers nominated by 83 accredited NGOs. In total the CEC has accredited 139 domestic NGOs, of which 56 have not nominated any observers yet. To date, the CEC has registered 37 international organizations with 2,360 observers.

¹⁹ Public Broadcasting Company of Ukraine

²⁰ For example, the results of monitoring of the 1+1 channel showed signs of violation of Article 3, 56.1 and 57, as stated at the meeting of the Working group, held on April 12.

About ENEMO

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 two 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, ISFED – Georgia, It's your choice – Armenia, Citizens Association MOST – Macedonia, Republican Network of Independent Monitors – Kazakhstan, Golos – Russia, ObcianskeOko – 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.

For further information please contact:

Maja MILIKIC, *Press and Logistic Officer*

E-mail: maja.milikic@enemo.eu;

Phone: +380 68 939 068

Core Team

Head of Mission – Zlatko Vujovic (Montenegro)

Deputy Head of Mission - Teodora Pop Trajkov (Macedonia)

Election and Campaign Expert – Pierre Peytier (France)

Media Expert – Ana Nenezic (Montenegro)

Legal Expert – Nino Rizhamadze (Georgia)

Press and Logistic Officer – Maja Milikic (Montenegro)

Finance Officer – Teodora Gilic (Montenegro)

LTO Coordinator – Kristina Kostelac (Croatia)

LTO Coordinator/Security Officer – Mariam Chubabria (Georgia)

Data Analyst - Dritan Taulla (Albania)