

February 21, 2019

DECLARATION

FINDINGS BEFORE THE PARLIAMENTARY ELECTIONS OF FEBRUARY 2019

The Civic Coalition for Free and Fair Elections, acting jointly in order to contribute to the development of democracy in the Republic of Moldova by promoting free and fair elections in accordance with the standards of ODIHR (OSCE), the Council of Europe and the specialized institutions affiliated to it, presents the main findings on the conduct of election process for the parliamentary elections of February 24, 2019:

- **Change of the game rules just before the elections.** In the electoral year of 2018, several changes in the legal framework that are contrary to the good electoral practice were made. These amendments were implemented in an opaque and rushed manner, ignoring the provisions of the legislation on transparency of the decision-making process. Allowing an advisory referendum on the day of the parliamentary elections that will take place in a new electoral system will induce confusion and difficulties to voters in exercising their right to vote;
- **Maintaining the high ceilings for donations made to parties.** The Parliament failed to adjust the legislation to recommendations of the Venice Commission and GRECO on the funding of political parties and electoral campaigns. Although in 2017 the ceiling for financing of electoral campaigns has been reduced to 50 and 100 average monthly salaries for individuals and for legal entities, respectively, the donation limit remains above the one recommended by GRECO of 20 and 40 average monthly salaries in the economy, respectively.
- **Use of administrative resources during the electoral period.** Numerous cases of use of administrative resources by parties that are represented in elective bodies have been reported. Cases of budget review and increase of various financial allocations, increases in salary, pensions and allowances before the beginning of the electoral campaign were highlighted, even though these increases have not been planned in the initially approved state budget. Similarly, during the pre-election and election period, there were observed many cases of organizing meetings with voters, usually employees of public institutions, state and / or budgetary structures, during the working hours, involvement in the electoral campaign of State Secretaries and heads of public authorities who are presumed to be apolitical, the use of LPA in promotional activities, signature gathering activities, involvement of the presidency in the electoral campaign, the Parliament session whose mandate has expired and the assumption of responsibility by the Government for organic laws drafts in order to meet the governing party's electoral promises, involvement of government employees in online misinformation activities.
- **Corruption of voters.** The pre-election and election period has been marked by corruption activities of voters, including through charitable foundations affiliated to political parties and by offering illegal gifts. These situations have not been investigated and countered in any way by the responsible authorities.
- **Limitation of the right to vote.** Moldovan citizens from abroad are restricted in their right to vote on the basis of the identity card - a mandatory document. The limitation of the right to vote of Moldovan citizens from abroad as a result of the unequal application of the voting practice based on expired passports is also observed. Although the Supreme Court of Justice has established in 2014 the legality of the CEC's decision to allow voting with expired identity documents, the CEC has not issued a similar decision in the 2019 parliamentary elections.
- **Deficiencies and errors in the State Electoral Register (SER) and electoral rolls.** Multiple cases where the SER data and electoral rolls were found to be imperfect have been reported and recorded. The presence in the electoral



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rolls of deceased persons, address errors or even the unevenly compilation of electoral rolls within one and the same administrative-territorial unit (according to the address or according to the alphabet) have been reported. We note cases of artificial migration of voters from one uninominal constituency to another.

- **The uneven resolution of disputes and electoral conflicts.** We note cases of uneven application of the legislation regarding the settlement of electoral disputes by the electoral bodies and the courts, and also the issuance of uneven decisions on seemingly identical cases.
- **Politically controlled media.** Most media institutions reflect the electoral campaign in a biased manner, thus treating the electoral competitors in a discriminating and unequivocal way. Several electoral competitors benefit of a massive presence and on an exclusively positive tone on some monitored TV stations, and their political opponents are only reflected in a negative context. Some TV stations organize electoral debates not during the peak audience hours, but early in the morning when the audience is minimal.
- **Women, youth, people with disabilities and Roma people continue to be under-represented.** Although the 40% share of women's representation on party lists in the national constituency is respected, an undermining of the principle of equal opportunities for men and women is attested. Most women and young people continue to be placed in the less eligible places for the mandate of deputy in the Parliament of the Republic of Moldova. The interests and needs of youth and people with disabilities are rarely included in the electoral platforms of competing formations.
- **Intimidation of electoral contestants and voters.** Multiple cases where citizens / sympathizers of certain political parties have caused verbal and physical altercations in order to thwart the meetings with voters have been publicly reported, while the reaction of law enforcement officials has been late or even absent.
- **Intimidation of national observers and attempts to compromise civic education campaigns.** For the first time since 2009, representatives of the Promo-LEX National Observation Mission have been subject to unfounded allegations by the CEC members, as well as to public intimidations and pressures from representatives of certain electoral contestants, representatives of law enforcement bodies and LPAs. Cases were reported where regular campaigns of civic and apolitical education held by non-governmental organizations were unfairly qualified as electioneering campaigns in favour of some electoral contestants.

The highlighted findings show that the electoral process takes place with the violation of standards for a free and fair electoral process. In these circumstances, we appeal to the state institutions, electoral bodies and electoral candidates to make efforts to ensure that the voting and tabulation of the results takes place in a fair, without violations manner, so that the citizen's choice is correctly reflected in the new legislation.

www.alegeliber.md - **The Civic Coalition for Free and Fair Elections** is a permanent and voluntary entity, consisting of 39 public organizations from the Republic of Moldova in order to contribute to the development of democracy in the Republic of Moldova by promoting and conducting free and fair elections in accordance with the standards of ODIHR (OSCE), the Council of Europe and the specialized institutions affiliated to it.