

February 25, 2019

STATEMENT

THE POSITION OF THE CIVIC COALITION FOR FREE AND FAIR ELECTIONS ON THE PARLIAMENTARY ELECTION OF FEBRUARY 24, 2019

The Civic Coalition for Free and Fair Elections **considers the parliamentary election of February 24, 2019, to be unfair and partially free**. This opinion is based on the assessment of the adherence to the principles of free and fair elections by all election stakeholders and on the following findings regarding the pre-election period, the election period and election day:

- **Changes in the rules of the game right before the election.** The election year 2018 saw several changes to the legal framework on elections and referendums, contrary to good practice in electoral matters. These amendments were implemented in a non-transparent and hasty manner, with disregard for the provisions of the law on transparency in the decision-making process. One can also recall the change of the electoral system contrary to the recommendations of the Venice Commission and the OSCE. This allowed the use of administrative resources and consequently influenced the election outcome.
- **The use of administrative resources during the election period.** There have been numerous reports of the use of administrative resources by the parties represented in elected bodies, both during the pre-election period, during the election campaign and on election day. Most notable examples include the government's assumption of responsibility for draft laws to meet the electoral promises of the ruling party; the involvement of government employees in online disinformation activities; multiple cases of organizing meetings with voters, usually employees of public entities, state and/or budgetary structures, during working hours; the involvement of state secretaries and chiefs of public authorities, presumed to be apolitical, in the electioneering; the use of local governments to promote the ruling party; the collection of signatures by public sector employees in support of election candidates; and the involvement of the presidency in the election campaign.
- **Voter corruption.** The pre-election period, the election period and election day were marked by voter corruption activities, including activities of charity foundations affiliated to political parties, illegal gifts, the use of social security discounters and the organization and financing of the transportation of voters from the left bank of the Nistru River on election day by entities whose identities remained undisclosed. The authorities in charge did nothing to investigate and thwart these activities.
- **The limitation of Moldovan expatriates' right to vote and to file complaints.** Expatriate Moldovans were denied the right to vote with their identity cards, the holding of which is mandatory. Citizens residing abroad were not allowed to vote based on expired passports, even though in 2014 the Supreme Court of Justice had upheld the CEC's earlier decision to allow voting with expired identity documents. The inconsistent practice of voting with expired identity documents, without proper and timely information of citizens, reduced the citizens' right to vote. The election administration did not guarantee the Moldovan expatriates' right to complain. The precinct electoral bureaus from abroad breached the laws in force and their obligation to register and examine complaints by refusing to register complaints and/or by returning them to the complainants, citing lack of competence.
- **The inconsistent resolution of electoral disputes and conflicts.** On several occasions the election administration and the courts inconsistently applied laws regulating the resolution of electoral disputes and issued inconsistent decisions on seemingly identical cases.

- **Issues and errors in the State Register of Voters (SRV) and voter lists.** There were many cases where the SRV data and voter lists were found to be inaccurate. Some reported that the voter lists included deceased persons, address errors or even were compiled inconsistently within the same administrative territorial units (in order of addresses or alphabetically). Notably, on several occasions, the voters were artificially migrated from one single-member constituency to another.
- **High ceilings for donations to parties.** The legislature failed to align the law to Venice Commission and GRECO recommendations on the funding of political parties and election campaigns. Although in 2017 the ceiling for the funding of election campaigns was reduced to 50 and 100 average monthly salaries for individuals and legal entities, respectively, the donation limit remains above that recommended by GRECO.
- **Politically controlled media.** Most big media outlets covered the election campaign in a biased manner, discriminating and differentiating between the election contenders. Several candidates enjoyed massive and exclusively positive coverage on certain monitored TV channels, while their political opponents received negative coverage. Some TV channels hosted election debates not on prime time, but early in the morning, when the audience was minimal. The late investigation of these cases by the Audiovisual Coordination Council did not allow adequate sanctioning and timely counteraction of the media's biased behavior.
- **A persistent under-representation of women, young people, people with disabilities and Roma people.** Although the 40% gender quota for the party lists in the national constituency was observed, one could note a subversion of the principle of equal opportunities for men and women. Most women and young people stood on the lists in the positions that offered fewer chances to win the office of a deputy in the Parliament of the Republic of Moldova. The interests and needs of young people and people with disabilities rarely featured in the election platforms of the competing formations.
- **The intimidation of national observers and attempts to compromise civic education campaigns.** For the first time since 2009, civil society representatives were intimidated and subject to unfounded accusations by the election administration, election contenders and local governments. Most notable cases included the CEC's decision to censure the Promo-LEX observation mission, the accusations brought against the same organization by some CEC members and the intimidation of the members of the civic group Occupy Guguță, which provided election education. There were also reports of cases when the regular civic and apolitical education campaigns conducted by nongovernmental organizations had been qualified as electioneering in favor of certain candidates.
- **The intimidation of candidates and voters.** There were public reports of numerous cases where citizens/supporters of certain political parties had caused altercations and clashes to thwart the meetings with constituents, and law enforcement officials had reacted late or had not reacted at all.

www.alegeliber.md—**The Civic Coalition for Free and Fair Elections** is a permanent voluntary organization formed of 39 nongovernmental organizations from the Republic of Moldova, which work together 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 its specialized affiliated institutions.