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## INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Moldova - Parliamentary Elections, 30 November 2014

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**Chisinau, 1 December 2014** – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP).

Emin Onen (Turkey) was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. Arta Dade (Albania) headed the OSCE PA delegation, Jean-Claude Mignon (France) led the PACE delegation, and Igor Šoltes (Slovenia) headed the EP delegation. Ambassador Jan Petersen (Norway) is the Head of the OSCE/ODIHR Election Observation Mission (EOM), deployed from 22 October.

The assessment was made to determine whether the elections complied with OSCE commitments and Council of Europe standards, other international obligations and standards for democratic elections and with national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE PA will deliver its report to its Bureau Meeting on 3 December. The PACE will present its report during its 2015 Part-Session on 26 January. The EP will present its report in its Committee on Foreign Affairs meeting of 11 December.

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### PRELIMINARY CONCLUSIONS

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The 30 November elections offered voters a wide choice of political alternatives. The campaign was influenced by the country's geopolitical aspirations and the late deregistration of one electoral contestant raised questions about timing and circumstances. Contestants enjoyed unimpeded access to the media; however, most outlets, with notable exceptions including the public broadcaster, were subject to political interference. The election administration enjoyed the confidence of most stakeholders and the process was generally well administered, with the exception of the functioning of the new electronic system for the processing of voters on election day.

The legal framework generally provides an adequate basis for conducting democratic elections. However, ambiguities and vague provisions, in particular in the Election Code, pose challenges to consistent and effective application of the law. Amendments to the Election Code were passed in 2013 and 2014 and partly addressed previous OSCE/ODIHR and Council of Europe's Commission for Democracy through Law (Venice Commission) recommendations, in particular related to the work of the election administration. Nevertheless, significant legal issues in the overall framework remain unaddressed, including the need to strengthen campaign finance regulations and to provide for the disclosure of media ownership. The Central Election Commission (CEC) decisions did not fully address the existing gaps and inconsistency in the law.

The election campaign was peaceful and freedoms of expression, association and assembly were generally respected. The campaign environment was affected by the deregistration of the *Patria* Party (PP) shortly before election day. In a largely substantive campaign, there was particular focus

on geopolitical issues such as engagement with the European Union and the Eurasian Customs Union, as well as the ongoing armed conflict in Ukraine, and issues of employment, pensions and anti-corruption. Positively, language and identity issues did not feature predominantly in the campaign. A limited number of campaign violations were observed, mostly related to unequal access to public venues, and students and state employees being required to attend campaign events.

In an inclusive process, the CEC registered 26 contestants (21 political parties, 1 electoral bloc and 4 independent candidates), resulting in a diverse choice of political alternatives for voters. Legal provisions allowing for the staggered start of campaigning, based on registration, negatively affected the equality of campaign opportunities of different contestants. Candidate lists could be changed until one week before the elections. Prior to inclusion on the lists, some prospective candidates took advantage of this provision and continued working in their capacities as senior government officials blurring the distinction between public office and campaigning.

Amendments to the campaign finance framework were considered in 2014. Regrettably, the framework remained unchanged, despite prior OSCE/ODIHR and Venice Commission recommendations. Transparency, oversight and enforcement mechanisms continue to require improvement. The CEC's mandate and capacity to verify contestants' financial reports and to monitor campaign finances effectively remain limited.

On 26 November, the CEC passed a decision to request the Court of Appeal to annul the registration of the PP as an electoral contestant. The request was made on the basis of information provided by the General Police Inspectorate, which indicated that the PP was receiving foreign funds in violation of the law. On 27 November, the Court of Appeal decided to deregister the PP and this decision was upheld by the Supreme Court on 29 November. The late timing of this case and the circumstances surrounding it raised questions.

The CEC was overall efficient in its preparations and generally met the deadlines. The administration of the elections benefited from comprehensive training programs, the introduction of uniform election materials and the increased use of technologies in election management.

The new centralized State Registry of Voters represents an important step forward in managing voter registration. However, in the short timeframe of its introduction, the CEC faced a number of challenges, such as a lack of infrastructure, shortage of qualified personnel and security concerns. Unlike in previous elections, the quality of voter lists was not raised by stakeholders as a concern.

The lack of transparency with regard to the criteria for determining the number and location of polling stations abroad contributed to public perceptions that the government sought to discourage voting in the Russian Federation, while increasing the number of polling stations in other countries.

Complaints and appeals were generally handled satisfactorily and within the established timelines. The dispute resolution mechanism was robustly used by contestants. Transparency of the complaints process would have been enhanced if the CEC posted all complaints and appeals and the subsequent decisions online. Legal action by the Communist Party of the Republic of Moldova to deregister the Communist Reformist Party (PCR) based on similar logos and brands that might confuse voters, extended into the campaign period. This created uncertainty as to whether the latter would be included on the ballot, in spite of court's decision requiring the Ministry of Justice to suspend the registration of the PCR as a party.

Women made up almost 31 per cent of candidates, and only a few were placed on winnable positions on candidate lists. The visibility of women candidates in the campaign was low and with rare exceptions, the campaigns did not address issues related to women. There are no legal requirements aimed at enhancing the participation of women in political life. Only one of nine CEC members is a woman. Approximately one third of District Election Councils chairpersons and three-quarters of Precinct Election Bureaus (PEB) chairpersons are women.

The media overall enabled contestants to convey messages to the electorate, and offered voters diverse campaign information. However, significant ownership concentration of broadcast media and their association with political actors influence editorial freedom and result in self-censorship, impacting voter access to balanced information. Investigative and analytical reporting was limited. The OSCE/ODIHR EOM media monitoring showed that national broadcasters, including public television and radio, complied with their obligation to provide free airtime and organize debates. Only the public broadcasters and *Pro TV Chisinau* reflected the campaign in a balanced manner, while the campaign coverage of most other media was partisan. The national media oversight body failed to apply effective sanctions to the outlets for repeated unbalanced coverage.

National minorities comprise more than 20 per cent of the population. The legal framework allows for their participation in the elections on an equal basis; however, there are no special measures to promote minority representation. Representatives from most minority communities were included on party lists, but generally not on winnable positions. Many parties spoke about the importance of inter-ethnic dialogue, and no cases of hate speech or ethnic rhetoric were observed. Candidates generally campaigned in both the State language and in Russian.

The Election Code provides for observation by international and citizen organizations, as well as representatives of contestants. A significant number of citizens and international observers were accredited for the elections. One citizen observer group undertook comprehensive observation of the election process, including parallel vote tabulation.

Election day generally proceeded in an orderly manner, but considerable technical deficiencies were noted throughout the voting and counting processes related to the functioning of the electronic system for processing voters' data. Despite this, and at times overcrowded polling stations, generally the PEBs respected the procedures. The counting process slightly deteriorated, and one fifth of PEBs observed could not process the results electronically, which affected the tabulation at district level. Contestant and citizen group observers were present in almost all of the polling stations and tabulation centres. The preliminary turnout announced by the CEC was 55.86 per cent.

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## **PRELIMINARY FINDINGS**

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### **Background**

The 30 November elections were the eighth parliamentary elections since independence in 1991. The 2010 parliamentary elections resulted in a governing coalition, the Alliance for European Integration, which collapsed in 2013 after a vote of non-confidence in parliament related to accusations of corruption. Despite a fragmented political landscape, a new coalition, the Pro-European Coalition, was formed and the outgoing parliament was the first one since 2005 to complete its four-year term.

## Legal Framework and Electoral System

The parliamentary elections are regulated primarily by the Constitution and the Election Code, supplemented by other laws, as well as CEC decisions and regulations.<sup>1</sup> The legal framework generally provides an adequate basis for conducting democratic elections. The Election Code, however, continues to contain ambiguous and vague provisions open to interpretation, mainly on candidate registration and the verification of candidate support signatures. CEC decisions did not fully address the existing gaps and inconsistency in the law.

The Election Code has been amended since the last elections, most recently in April 2014. Amendments included the increase of thresholds to enter parliament, implementation of a centralized State Register of Voters (SRV), and the discontinuation in the use of ex-Soviet passports. While some amendments partly addressed previous OSCE/ODIHR and Council of Europe's Commission for Democracy through Law (Venice Commission) recommendations, in particular related to the work of the election administration, a number of recommendations remain unaddressed.<sup>2</sup> Several significant changes to the Election Code proposed in 2014 failed to be adopted and remain pending in parliament. These include revisions to party and campaign finance regulations, inclusion of gender quotas for party lists, and on an extension of the period for voting abroad. Additionally, the requirements for media ownership disclosure are yet to be addressed in the broader legal framework.

The 101-member unicameral parliament is elected for a four-year term through proportional representation in a single nationwide constituency. One third of registered voters must participate in an election for it to be valid. Political parties need to receive 6 per cent of the valid votes to participate in the allocation of seats in the parliament. The threshold for electoral blocs of 2 parties is set at 9 per cent and at 11 per cent for 3 or more parties. Independent candidates need to receive 2 per cent of the valid votes to obtain seats. There are no special temporary measures enhancing minority representation or participation of women in political life.

## Election Administration

The elections were administered by a three-level structure, comprising the Central Election Commission (CEC), 35 District Electoral Councils (DECs) and 2,073 Precinct Electoral Bureaus (PEBs), including 95 polling stations abroad and 26 designated polling stations for voters residing in Transdniestria.<sup>3</sup>

The CEC is a nine-member permanent body that serves a five-year term, while DECs and PEBs are established for each election. DECs consist of 7 to 11 members nominated by courts and/or local councils and parliamentary parties. PEBs consist of 5 to 11 members nominated by local councils and parliamentary parties. Women were underrepresented in leadership positions of election commissions; one of the CEC members is a woman. At lower levels, women represented some 40

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<sup>1</sup> The legal framework also includes the Law on Political Parties, Law on Assembly, Audio-Visual Code, organic laws on the courts, as well as relevant provisions of the Criminal Code and Code on Minor Offences.

<sup>2</sup> Such recommendations include lowering of thresholds, streamlining signature collection and verification, reviewing campaign finance regulations to strengthen oversight and enforcement mechanisms, and including measures to promote participation and representation of women. Previous OSCE/ODIHR reports on Moldova are available at: <http://www.osce.org/odihr/elections/moldova>. See also relevant previous OSCE/ODIHR and Venice Commission joint opinions at [http://www.venice.coe.int/WebForms/documents/by\\_opinion.aspx](http://www.venice.coe.int/WebForms/documents/by_opinion.aspx).

<sup>3</sup> Moldova is divided into 37 electoral districts, one per territorial-administrative unit. DECs in Bender and Tiraspol, located on the territory controlled by the Transdniestrian *de facto* authorities, were not established.

per cent of DEC members, one third of DEC chairpersons, three-quarters of PEB members and three-quarters of PEB chairpersons.

The CEC generally enjoyed confidence of most electoral contestants and stakeholders. Its sessions were conducted in a professional, collegial and transparent manner, with agendas published in advance and decisions made available online. The CEC was overall efficient in its preparations, including the introduction of uniform election materials throughout the country and the increased use of technologies in election management, and generally met the legal deadlines. The CEC developed a comprehensive training programme, and held some 450 sessions for election officials, judges, citizen observers, and representatives of contestants, in the period observed.

DECs and PEBs were generally formed within legal deadlines. Overall, DEC operated effectively and impartially. The PEBs, despite limited infrastructure and resources, met the legal deadlines. Some efforts were made to facilitate access of disabled voters to polling stations: a number of polling stations were moved to the ground floor, and access ramps were installed in 30 polling stations.

The CEC updated its State Automated Information System “Elections” (SAISE), purchased two computers per polling station and recruited 4,200 operators. For the first time on election day, PEBs had the possibility to identify voters online, which also served to prevent multiple voting. In addition, the system was designed for the PEBs to electronically report counting results directly to the CEC.

Out-of-country voters had an opportunity to vote without prior registration. To estimate their number and potential polling station locations, the government created a website for voters to declare their residency abroad.<sup>4</sup> On 20 October, the government issued a decision to open 95 polling stations abroad in 31 countries.<sup>5</sup> The lack of transparency with regard to the criteria for determining the number and location of polling stations abroad contributed to the perceptions of a number of stakeholders that the government sought to discourage voting in the Russian Federation while increasing the number of polling stations in other countries. Three appeals against this decision submitted by the Party of Socialists of the Republic of Moldova (PSRM) were not upheld by courts.

The CEC produced voter education and information materials on the importance of voting, election procedures and absentee voting, which included Russian subtitles. Radio spots were aired both in the State language and in Russian. The public television broadcaster *Moldova 1* and the civil society organization *Promo-LEX* produced additional voter information and education spots.

## Voter Registration

Citizens who reach 18 years of age by election day have the right to vote, except those deprived of such right by a court decision. Citizens eligible to vote can stand as candidates, except active military personnel, persons serving a prison sentence or with an un-expunged criminal record, and those deprived of this right by a court decision. The practice of courts issuing blanket guardianship

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<sup>4</sup> Only 1,700 voters were registered via the website.

<sup>5</sup> Most out-of-country polling stations were in Italy (25), Romania (11), United States of America (6) and France, Portugal, and the Russian Federation (5 in each country). The remaining 25 countries had between 1 and 5 polling stations.

over elderly persons and persons with disabilities automatically deprives them of their right to vote, contrary to international standards.<sup>6</sup>

Voter registration is passive. The centralized SRV, which is based on data from the State Population Register,<sup>7</sup> was used for the first time for these elections.<sup>8</sup> The SRV represents an important step forward for the administration of elections. However, the introduction of the SRV would have benefited from more timely adoption and development of comprehensive instructions and information. The CEC Regulation on the SRV was adopted only ten days before election day and did not provide for scrutiny of the SRV by election stakeholders or observers. In the short timeframe, the CEC faced a number of challenges, such as a lack of infrastructure, shortage of qualified personnel and security concerns. Both the CEC and “*Registru*” acknowledged that the introduction of a comprehensive address register would improve the SRV quality.

The CEC provided extracts of the SRV to local administrations for checks and updates. According to the CEC, some 40,000 records were modified, mostly due to changes in civil status and the removal of deceased people. Voters had an opportunity to verify voter lists in polling stations for 20 days before the elections, as well as to check their data online. The Election Code and the CEC Regulation on the Management of Voter Lists contain provisions on implementing such verification by PEBs, which require disclosure of voters’ personal data. The disclosure of this data, namely personal identification numbers, is in conflict with the Law on Protection of Personal Data.

According to the CEC, the number of eligible voters was 3,226,446 compared to some 2,734,000 in the 2010 parliamentary elections. The CEC noted that this increase resulted from the inclusion of voters residing abroad and in Transdniestria, and the natural growth of the population. The CEC printed 3,112,962 ballots, of which almost a quarter were in the Russian language.<sup>9</sup> Unlike in previous elections, the quality of voter lists was not raised by stakeholders as a concern.

Voters omitted from voter lists, but able to prove their residence within the boundaries of the precinct, as well as students, voters from Transdniestria, and those with absentee voting certificates, with no current residence/domicile at their previous polling station, and those who required mobile voting, could be added to supplementary voter lists.<sup>10</sup>

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<sup>6</sup> Article 29 of the United Nations Convention on the Rights of Persons with Disabilities provides that “State Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others.” According to paragraph 24 of 1990 OSCE Copenhagen Document “any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of the law.” See also the judgment by the European Court of Human Rights: *Alajos Kiss v. Hungary*, at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-98800>; and the Venice Commission Code of Good Electoral Practice in Electoral Matters (I. 1.1), at [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev-e).

<sup>7</sup> The State Enterprise “*Registru*” maintains the State Population Register based on data from Civil Status Offices (births, marriages and deaths), Ministry of Interior (detainees and prisoners), Cadastral Office (addresses and land demarcation), and Border Control Service and the Ministry of Foreign Affairs and European Integration (out-of-country residents).

<sup>8</sup> In 2012, the OSCE/ODIHR conducted an expert visit to assess the SAISE and the Voter Registration System; see at: <http://www.osce.org/odihr/92207>.

<sup>9</sup> Ballots are distributed based on requests from PEBs, but not more than 3,000 per polling station which is the maximum number of registered voters per polling station. According to CEC data, 49 polling stations have allocated more voters than this number.

<sup>10</sup> According to the Venice Commission’s Code of Good Electoral Practice in Electoral Matters (1.2.iv), “there should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day.”

On 18 November, the CEC decided to allow voter identification with expired identification documents (IDs) and passports.<sup>11</sup> This decision raised concerns among election stakeholders; it was appealed to the courts and upheld. In addition, ex-Soviet passports were no longer permitted as voter identification on election day. Authorities made efforts to provide new IDs to holders of such passports.<sup>12</sup>

### Candidate Registration

In an inclusive process, the CEC registered 26 contestants (21 political parties, 1 electoral bloc and 4 independent candidates), resulting in a diverse choice of political alternatives for voters. On 22 November, one party withdrew stating their low rating in opinion polls. The CEC excluded two candidates from party lists because they did not meet eligibility criteria. The final number of candidates was 1,885, of whom 31 per cent were women. Few women were placed on winnable positions on candidate lists.

On 26 November, the CEC passed a decision to request the Court of Appeal to annul the registration of the *Patria* Party (PP) as an electoral contestant. The request was made on the basis of information provided by the General Police Inspectorate, which indicated that the PP was receiving foreign funds in violation of the law. On 27 November, the Court of Appeal decided to deregister the PP. On 29 November, following an appeal, the Supreme Court upheld the decision. This expedited process raises questions concerning the timing and circumstances of such a decision.

Contestants could officially start campaigning after registration by the CEC, resulting in a staggered beginning of the campaign. Parties and blocs could be registered from 10 October and start campaigning immediately, while independent candidates could only start collecting support signatures at that time. This has negatively affected the equality of campaign opportunities of different contestants, at odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document and good electoral practice.<sup>13</sup>

Independent candidates were required to collect at least 2,000 support signatures from eligible voters. While not affecting the registration of these candidates, legal ambiguities with regard to the signature verification process resulted in CEC members having diverging interpretations of the validation criteria.<sup>14</sup>

### Campaign Environment

The campaign was visible and peaceful, and became more active as election day approached, particularly outside of Chisinau. The campaign environment was affected by deregistration of the PP, shortly before election day. The campaign silence period starting on 29 November was generally respected.

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<sup>11</sup> According to the CEC, there are some 155,200 expired IDs and 241,700 expired passports.

<sup>12</sup> According to the CEC, some 5,000 voters could not vote as their only valid ID was the ex-Soviet passport.

<sup>13</sup> Paragraph 7.6 calls on OSCE participating States to ensure that contestants are able “[...] to compete with each other on a basis of equal treatment before the law and by the authorities.” The Venice Commission Code of Good Practice in Electoral Matters (I.2.3.a) states that “Equality of opportunity must be guaranteed for parties and candidates alike.”

<sup>14</sup> Article 42.4 and 43.4 of the Election Code are ambiguous on whether a voter should enter his/her identification data on the signature list personally, or if it is sufficient to sign the list next to his/her data already written. The Election Code and the CEC Regulation on Signature Collection and Verification are unclear about the validity of data with minor mistakes or typos, and about the procedures for deciding if certain signatures are identical.

Most campaigning was conducted in the media and through billboards and posters. In the regions, meetings with voters dominated as the campaign method. The larger parties conducted numerous public events, mainly in larger cities. The OSCE/ODIHR EOM observed 34 such events.

In a largely substantive campaign, there was particular focus on geopolitical issues such as engagement with the European Union and the Eurasian Customs Union, as well as on individual political figures. Additionally, some contestants campaigned on social and economic issues, such as employment, pensions and anti-corruption. Smaller political parties and independent candidates tended to focus on issues of law and order, ecology and human rights. The number and locations of polling stations abroad was widely discussed during the campaign. The ongoing armed conflict in Ukraine was topical for the campaign of most contestants.<sup>15</sup> In addition, some contestants expressed their opinion that foreign initiatives impacted the campaign.<sup>16</sup> Towards the end of the campaign, a number of candidates accused each other of bribing and intimidating voters, and of planning post-election unrest. With rare exceptions, the campaigns did not address issues related to women. The visibility of women candidates in the campaign was low.

Many parties spoke about the importance of inter-ethnic dialogue. Positively, no cases of ethnicity-focused or hate speech were observed. Candidates generally campaigned both in the State language and in Russian.

Freedoms of expression, association and assembly were generally respected. The OSCE/ODIHR EOM observed a limited number of campaign violations, including vandalized campaign posters and billboards, and placement of party materials in unapproved locations throughout the country. OSCE/ODIHR EOM interlocutors stated that some advertising companies refused political advertisement fearing possible retaliation. There were isolated cases of discriminatory and offensive campaign language.<sup>17</sup>

There were a number of violations in regards to equal access to public spaces, which is at odds with paragraph 7.7 of the 1990 OSCE Copenhagen Document.<sup>18</sup> In addition, the OSCE/ODIHR EOM observed a number of campaign events in which students or state employees were required to attend during working hours, or where pupils were involved.<sup>19</sup> Media reported on a case of abuse of

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<sup>15</sup> On 20 November, the President of Ukraine made statements at a Liberal Democratic Party of Moldova (PLDM) event in Balti linking the conflict in eastern Ukraine to Transnistria and stressing the importance of a pro-European choice.

<sup>16</sup> For example: the Russian Federal Migration Service changed immigration rules to allow Moldovan citizens living illegally in the Russian Federation to travel home in November, and then be able to return; at the ceremony where the Prime Minister (also a PLDM candidate) handed over to the police 164 cars previously donated by the European Union; a number of presidents visited Moldova during the campaign and called on voters to support the country's western aspirations.

<sup>17</sup> On 16 November in Riscani, the PSRM candidate and party leader made discriminatory statements against religious minorities and homosexual individuals. On 7 November in Causeni, a PP candidate and party leader made discriminatory statements against homosexual individuals. Both instances were observed by the OSCE/ODIHR EOM, which was not aware of any legal measures taken.

<sup>18</sup> As observed by OSCE/ODIHR EOM, a room was provided free of charge to the PLDM, but not to PP (DEC 2); a room at a state company was denied to the Liberal Party (PL), but not to other parties (DEC 17); a Democratic Party of Moldova (PDM) candidate used his mayoral vehicle for campaign (DEC 16); and only a PLDM campaign tent was allowed on public property (DEC 2). Paragraph 7.7 provides that participating States will "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere".

<sup>19</sup> As observed by OSCE/ODIHR EOM, on several occasions students were required to attend PLDM events in Balti and Comrat (DECs 2 and 36). On 11 November, employees of a hospital in Chisinau were required to attend a PL event (DEC 1). The OSCE/ODIHR EOM also observed minors actively participating in a PSRM

authority and voter coercion by an employee of “*Registru*”.<sup>20</sup> Some candidates did not suspend their official duties, as required by the law.<sup>21</sup>

Parties and blocs could change their candidate lists up until 22 November. A number of candidates, who at the same time were public officials, were temporarily removed from candidate lists and were re-included in them closer to election day.<sup>22</sup> This practice blurred the distinction between public office and campaigning, while not violating the Election Code. Moreover, frequent and last-minute adjustments in candidate lists may have meant that voters were not aware of late candidate replacements, impacting their ability to make an informed choice and diminished public confidence in the process.

## Campaign Finance

Campaign finance continues to require both greater legal regulation and oversight. Relevant provisions are included in the Election Code, the Law on Political Parties and the 2012 CEC Regulation on ‘Financing of Electoral Campaigns and Political Parties’. Amendments to the campaign finance framework were considered in 2014. Regrettably, the framework remained unchanged, despite prior OSCE/ODIHR and Venice Commission recommendations. Transparency, oversight and enforcement mechanisms continue to require improvement, in particular with regard to disclosure, comprehensive reporting and enforcement.<sup>23</sup>

The CEC’s mandate and capacity to verify contestants’ financial reports and to monitor campaign finances remain limited. This reduced its ability to determine the origin of electoral finances and the overall transparency. Campaigns can be funded by donations of individuals and legal entities, membership fees and income from businesses owned by the parties. The CEC established the ceiling for campaign spending at MDL 55 million for each political party and electoral bloc, and at MDL 2 million for each independent candidate.<sup>24</sup> Overspending by more than five per cent or the use of undeclared or foreign funds can be sanctioned by the CEC with either a warning or a request for deregistration of the contestant.

Contestants were not legally required to open dedicated bank accounts for all campaign income and expenses; however, all but one did so. Parties and candidates are obliged to submit reports of income and expenditures to the CEC every two weeks and to declare to nationwide media outlets all financial or other material support at the beginning of the election campaign and on a weekly basis thereafter. The CEC’s role is limited to verifying these reports against the banks’ reports on the transactions to and from the campaign accounts.

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event in Riscani on 16 November (DEC 27), and was provided proof of a similar case at a PLDM event in a school in Taraclia on 18 November (DEC 33).

<sup>20</sup> On 13 November, *Accent TV* showed a video of the “*Registru*” official requiring employees to deliver voters to vote for the PDM.

<sup>21</sup> This included the PL candidate and Mayor of Chisinau; Party of Communists of Republic of Moldova (PCRM) candidate and chair of a village council (DEC 15); and PDM candidate and Mayor of village (DEC 23). The law refers to *inter alia* deputy prime ministers, (deputy) ministers, *ex officio* members of the government, heads of central public authority bodies, chairpersons and deputies of *rayons*, and (vice) mayors. The Law on the Status of High Public Servants prohibits officials from supporting and campaigning while performing official functions.

<sup>22</sup> For example, two deputy prime-ministers, two ministers, the Chisinau mayor and the Governor of Gagauzia withdrew as candidates and returned to their official duties. All but the Governor of Gagauzia resumed their candidacies.

<sup>23</sup> See 2013 Council of Europe’s Group of States against corruption (GRECO) Third Evaluation Round Compliance Report at [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2013\)2\\_Moldova\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2013)2_Moldova_EN.pdf).

<sup>24</sup> The exchange rate at the time of this report was Moldovan Leu (MDL) 1 = EUR 0.05.

The CEC received financial reports from 23 out of 24 contestants. The majority of them did not report on expenses for public events, transportation, labour costs, and communications.<sup>25</sup> The CEC warned 10 contestants for not submitting their reports and in general, the CEC posted the reports online in a timely manner. The CEC considered and issued decisions on two complaints against contestants for not reporting all of their campaign costs.<sup>26</sup> The monitoring of campaign financing by *Promo-LEX* contributed to the transparency of the campaign.

## The Media

The media landscape enjoys a considerable degree of pluralism. Television is the most important source of information, especially outside of the capital. The public broadcaster, *Moldova 1*, remains one of the most viewed outlets. While print media struggle with declining circulation, Internet penetration and readership of online media, including of politics portals, is rapidly increasing.

Important challenges concerning independence, transparency and financial sustainability of the media persist. Significant ownership concentration of broadcast media and their association with political actors influence editorial freedom and result in self-censorship, impacting voter access to balanced information. The *General Media Group*, a company associated with the PDM Deputy Chairperson and candidate owns four out of five national channels (except for *Moldova 1*) and appears to be linked to the *Casa Media* company (that dominates the advertising market).

Freedom of expression was respected during the observed period. Media overall provided contestants with numerous formats and opportunities to convey messages to the electorate. However, as campaign coverage of most media was partisan, voters could form an informed view of the campaign only if they consulted several media sources. The campaign was highly visible in various programmes, including debates on national and local broadcasters. The leaders of larger parties did not participate in any televised debate. Media, including public broadcasters, complied with the requirements for the allocation of free airtime.<sup>27</sup>

The Election Code and the Audio-Visual Code outline the framework for media campaign conduct. Broadcasters are obliged to cover elections in an accurate, balanced and impartial manner. The oversight body for broadcast media is the Audio-Visual Co-ordination Council (CCA). It followed coverage by 13 television channels; however, it monitored only the news and no other political programmes.<sup>28</sup> The CCA held regular public sessions to present its media monitoring reports. It issued public warnings to ten television channels and sanctioned seven with fines for their partisan reporting.<sup>29</sup> However, the CCA on its last pre-election session decided not to apply more severe sanctions, despite its findings that revealed repeated unbalanced coverage by some broadcasters.<sup>30</sup>

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<sup>25</sup> As of 29 November, 22 contestants reported expenses associated with advertising, only 6 included expenses for organizing public events; and only 6 included transportation costs.

<sup>26</sup> The first was against PLDM, and was rejected due to lack of evidence and unreasonable timing of the complaint; the second led to a warning against People's Christian Democratic Party for not reporting printing costs.

<sup>27</sup> A contestant is entitled to five and ten minutes free airtime on each national television and radio channel, respectively. National broadcasters are obliged to organize debates for contestants free-of-charge. Additional paid airtime can be purchased up to two minutes a day per broadcaster.

<sup>28</sup> The CCA conducted monitoring from 20 October.

<sup>29</sup> These fines are limited by law from 1,800 to 5,400 MDL.

<sup>30</sup> Article 38 of the Audio-Visual Code stipulates that the sanctions (public warning, fine, withdrawal of the right to broadcast advertisement, suspension of the license, revocation of the license) are applied gradually.

*Moldova 1* and the private *Pro TV Chisinau* were the only two channels assessed by the CCA as having provided balanced coverage.<sup>31</sup>

The OSCE/ODIHR EOM media monitoring showed that public broadcasters, television *Moldova 1* and *Radio Moldova*, as well as *Pro TV Chisinau* covered the campaign in a balanced manner.<sup>32</sup> Nevertheless, newscasts of public media were characterized by general absence of critical and analytical reporting. The campaign coverage of most of the other media was partisan, affected by their respective political affiliations.

*Moldova 1* devoted most of its political and election-related news coverage – some 12 per cent of mostly neutral and positive information to PDM and 10 per cent of comparable tone to PLDM. The next most covered parties were the PCRM and PL, with 8 per cent respectively, both presented mostly in a neutral way. The channel devoted 16 per cent of its political coverage, in a neutral and positive manner, to government activities. Radio Moldova informed about contestants in a similarly balanced way - with most coverage (8 per cent) given to PDM. Yet, it devoted significant coverage (29 per cent) to government, represented mostly by the Prime Minister. This coverage was mostly neutral and positive in tone.

Nationwide channels *Prime TV* and *Publika TV* showed clear bias in favour of the PDM, both in time and tone. The PDM's campaign reports were often presented outside the special bloc dedicated to election coverage. Numerous news reports of these broadcasters promoted the activities of the Speaker of the Parliament, who is a PDM candidate. In the last two weeks of the campaign, they also widely covered the PDM Deputy Chairperson in his capacity as the founder of a charitable organization. On 26 and 27 November, the PDM organized a concert in Chisinau featuring international music stars. This promotional event was aired live on *Prime TV* during both days and rebroadcast the following day. *Accent TV* openly promoted the PP and its leader, while it showed overwhelmingly negative information about coalition parties. *Jurnal TV* adopted a critical editorial line; however, its news and author programmes criticized almost exclusively the PDM.

The online and print media provided a plurality of views. Generally balanced coverage was offered only by *Unimedia* and *Noi*. A number of web sources took political positions, for example the portal *Omega* in favor of the PP or *Moldova Suverana* newspaper in favor of PLDM. Some print media, including most popular newspapers *Komsomolskaya Pravda* and *Timpul*, published several campaign materials without indicating that it was paid election advertising, thus misleading the reader.

## Participation of National Minorities

National minorities comprise more than 20 per cent of the population.<sup>33</sup> The legal framework allows for the participation of national minorities in the elections on an equal basis. However, existing regional requirements for the establishment of political parties and the increased threshold

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<sup>31</sup> A coalition of three local media-related non-governmental organizations also carried media monitoring of 35 media outlets since 18 October.

<sup>32</sup> Between 27 October – 29 November, the OSCE/ODIHR EOM monitored eight television channels, *Moldova 1* and *Gagauz TV* (public), and *Accent TV*, *Jurnal TV*, *Prime TV*, *Pro TV Chisinau*, *Publika TV*, and *TV 7* (private); three radio stations, *Radio Moldova* (public), and *Radio Noroc* and *Vocea Basarabiei* (private); four newspapers, *Jurnal de Chisinau*, *Komsomolskaya Pravda*, *Moldova Suverana*, and *Timpul*; and five online media, *moldova.org*, *noi.md*, *omg.md*, *point.md*, and *unimedia.info*.

<sup>33</sup> According to the 2004 census, which did not include Transdnistria, the minorities are Ukrainians (8.4 per cent), Russians (5.9 per cent), Gagauz (4.4 per cent), Bulgarians (1.9 per cent) and Roma (0.3 per cent). The results of the April-May 2014 census were not yet available.

for entering the parliament serve as obstacles for minorities to forming parties and undermine their chances of political representation.<sup>34</sup> Most contestants did not provide on the OSCE/ODIHR EOM's request the data on minority representatives on their candidate lists. It appears that a number of such candidates were included, but generally on low positions.

Roma representatives expressed concerns to the OSCE/ODIHR EOM that their community faces difficulties in exercising their right to vote and to be elected due to lack of valid identity documents, high levels of illiteracy and general socio-economic marginalization. They reported that there are no Roma representatives as candidates.<sup>35</sup>

## Complaints and Appeals

A voter or contestant can file a complaint about action, inaction and decisions of election commissions, contestants, and media. A complaint must go through the hierarchy of election bodies, before being filed to the court. CEC decisions can be appealed with the Chisinau Court of Appeal and with the Supreme Court in the last instance.

Complaints and appeals were generally handled satisfactorily and within the established timelines by the election commissions and courts. The electoral dispute resolution mechanism was used robustly by contestants, but usually with the CEC and courts in Chisinau serving as adjudication bodies. The OSCE/ODIHR EOM was informed that no complaints were filed with regional courts and noted that these courts had a varied understanding of their role in the election-related complaints process.

The CEC maintains a registry of all communications received, including complaints and subsequent decisions, but the law does not require their publication. The decisions on complaints between contestants were posted online, but not those from voters or against election commissions. The CEC reported receiving 59 complaints alleging Election Code violations, all of them by electoral contestants and most against each other.<sup>36</sup> CEC decisions were overall taken in an open manner and following procedures established by the law. It considered the majority of these and transferred the others to competent authorities in timely manner.<sup>37</sup>

Seventeen appeals with the Chisinau Court of Appeal against CEC decisions were filed and rejected. In addition, 15 cases were submitted to the Supreme Court and 5 cases to the Constitutional Court, which mainly related to the opportunities to vote for persons residing abroad and those with expired identification documents or ex-Soviet passport.<sup>38</sup>

Following a decision on a PDM complaint against Anti-Mafia People's Movement, the CEC prohibited contestants to hold campaign assemblies simultaneously at the same place and time,

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<sup>34</sup> Freedom of association includes the freedom to establish political parties based on communal identities; see Article 7 of the Framework Convention on National Minorities at <http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>; see Article 2 of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, which states: "persons belonging to minorities have the right to establish and maintain their own associations".

<sup>35</sup> The OSCE Ministerial Council Decision 6/08, paragraph 7 encourages the "participating States to reinforce their efforts to promote effective participation by Roma and Sinti in public and political life".

<sup>36</sup> During the electoral period the CEC also received a number of "petitions", which are reviewed under the procedures set by the Law 190 on Petitions. A complaint not formulated as prescribed by the Law or without signature or address of the complainant is not to be considered.

<sup>37</sup> Short delays of up to two days were noted in at least 7 instances.

<sup>38</sup> In April, the Constitutional Court upheld the constitutionality of the Election Code amendments, which prohibited the use of ex-Soviet passports for voter identification.

effectively stopping the organization of counter demonstrations. The CEC decision was overruled by the Chisinau Court of Appeal as being outside of its competence, but was upheld by the Supreme Court. This blanket restriction on simultaneous activities may be considered disproportionate.<sup>39</sup>

The PCRM has challenged the registration of the Communist Reformist Party (PCR) both as a party and an electoral contestant, claiming that its logos and brands are similar. On 13 October, the PCRM appealed the CEC decision to register the PCR as an electoral contestant. This decision was subsequently upheld in a final instance by the Supreme Court. However, on 4 November, the Court of Appeal issued a decision requiring the Ministry of Justice to suspend the registration of the PCR as a party. The Ministry of Justice has not yet enacted this decision, which was the grounds for the CEC not to review the registration of the PCR as an electoral contestant. The ambiguity over the PCR's status created uncertainty as to whether the PCR would be included on the ballot.

### **Citizen and International Observers**

The Election Code provides for observation by international and citizen organizations, as well as representatives of contestants. The CEC accredited 3192 citizen observers from 24 organizations and 816 international observers from 57 entities. *Promo-LEX* conducted a large-scale observation effort, with long and short-term observers, and parallel vote tabulation.

### **Election Day**

Election day generally proceeded in an orderly manner, but considerable technical deficiencies were noted throughout the voting and counting processes related to the functioning of the electronic processing of voters. Contestant and citizen group observers were present in almost all polling stations and tabulation centres.

Voting did not take place on the territory controlled by the Transdniestrian *de facto* authorities. As such, the international observers did not deploy there. However, provisions for voters from Transdniestria to exercise their right to vote were followed by the OSCE/ODIHR EOM.

In the morning, the SAISE was operational in 95 per cent of precincts observed. However, later that morning, the system stopped functioning. According to the CEC, their server network went down due to an overload of requests from PEBs. The SAISE did not function during 59 per cent of the visits of the observers. As a result of this significant technical problem, voters had to be initially processed manually by PEBs, and then subsequently added to the electronic system. In the early afternoon, the CEC reported that SAISE functioning was restored, but observers noted that processing of voters remained at times slow.

Most polling stations opened on time and procedures were largely followed. In a positive overall assessment of voting, the process was noted as good or very good in 96 per cent of observations. At the same time, 18 per cent of precincts observed were overcrowded, which was mostly caused by the SAISE malfunctions, and inadequate size and/or layout of polling stations. Over 7 per cent of observations indicated an insufficient number of ballot boxes, and four per cent of the boxes were not properly sealed. Despite some previous efforts of election and local administrations, 63 per cent of the precincts observed were not accessible to voters with disabilities. Observers reported having no clear view of the voting procedures in 6 per cent of polling stations observed.

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<sup>39</sup> See paragraphs 122-124 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Freedom of Peaceful Assembly, Second Edition at <http://www.osce.org/odihr/73405>.

The overall assessment of counting was less positive, with 9 per cent of observed polling stations assessed as bad or very bad, mainly caused by the PEB members lacking knowledge of procedures and/or their correct implementation. PEBs with problems in reconciling results in the counting protocols were reported in more than 16 per cent of observations and over 20 per cent had difficulties entering the results into the SAISE. Despite some restrictions experienced during counting, the observers assessed the transparency of the counting positively in 92 per cent of polling stations observed. However, results protocols were not posted for public scrutiny in more than 40 per cent of polling stations observed.

The tabulation process was not well organized in 10 DEC's and was negatively assessed in almost 18 per cent of observations, mainly due to materials not properly packed by PEBs, mistakes in PEB protocols, overcrowding and presence of unauthorized persons. According to observers, 15 DEC's deviated from the tabulation procedures, and 1 DEC closed down at 02:00 and resumed its work later in the morning.

The CEC considered outstanding and election-day complaints. It also held several media-briefings informing the public about voter turnout and voting process. The CEC reported that out-of-country voting was conducted in an organized manner and without major problems, with the exception of Moscow, where voters were queuing for long periods of time. In the evening, the CEC approved an extension of voting hours in four precincts, including one abroad. It reported a preliminary voter turnout of 55.86 per cent, and partial preliminary results indicated a total of 76,560 voters added to supplementary voter lists, and 4.5 per cent of invalid votes. Preliminary results by polling station were published online as they were entered into the SAISE, which contributed to the overall transparency of the process.

***The English version of this report is the only official document.  
An unofficial translation is available in Romanian and Russian.***

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#### **MISSION INFORMATION & ACKNOWLEDGEMENTS**

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Chisinau, 1 December 2014 – The OSCE/ODIHR EOM opened in Chisinau on 24 October. It includes 15 experts in the capital and 22 long-term observers deployed throughout Moldova.

On election day, over 400 observers from 43 countries were deployed, including 307 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 63-member delegation from the OSCE PA, a 30-member delegation from the PACE, and a 13-member delegation from the EP. Voting was observed in 1,255 polling stations out of a total of 1,978. Counting was observed in 131 polling stations. IEOM observers reported from all 35 DEC's.

The observers wish to thank the authorities for the invitation to observe the elections, the Central Election Commission for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and European Integration of the Republic of Moldova and other state and local authorities for their support and co-operation during the course of the observation. The observers also wish to express their appreciation to the OSCE Mission to Moldova, the OSCE Office of the High Commissioner on National Minorities and other international organizations and embassies accredited in Chisinau, as well as political parties, civil society organizations and media representatives for their co-operation and support.

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