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**ELECTION OBSERVATION DELEGATION TO  
THE PRESIDENTIAL ELECTIONS  
IN MOLDOVA  
(30 October 2016 and 13 November 2016)**

**Report by  
Igor SOLTES, Head of the Delegation**

**Annexes:**

- A. First round of elections, programme, list of participants and statement of the Chair of the EP Delegation.**
- B. IEOM Preliminary Findings and Conclusions**
- C. IEOM Joint Press Statement**
- D. Second round of elections, programme, list of participants and statement of the Chair of the EP Delegation.**
- E. IEOM Preliminary Findings and Conclusions**
- F. IEOM Joint Press Statement**

## **Introduction**

Following an invitation from the Chairman of the Central Election Commission of the Republic of Moldova, the Conference of Presidents of the European Parliament authorised, on 30 June 2016, the sending of an Election Observation Delegation to observe the presidential elections in Moldova scheduled for 30 October 2016, with a possible second round on 13 November if no candidate obtained 50% of the votes cast.

The European Parliament Election Observation Delegation on the first round was composed of five Members: Mr Igor ŠOLTES, (Greens/EFA, Slovenia), Mr Siegfried MUREȘAN, (EPP, Romania), Ms Heidi HAUTALA, (Greens/EFA, Finland), Mr Fabio Massimo CASTALDO, (EFDD, Italy), Mr Janusz KORWIN-MIKKE, (NI, Poland). Mr ŠOLTES was elected Chair of the Delegation at the constituent meeting on 13 October 2016.

Following the first round, in which no candidate received more than 50% of the votes cast, a delegation was sent to observe the second round on 13 November. This delegation was composed of the following Members: Igor SOLTES (Greens/EFA Slovenia (Chair), Siegfried MUREȘAN (EPP, Romania), Maria GRAPINI (S&D, Romania), Fabio Massimo CASTALDO (EFDD, Italy) and Janusz KORWIN-MIKKE (NI, Poland).

The European Parliament Delegation performed the election observation in accordance with the Declaration of Principles of International Election Observation and the Code of Conduct for international election observers. It followed the OSCE/ODIHR's methodology in the evaluation procedure and assessed the election for its compliance with OSCE commitments for democratic elections. Members of the EP Delegation signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in conformity with the decision of the Conference of Presidents of 13 September 2012.

Thanks are extended to Mr Douglas Wake and the OSCE/ODIHR EOM in Chisinau and to H.E. Ambassador Pirkka Tapiola, Head of the EU Delegation in Moldova and his colleagues for their support in organising the programme.

## **Background**

The elections were the first direct presidential elections since 1996. They followed a ruling on 4 March 2016 by the Constitutional Court that the revision to the Constitution in 2000 (stipulating that the president should be indirectly elected by parliament) was unconstitutional. The role of the president is limited, although he or she appoints judges and sets foreign policy priorities, the consent of parliament is needed for other major decisions.

The elections took place following a series of corruption scandals in Europe's poorest country which led to the collapse of three banks and the disappearance of around \$1 billion - the equivalent of between one sixth and one eighth of the country's GDP. This was compounded by a poorly performing economy, as well divided opinion within Moldova regarding the country's political orientation, westwards or eastwards. This situation had led to a high degree of mistrust in state institutions which was expressed in many anti-government and anti-corruption demonstrations in the months preceding the elections.

The elections were held under a legal framework considered by the OSCE/ODIHR to “largely provide an adequate basis for conducting democratic elections.” Nevertheless, the observer mission highlighted a number of gaps and irregularities. These included the provisions on the financing and conduct of the campaign where there were weak state controls and a lack of transparency in the sources of funding. Moreover, there were concerns over inconsistencies in the signature verification process, conflicting legal deadlines and disproportionate sanctions for campaign violations, all of which limited the equal right to stand for elections.

There were also worries over the enforcement of provisions concerning the media which had often been used by political parties as a tool for propaganda.

Nevertheless, the Central Election Commission (CEC) was generally praised by OSCE/ODIHR for working in an open manner and meeting legal deadlines. There was broad public confidence in the work of the CEC, in contrast to public perceptions of other state institutions.

12 candidates were initially registered, enabling voters to have a wide range of political choices. One candidate was de-registered for violating campaign finance rules and two withdrew - most significantly Marian Lupu, former Parliament Speaker and Acting President. Five of the original twelve candidates were women. Igor Dodon, the leading pro-Moscow candidate and head of the opposition Party of Socialist (PSRM), was among the remaining 9 candidates. Mr Dodon blamed the widespread corruption on the pro-EU parties which had governed Moldova since 2009 and had been a vocal opponent of the EU-Moldova Association Agreement. The leading candidate of the pro-western forces was former Education Minister Maia Sandu of the Action and Solidarity Party (PAS) who was subsequently endorsed by Mr Lupu. This split between the two leading candidates provided clear evidence of the divide between pro-western and pro-Russian forces in Moldova.

## **Programme**

### First round

As is usual in the OSCE area, the Delegation was integrated within the framework of the OSCE/ODIHR election observation mission. It conducted its activities in Moldova from 28 to 31 October 2016. The EP Delegation cooperated closely with the OSCE/PA Delegation headed by Mr Geir Jørgen Bekkevold (Norway), the Parliamentary Assembly of the Council of Europe headed by Ms Elisabeth Schneider-Schneiter (Switzerland), the OSCE/ODIHR mission headed by Mr Douglas Wake and the short term OSCE observer mission headed by the Special Coordinator Arta Dade (Albania).

Before Election Day, the parliamentary delegations were extensively briefed by experts from the OSCE/ODIHR mission. Presentations were made on the political environment, the campaign activities, the media landscape and the legal framework of the presidential elections. The joint programme also included a series of meetings with media representatives, with NGOs, with the electoral administration and with representatives of political parties.

The EP Delegation had an additional programme that was organised with the help of the EU Delegation in Moldova. This included a briefing session with Head of the EU Delegation and the Ambassadors of member states present in Chisinau. The Delegation also met the outgoing President Nicolae Timofti, Prime Minister Pavel Filip and the Parliament Speaker Andrian Candu. These meetings provided an opportunity both to discuss the elections and also the current state of play of EU-Moldova relations, in particular progress in the implementation of the EU-Moldova Association Agreement that had been signed in 2014.

## Second round

The second round followed the same framework as the first one, with the Delegation being part of the OSCE/OHIDR election observation mission. It conducted its activities in Moldova from 12 to 14 November.

Before Election Day, the parliamentary delegations met the two presidential candidates.

Igor Dodon, of the Party of Socialists (PSRM), expressed his confidence in winning the elections by 80,000-100,000 votes. He also complained about certain incentives for students to participate in the elections - the Romanian government was covering the travel costs of Moldovan students studying in Romania returning home for the voting. Some Moldovan universities were doing the same for their students. Mr Dodon expected 90% of them to vote for Sandu. He additionally saw discrimination in the fact that 92 polling stations were opened in Western countries and only 8 in Russia. Mr Dodon admitted that the media had crossed many lines during the election campaign, regardless of which candidate it supported.

Maia Sandu (Action and Solidarity) highlighted the transparent funding of her campaign, driven by social media activism. However, she admitted that it was difficult to compete with a "better funded and less transparent" rival. She noted that the concentrated ownership of the media and the negative statements from the Moldovan Orthodox Church about her had affected her image. Allegations against her included an agreement with Chancellor Merkel to take Syrian refugees to Moldova and questioning whether it was appropriate for her to hold office due to her being single and childless.

Ms Sandu also felt that the Central Election Commission was not impartial and had imposed excessive sanctions on her. She noted that CEC chose not to look into allegations by investigative journalists that the Socialists were getting financing from offshore sources in Bahamas.

## **Election Day**

### First round - 30 October

On Election Day, the Chair observed the proceedings in Chisinau and surrounding areas. Two members went to Orhei and surrounding areas to the north of Chisinau and two members went to the region of Comrat, which is the capital city of the Autonomous Territorial Unit of Gagauzia with a majority Gagauz and Russian speaking population.

The three teams visited a significant number of polling stations and observed opening procedures, voting, closing procedures and the counting process. MEPs were impressed by the "generally excellent organisation of the electoral process and the professionalism of staff in the polling stations - around three quarters of whom were women. Some concern was expressed over the limited access to polling stations in many cases for people with disabilities.

Members were also pleased that there were a large number of female candidates in the elections, which was a significant step forward from the 2014 parliamentary elections. Noting some of the comments made in the media about female candidates - particularly Ms Sandu - they subsequently expressed the hope that the media would in the future refrain from gender stereotyping and would treat all candidates equally. The Chair subsequently expressed the hope that high level of female

candidates might be a turning point for a future Moldova in which all men and women might have the opportunity to play an active role in political life.

Results were announced a few hours after the closure of the polls. Igor Dodon received 680,550 votes or 47.98% of the total and Maia Sandu received 549,152 votes or 38.71% of the total. No other candidate got more than 6% of the vote. It was therefore necessary to hold a second round to take place two weeks later on 13 November.

### Second round - 13 November

On Election Day, the Chair observed the proceedings in the Chisinau and Causeni regions, including a polling station serving voters from Transnistria. Two members went to Hincesti and the region of Comrat, which is the capital city of the Autonomous Territorial Unit of Gagauzia with a majority Gagauz and Russian speaking population and surrounding areas to the north of Chisinau. Two members went to Criuleni/Dubasari region on the border with Transnistria. They were not able to visit one of the polling stations serving voters from Transnistria, as it was beyond a checkpoint controlled by Transnistrian forces, which they were not allowed to pass.

The three teams visited a significant number of polling stations and observed opening procedures, voting, closing procedures and the counting process.

Igor Dodon won 52.16% of the votes and Maia Sandu came second with 47.84%. Voter turnout was 53.44%, up from 49.18% in the first round.

The participation of diaspora more than doubled in comparison with the first round and 86% of the vote went to Maia Sandu. The Central Electoral Commission reported that several out-of-country polling stations ran out of ballots. This was also the case with two other polling stations inside Moldova dedicated to voters coming from Transnistria, however they were directed to nearby polling stations.

## **Press conference and preliminary conclusions**

### First round

In line with normal practice the draft statement of preliminary findings and conclusions was negotiated between the OSCE/ODIHR mission and the three parliamentary delegations.

The press conference took place on 31 October. The joint statement stressed that the elections *"provided ample opportunity for voters to express their preference for a new head of state. Fundamental freedoms were respected. The campaign was competitive, though marred by widespread abuse of state resources, biased media coverage and a lack of transparency in campaign finance....The election administration worked in a professional and transparent manner, and voting and counting were largely assessed positively by the observers"*.

The Head of the EP Delegation in his statement underlined that Moldova stood very high on the agenda of the EU and the European Parliament, which strongly supported its process of democratisation. He outlined the findings of the EP delegation on Election Day and stressed that the EP fully endorsed the findings of the OSCE/ODIHR International Election Observation Mission.

He drew particular attention to the problems caused by lack of transparency in the area of campaign finance and the possibilities that this created opportunities to manipulate the media. He noted that this concern extended beyond specifically election-related activities to the more general question of the funding of political parties where there was a need for more fundamental reform. It was also essential that the Central Election Commission had adequate resources and competences to implement the substantial legislative amendments that had been recently introduced to address the shortcomings. He urged the media outlets to act responsibly, remembering to adhere to high ethical standards and for the Audiovisual Coordination Council to ensure in a timely and effective manner that the rules regarding the fair, balanced and impartial coverage are respected.

On 7 November the Chair reiterated these concerns in his report to the EP Committee on Foreign Affairs in Brussels.

### Second round

The press conference following the second round took place on 14 November. The joint statement noted that the second round *“was competitive, with respect for fundamental freedoms. The campaign, featuring televised debates, allowed the two candidates to address voters directly. However, increasingly polarized media coverage, harsh and intolerant rhetoric and continued instances of abuse of administrative resources detracted from the process. Complaints, mostly related to campaign finance, were not resolved in a timely and consistent manner”*.

The Head of EP Delegation reiterated the concern that he voiced after the first round: i.e. a lack of transparency in the area of campaign finance – as well as the possibilities of manipulating the media that this could provide. This concern extended beyond election-related activities to the more general question of the funding of political parties, where there was also a need for fundamental reform. It was therefore vital to ensure that there should be rigorous and effective scrutiny of party and campaign finance.

He also noted that the legal provisions for campaign finance did not cover the second round. The Election Code and the Central Election Commission regulation on campaign finance lacked clarity on whether the expenditure limit was applicable only to the first round or to both rounds. Legislation should be adopted to provide a clear framework for campaign finance for all stages of the electoral cycle.

The Chair also stressed that concrete measures needed to be taken to facilitate the voting of the many citizens of Moldova living abroad. There were reports of Moldovans travelling long distances to reach the nearest polling station, of long queues and of some polling stations running out of ballots. Lessons needed to be learned and the responsible authorities should consider all options, including electronic voting.

On 29 November the Chair reiterated these concerns in his report to the EP Committee on Foreign Affairs in Brussels.

## **Conclusions**

The two rounds of the presidential elections observed in Moldova were generally well-organised and only minor procedural shortcomings were noted. Fundamental freedoms were respected and the campaign was competitive. Nevertheless, a number of deeper issues were highlighted by the members of OSCE/ODIHR International Election Observation Mission.

The lack of clarity of the legal provisions for campaign finance needs to be addressed to ensure greater transparency and the institutions responsible for enforcing them should be provided with adequate resources to react in a timely manner. The electoral campaign also highlighted the issue of the concentration of media ownership and the links of media outlets to political parties, resulting in lack of political pluralism, but also harsh and polarizing rhetoric. The active participation of the Moldovan diaspora abroad resulted in long queues and shortage of ballots at some polling stations abroad. The authorities in Moldova were called on to take steps to address the issues raised by the international observers.

Beyond the election Moldova will continue to stand very high on the agenda of the EU which will maintain its support for the much-needed reforms in the country. In particular, it remains a priority country for European Parliament democracy support and the EP will continue to work with the Moldovan Parliament to support it in the process of developing its capacities at the level of both parliamentarians and officials.

## **Annex A**

### **ELECTION OBSERVATION DELEGATION PRESIDENTIAL ELECTIONS IN MOLDOVA**

**30 OCTOBER 2016**

#### **FINAL PROGRAMME**

#### LIST OF PARTICIPANTS

##### Members

Igor ŠOLTES, Greens/EFA, Slovenia (Chair)  
Siegfried MUREAN, EPP, Romania  
Heidi HAUTALA, Greens/EFA, Finland  
Fabio Massimo CASTALDO, EFDD, Italy  
Janusz KORWIN-MIKKE, NI, Poland

##### EP Secretariat

Tim BODEN, Administrator  
Ieva VALUTYTIS, Administrator  
Pilar GONZÁLEZ-MURILLO, Assistant

##### Political Groups

Paolo BERGAMASCHI, Greens/EFA  
Dovile RUCYTE, EFDD  
Mr Aleksander GRUBCZEWSKI, NI



## **Thursday 27 October 2016**

09.00-18.00 Meetings with ODIHR, with secretariats from other parliamentary assemblies and with EU delegation to finalize the programme and the logistics  
(EP secretariat ONLY)

**19:30 Dinner with the Head of the EU Delegation H.E. Pirkka Tapiola (*Head of EP delegation only*)**

Evening / night Arrival of Members and transfer to the hotel  
*Radisson Blu Leograd*

### **Joint parliamentary briefings**

*Venue: Radisson Blu Leograd, Begonia meeting room (1<sup>ST</sup> floor)*

## **Friday, 28 October 2016**

**10:00 Internal meeting of EP Delegation**  
*Venue: Lobby of Radisson Blu Leograd*

10:30 – 10:40 Opening

- Arta Dade, Special Co-ordinator of the OSCE Short-Term Observers
- Elisabeth Schneider-Schneiter, Head of the PACE delegation
- Geir Joergen Bekkevold, Head of OSCE PA delegation
- Igor Soltes, Head of the EP delegation

10:40 – 10:50 Welcome addresses

- Ambassador Pirkka Tapiola, Head of the EU Delegation to Moldova
- Jose Luis Herrero, Head of the Council of Europe Office in Chisinau
- Stephen Young, Deputy Chief of the OSCE Mission to Moldova

10:50 – 12:45 Briefing by OSCE/ODIHR Election observation mission

12:45 – 14:00 Lunch break

14:00 – 14:45 Meeting with Alina Russu, Chairperson of the Central Electoral Commission (CEC)

**Departure from Radisson at 14:30**

**(Mr ŠOLTES, Mr MURE AN, Ms HAUTALA, Mr BERGAMASCHI, Mr BODEN)**

**15:00 Meeting with President, H.E. Nicolae Timofti (*EP Delegation only: restricted number*)**

***Venue: State Residence N. Iorga str. 23***

15:00 – 16:00 Civil Society Roundtable

- Pavel Postica, Promo Lex (election observation and civic education)
- Igor Botan, ADEPT (electoral legislation analysis and studies)
- Nadine Gogu, CIJ
- Alexei Buzu (National Women's Studies and Information Center "Partnership for Development")
- Dr. Arcadie Barbarosie (Executive Director of the IPP - Institute for Public Policy)

**16:15 Meeting with the Prime Minister, H.E. Pavel Filip (*EP Delegation only: restricted number*)**

***Venue: Pia a Marii Adun ri Na ionale, 1***

16:00 – 17:00 Media Roundtable

- Alina Radu, Ziarul de Garda
- Mircea Surdu, Moldova 1
- Prime TV
- Sorina Stefarta (Independent Journalism Center)
- Eugenia Nastase, Jurnal TV

**18:45 Meeting of the European Parliament Delegation**

***Venue: Jazz Hotel, Piano room***

**19:15 Meeting with the Head of the EU Delegation in Moldova and the Heads of the EU Member States missions present in Moldova - *EP Delegation only***

***Venue: Jazz Hotel, Piano room***

**20:00 Dinner of Heads of Parliamentary Delegations (OSCE PA, PACE, EP and ODIHR) – *Head of EP Delegation only***

***Venue: Radisson Blu Jasmine Boardroom (ground floor)***

**Saturday 29 October**

**Joint parliamentary briefings**

***Venue: Radisson Blu Leograd, Begonia meeting room (1<sup>ST</sup> floor)***

09:30 – 10:30 Presidential Candidates Panel I

- Roman Botan, Deputy, Liberal Party
- Eugen Carpov, Vice President, European Peoples Party of Moldova

10:30 – 11:30 Presidential Candidates Panel II

- Ion Ceban, Member of the Executive Board Socialist Party of Moldova
- Vlad Turcanu, Press Secretary of Independent Candidate Silvia Radu
- Laguta Maia, Independent Candidate
- Gutu Ana, Independent Candidate
- Ghiletschi Valeriu, Independent Candidate

11:30 – 12:15 OSCE/ODIHR briefing

- Security, Oleksander Stetsenko
- Observation Forms, Hans Schmeets
- Coordination, Marcell Nagy/ Ivana Stanojev

**12:15 – 12:45 Regional briefings by LTOs for teams deployed in Chisinau and surrounding region (TEAM 1 ONLY)**

***Venue: Radisson Blu Leograd, Begonia meeting room***

**Meeting with interpreters for the EP delegation teams deployed to Orhei and Comrat (TEAMS 2 and 3)**

***Venue: Lobby Radisson Blu***

**14:00 Meeting with Speaker of the Moldovan Parliament H.E. Andrian Candu (EP Delegation only)**

***Venue: Sala Europeana, Parliament of the Republic of Moldova, str. tefan cel Mare i Sfint nr. 105***

15:00 - 17:00 Meeting Heads of Delegations

***Venue: Radisson Blu Leograd, Begonia meeting room – Head of EP Delegation only***

### **Sunday 30 October 2016**

ELECTION DAY, Deployment

Departure from Radisson:

06.15 TEAM 1: Chisinau and surrounding area:

Mr ŠOLTES, Mr BERGAMASCHI, Mr BODEN

06.15 TEAM 2: Orhei region:

Mr MURE AN, Mr CASTALDO, Ms RUCYTE, Ms GONZALEZ

- 06.15 TEAM 3: Comrat region:  
Ms HAUTALA, Mr KORWIN-MIKKE, Mr GR BCZEWSKI, Ms VALUTYT
- 07.00 Observation of Opening of Polling stations  
Observation of Voting
- 21:00 Observation of Closing of Polling stations
- After 21.00 Observation of Vote Count

### **Monday 31 October 2016**

- 8:30 Internal Meeting of the EP Delegation  
*Venue: Radisson Blu Leograd, Blue Lounge room (1<sup>st</sup> floor)*
- 9:30 Meeting Heads of Delegations  
*Venue: Codru Hotel – **Head of EP Delegation only***
- 15:00 Press conference  
*Venue: Radisson Blu Leograd*
- 16:00 Meeting with CEC Chairperson, Ms. Alina Russu, and the Deputy Head of Communication, Public Relations and Mass Media Department, Mr. Corneliu Pasat – **Head of EP Delegation only**  
*Venue: Central Election Commission HQ, 119, Vasile Alecsandri str.*
- 17:00 Meeting with the Deputy Minister of Foreign Affairs Ministry and European Integration, Mr. Lilian Darii, and the First Secretary of the International Security Division, Mr. Alexandru Simionov – **Head of EP Delegation only**  
*Venue: Ministry of Foreign Affairs, 80, 31 August 1989 str.*

### **Monday 31 October / Tuesday 1 November 2016**

*Check out from the hotel, transfer to airport and departure*

Chisinau, 31 October 2016

**Press statement by Igor Šoltes,**  
**Head of the European Parliament Delegation**  
**to the International Election Observation Mission to Moldova - Presidential elections**

- Our delegation has been delighted to be here to observe the first direct elections of the President of the country since 1996. I am personally very pleased to return to Moldova, where I chaired the European Parliament delegation that observed the parliamentary elections in 2014. We would like to thank the Moldovan authorities for their invitation.
- As you know, Moldova stands very high on the agenda of the European Union and of the European Parliament. We have had the opportunity to reiterate this message in our meetings with the most senior Moldovan authorities
- The European Parliament delegation subscribes fully to the preliminary statement that has just been presented by OSCE Special Coordinator, Ms Arta Dade, on behalf of the International Election Observation Mission, and I take this opportunity to thank Ambassador Doug Wake and his team for their cooperation and I commend their excellent work. I would also like to thank my colleagues from other parliamentary assemblies for our productive collaboration. Thanks also to the Head of the EU Delegation Pirkka Tapiola for his huge assistance to us during our time in the country. We are all here to support the people of Moldova in their process of ongoing democratisation.
- First of all, I would like to speak briefly about Election Day, when our delegation travelled widely in the country. Like our colleagues from the other parliamentary assemblies – we were struck by the generally excellent organisation of the electoral process and the professionalism of the staff in the polling stations.
- A significant fact is that in the polling stations visited yesterday by observers, three quarters of the commissioners – including the chairpersons – were women. The very positive evaluation of the organisation of the elections is also their achievement.
- However, one issue that I would like to flag up for future elections is the need for polling stations to improve access to their premises for people with disabilities.
- More generally we were very pleased to see a high number of female candidates in these elections. This is certainly a welcome improvement on the parliamentary elections of 2014. We hope that this might be a turning point for the future of Moldova in which both men and women take an active part in political life and have equal opportunities to compete for public office at all levels. We also express the wish that in the future the media will refrain from stereotyping based on gender and will treat all candidates with equal respect.

- It is clear that the people of Moldova want to see change. Elections are essential but genuine efforts also need to be made to reform the environment in which politics operates.. Otherwise, mistrust and corruption will continue to grow.
- During our time in Moldova we had the opportunity to listen to various stakeholders representing different political parties, media outlets and non-governmental organisations. We also drew on the findings of experts deployed as long-term observers. Together we identified the main concerns, many of which have been highlighted by previous speakers.
- I would like now to focus on the issue of financial scrutiny. A lack of transparency in the area of campaign finance – as well as the possibilities that to manipulate the media that this can provide – is a matter of great concern. This concern extends beyond election-related activities to the more general question of the funding of political parties, where there is also a need for fundamental reform. It is therefore vital to ensure that there should be rigorous and effective scrutiny of party and campaign finance.
- We acknowledge that substantial legislative amendments have been introduced in the last two years to address the shortcomings. However, I wish to underline that the institutions enforcing the rules, particularly the Central Election Commission, must have adequate resources and competences to carry out their tasks in this field.
- In conclusion - we are now looking forward to the second round of the elections. I would like to emphasise that in the coming days all political forces and other players must play their role in defusing tensions, avoiding divisive rhetoric and ensuring that the people of Moldova will have the opportunity to cast their ballots based on a genuine and informed choice between the political programmes of the two candidates.
- In particular, we call on media outlets to act responsibly and in line with high ethical standards and on the Audio-visual Coordination Council to ensure in a timely and effective manner that the rules regarding the fair, balanced and impartial coverage are respected.
- Thank you for your attention.

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*Please note that the Statement delivered at the Press Conference is the true version*

*For further information please contact Tim Boden or Ieva Valutyte from the European Parliament, [Timothy.Boden@ep.europa.eu](mailto:Timothy.Boden@ep.europa.eu) or [Ieva.Valutyte@ep.europa.eu](mailto:Ieva.Valutyte@ep.europa.eu)*



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## **INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Moldova – Presidential Election, 30 October 2016**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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#### **PRELIMINARY CONCLUSIONS**

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The first round of Moldova's first direct presidential election in 20 years provided citizens with ample opportunity to express their preference for a new head of state. The campaign, taking place against a backdrop of economic hardship and a climate of mistrust in state institutions, was competitive and fundamental freedoms were respected. However, the process was marred by widespread abuse of administrative resources, lack of campaign finance transparency, and unbalanced media coverage. The election administration undertook its duties in a professional and transparent manner, with voting and counting largely assessed positively.

The legal framework largely provides an adequate basis for conducting democratic elections. Following the 4 March 2016 decision of the Constitutional Court reintroducing direct presidential elections, the Election Code was amended in an expedited manner to give a legal basis for the election. However, despite longstanding concerns raised by the OSCE/ODIHR and the Council of Europe, a number of gaps and ambiguities remain. These relate, in particular, to the collection and verification of candidate support signatures, the financing and conduct of the campaign, effective electoral dispute resolution, enforcement of media provisions, and the conduct of a possible second round of presidential elections.

The election administration, led by the Central Election Commission (CEC), worked in an open manner and within the legal deadlines. Technical aspects of the election, at all levels, were generally administered in a professional manner. The CEC conducted voter education campaigns, including for students, out-of-country voters, and people with disabilities. Despite a climate of distrust in state institutions, the election administration largely enjoyed public confidence, although there were some concerns over the CEC's impartiality in considering complaints.

The centralized State Register of Voters mostly enjoyed public trust. Voters may register on supplementary voter lists on election day, provided they prove identity. Questions were raised about the continued inclusion in the voter lists of a large number of citizens living abroad but associated with their former residence as well as the inclusion of deceased persons. A nationwide electronic voter verification system available at all polling stations provided a safeguard against multiple voting.

The CEC initially registered 12 candidates, providing voters with a wide range of political alternatives. Two candidates withdrew before the election and one was de-registered for a campaign finance violation. Inconsistent signature verification processes, conflicting legal deadlines, and disproportionate sanctions for campaign violations challenged the right to stand for elections on an equal basis, contrary to OSCE commitments and Council of Europe standards.

Of the 12 candidates initially registered, 5 were women. The CEC chairperson and deputy are female. Women are well-represented in lower-level election administration bodies. Over three quarters of commissioners at polling stations observed, including chairpersons, were women. Instances of gender stereotyping and sexist language were observed in the media during the campaign period.

The campaign was competitive and fundamental freedoms were generally respected. Inconsistency between deadlines for candidate registration and the start of the campaign negatively affected the equality of campaign opportunities for contestants. There were numerous cases of abuse of administrative resources by parties holding elected office, including pressure on state employees and other voters during the collection of candidate support signatures and campaign activities. This blurred the separation between the State and political parties and is at odds with OSCE commitments and Council of Europe standards.

The CEC is responsible for campaign finance oversight, but lacks sufficient resources for this task. Recent legal amendments related to campaign finance addressed some previous recommendations by the OSCE/ODIHR and Council of Europe, providing comprehensive reporting requirements and criteria for spending limits. Nevertheless, lack of effective oversight and proportionate sanctions for violations proved to be problematic and raised concerns about the transparency of financing for signature collection and campaign activities.

Media outlets are strongly associated with major political parties and a concentration in ownership diminishes political pluralism on television. The OSCE/ODIHR EOM media monitoring results, as well as monitoring activities of the regulatory body, revealed clear political bias of major broadcasters while covering the campaign. The failure to enforce the obligation to provide fair, balanced, and impartial campaign coverage compromised a level playing field for candidates.

Voter education and campaign materials, as well as ballots, were widely available in the state and Russian languages. No OSCE/ODIHR EOM interlocutors raised concerns regarding the participation of national minorities. Language or identity issues did not feature prominently in the electoral campaign.

Complaints and appeals were generally handled in an open manner within legal deadlines. However, inconsistent interpretation of the law in cases regarding candidate de-registration diminished overall trust in the impartiality of the election administration and judiciary.

The law provides for observation by international and citizen organizations, as well as candidate representatives. More than 3,700 citizen and international observers were accredited for this election and were able to conduct their activities freely.

First round election day procedures were largely carried out in a well-ordered and calm manner. Polling was very positively assessed, with key procedures followed. The assessment of the counting was less positive primarily due to procedural irregularities. The tabulation process was prompt and transparent, but inadequate facilities for tabulating the results in some District Electoral Councils (DECs) led to small-scale tensions. In almost all polling stations and DECs observed, candidate representatives and observers were able to follow all stages of voting, counting, and tabulation without restriction. Preliminary results by polling station were posted on the CEC website, enhancing transparency.

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## **PRELIMINARY FINDINGS**

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### **Background**

Moldova is a parliamentary republic. Executive powers are exercised by the government and legislative power is vested in the parliament. The president serves as the head of the state and holds certain limited functions and authority, including on foreign policy and national defence. President Nicolae Timofti's term of office ended on 23 March 2016, but he continues to act as president until the new president is sworn into office.



The presidential election was the first direct presidential election since 1996. On 4 March 2016, the Constitutional Court ruled that the 2000 revision to the Constitution stipulating that the president is indirectly elected by parliament was unconstitutional.<sup>1</sup> By virtue of this decision, on 1 April the parliament called the presidential election for 30 October.

The presidential election was held against a backdrop of overall public distrust in state institutions resulting from several corruption scandals, economic stagnation, and remaining division within the society over the geopolitical direction of the country. From late 2015 until early 2016, many large demonstrations took place throughout the country opposing corruption and the government. In January 2016, after repeated failures to form a new government, parliamentary factions of the Democratic Party (PDM) and Liberal Party (PL), supported by a number of non-aligned members of parliament (MPs) formed a new government. The 101-seat parliament comprises the Party of Socialists (PSRM) with 24 seats, PDM with 20 seats, PL with 13 seats, the Liberal Democratic Party (PLDM) with 12 seats, the Party of Communists (PCRM) with 7 seats, and 25 non-aligned MPs.

### Legal Framework and Electoral System

The presidential election is primarily regulated by the 1994 Constitution, the 1997 Election Code and the 2007 Law on Political Parties, all amended in 2016, and other relevant legislation.<sup>2</sup> It is further supplemented by Central Election Commission (CEC) regulations and decisions. In July 2016, following the 4 March Constitutional Court decision, the Election Code was amended in an expedited manner to provide a legal basis for presidential elections. Public debates were held only after the first reading of the draft amendments, following an appeal from civil society organizations.<sup>3</sup> However, the level of debate was reportedly insufficient and did not fully provide for effective public consultation, contrary to OSCE commitments.<sup>4</sup>

The amended legal framework largely provides an adequate basis for conducting democratic elections.<sup>5</sup> Amendments to the Election Code established the conditions for holding the presidential election and partially addressed some previous OSCE/ODIHR and Council of Europe recommendations, including with regard to out-of-country voting and measures to promote women's participation.<sup>6</sup>

However, a number of previous recommendations by the OSCE/ODIHR and Venice Commission were not addressed in the amendments, including on signature collection and verification, the financing and conduct of the electoral campaign, sanctions on election violations, and campaign restrictions. These issues proved to be problematic again during this election. In addition, the electoral calendar set by the updated legal framework did not streamline corresponding deadlines for candidate registration, the

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<sup>1</sup> From 2000 to 2016 the president was elected by a 3/5 parliamentary majority. The Constitutional Court decision resulted from a challenge submitted by the Liberal Democratic Party in 2015 and referred to procedural violations during the parliamentary process of amending the Constitution in 2000.

<sup>2</sup> Other applicable laws include the 2008 Law on Assemblies, the 2002 Criminal Code, the 2008 Code on Administrative Offences, and the 2006 Audio-visual Code.

<sup>3</sup> On 9 June, 23 civil society organizations issued a [statement](#) criticizing the lack of inclusiveness in the discussions of the amendments and highlighting what they considered to be various shortcomings.

<sup>4</sup> Paragraph 5.8 of the 1990 OSCE Copenhagen Document provides that legislation be adopted at the end of a public procedure.

<sup>5</sup> See [the 2016 OSCE/ODIHR and Venice Commission Joint Opinion on the Draft Law on Changes to the Electoral Code of the Republic of Moldova](#).

<sup>6</sup> Article 41.2.1 introduced a minimum 40 per cent representation of both genders on the lists of candidates for parliamentary and local elections.

campaign period, campaign finance reporting, and dispute resolution for a potential second round. The CEC issued a number of regulations but failed to fully address the legal uncertainties.<sup>7</sup>

The president is directly elected for a four-year term through a single nationwide constituency. For the election to be valid, participation is required from at least one-third of registered voters. A candidate is considered to be elected if supported by at least half of the votes cast. If no candidate obtains the required number of votes, a second round is held two weeks later between the two candidates who received the most votes. In the second round, the candidate who obtains the higher number of votes is considered elected regardless of voter turnout.

## **Election Administration**

The election was managed by a three-level structure: the CEC, 35 District Electoral Councils (DECs) and 2,081 Precinct Electoral Bureaus (PEBs).<sup>8</sup> The CEC designated 30 polling stations for voters residing in Transnistria and established 100 polling stations in 31 countries for out-of-country voting. Several OSCE/ODIHR EOM interlocutors voiced concern that the number of polling stations abroad was unreasonably low and did not correspond to the number of voters residing in certain countries.

The CEC is a nine-member permanent body that serves a five-year term.<sup>9</sup> The CEC was newly appointed in June 2016 with six new members. Two CEC members are women, including the chairperson and the deputy. The DECs and PEBs are established on a temporary basis for each election. DECs are formed by the CEC and consist of 7, 9 or 11 members, depending on the size of the polling station, and are nominated by courts, local councils, and parliamentary parties. In turn, PEBs are formed by the DECs and consist of 5 to 11 members nominated by local councils and parliamentary parties.

Despite a climate of distrust in state institutions, OSCE/ODIHR EOM interlocutors largely affirmed their confidence in the impartiality of the CEC and its work, as well as in the work of the lower-level election administration.

Technical aspects of the election, at all levels, were managed professionally, although some decisions of the CEC lacked clarity and unduly complicated certain aspects of the process, in particular with regard to the signature collection and verification process for candidate registration. CEC sessions were live streamed and conducted in a collegial and open manner, with agendas published in advance and decisions made promptly available online. The CEC, through its Training Centre, implemented a comprehensive training programme for election officials at all levels. The OSCE/ODIHR EOM positively assessed the trainings they attended. Women represented some 48 per cent of all DEC members, including 29 per cent of their chairpersons. At the polling stations observed, 81 per cent of PEB members were women, as were 78 per cent of PEB chairpersons.

The CEC and different NGOs conducted voter education campaigns, including for specific groups of voters such as students, out-of-country voters, and people with disabilities. According to the CEC, most polling stations were set on ground floors and many access ramps were installed across the country in

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<sup>7</sup> The CEC specified certain aspects of collection and verification of supporting signatures, candidate registration, campaign finance, media coverage, accreditation of observers, and voter identification.

<sup>8</sup> Moldova is divided into 37 electoral districts, one per administrative unit. DECs and PEBs for Bender and Tiraspol, located in the territory controlled by the Transnistrian *de facto* authorities were not established.

<sup>9</sup> One CEC member is nominated by the president and the rest are nominated by the parliament in proportion to the size of the parliamentary majority and opposition.

an effort to facilitate access to polling stations for people with disabilities. However, associations of people with disabilities noted to the OSCE/ODIHR EOM that these measures were insufficient.<sup>10</sup>

## Voter Registration

All citizens over 18 years of age by election day have the right to vote, except those declared incapable by a court decision.<sup>11</sup> Voter registration is passive and is facilitated via the centralized State Register of Voters (SRV), introduced in 2014 and maintained by the CEC.<sup>12</sup> The SRV is based on data extracted from the State Register of Population.<sup>13</sup> Voter lists were made available to voters to verify their individual data at polling stations or on the CEC website from 20 days before election day.

According to the CEC, the number of eligible voters as of 29 October was 3,247,106. Out of this number 2,819,787 voters were included on voter lists, excluding some 160,000 residing abroad, some 220,000 living in Transdnistria. Several OSCE/ODIHR EOM interlocutors voiced concerns with regard to the accuracy of the voter lists, noting that a number of deceased people are still included in the lists.<sup>14</sup> Moreover, a large number of citizens living abroad are still included in the voter lists associated with their former residence or domicile addresses. This is consistent with national legislation but results in voter lists that do not accurately reflect the number of eligible voters physically present.

Supplementary voter lists are compiled by the PEBs on election day for inclusion of those voters omitted from the regular voter lists but registered within the precinct, voters using absentee voting certificates, voters from territory controlled by the Transdnistrian *de facto* authorities, and those staying in prisons, detention centres, and medical institutions, provided they prove identity.<sup>15</sup> More than 105,000 voters or 3.6 per cent were added to the supplementary voters lists on election day.

This was the third election in which the CEC employed the State Automated Information System “Elections” (SAISE), an online electronic system designed so that the name of each potential voter at any polling station in Moldova or abroad can be registered, prior to receiving a ballot, and checked against a database of the SRV to determine whether he or she has already voted. SAISE was available at all polling stations and provided a safeguard against multiple voting.

In October, the CEC decided to allow voters residing abroad to vote with expired passports. Some OSCE/ODIHR EOM interlocutors raised concerns that the authorities did not take earlier steps to inform the population about their options for renewing documents and whether expired documents would be considered legally valid for voting, especially as the CEC had issued similar decisions before the 2014 parliamentary and 2015 local elections.

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<sup>10</sup> Article 29 of the 2006 Convention on the Rights of Persons with Disabilities (CRPD) requires states to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”.

<sup>11</sup> Paragraph 24 of the 1990 OSCE Copenhagen Document provides that “[a]ny 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 that law”. See also Article 29 of the CRPD and the judgment of the ECtHR in *Alajos Kiss v. Hungary*.

<sup>12</sup> For voting abroad, the voters register actively and are included in supplementary voter lists on election day.

<sup>13</sup> The State Enterprise “*Registru*” maintains the State Population Register based on data from the Civil Status Offices, Ministry of Interior, Property Registry Office, Border Police, and the Ministry of Foreign Affairs.

<sup>14</sup> There are no effective mechanisms for updating the voter lists if a voter dies abroad unless a corresponding death certificate is presented to the authorities. Similarly, the names of persons who died in Moldova before the introduction of the SRV remain on the voter lists unless an interested person presents a death certificate specifically for the purpose of removing them.

<sup>15</sup> Section 1.2.iv of the 2002 Venice Commission Code of Good Practice in Electoral Matters sets that “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”.

## Candidate Registration

Eligible voters of at least 40 years of age that have resided in Moldova for a minimum of ten years and possess a proficiency in the state language are eligible to stand for office.<sup>16</sup> Those serving a prison sentence, with an active criminal record, or deprived of the right to hold decision-making positions by a final court decision cannot stand for election. The requirement of ten years residence constitutes a restrictive candidacy requirement which is not in line with OSCE commitments and international obligations and standards for democratic elections.<sup>17</sup> Some OSCE/ODIHR EOM interlocutors considered the 40 years age requirement as a politically motivated restriction, aimed in the current context at excluding certain prospective candidates.<sup>18</sup>

Candidates can participate in the election independently or as a nominee of a political party or a bloc. In order to be registered each candidate must first establish an initiative group and submit a minimum of 15,000 voter support signatures from at least 18 of 35 administrative units with at least 600 signatures from any given unit. A number of OSCE/ODIHR EOM interlocutors stated that these requirements were burdensome for independent candidates.

Despite previous OSCE/ODIHR and Venice Commission recommendations and contrary to good practice, voters can only support one candidate.<sup>19</sup> However, in line with its regulation, the CEC considered the submitted voter's first signature as valid even when he or she signed in support of more than one candidate.<sup>20</sup> This, as well as a lack of sufficient time to verify signatures submitted close to the deadline, led to inconsistent verification of signatures.<sup>21</sup> The requirement for mayors to certify support signatures proved to be problematic given their perceived political affiliation to some candidates and potential abuse of administrative resources.<sup>22</sup>

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<sup>16</sup> The legislation does not elaborate how, if at all, a candidate's command of the state language is assessed. The CEC required candidates to write their biographies in the state language, but without further assessment.

<sup>17</sup> Paragraph 15 of the 1996 UNHCR General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights states that "Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation." See also paragraph 24 of the 1990 OSCE Copenhagen Document.

<sup>18</sup> The minimum age was raised from 35 to 40 by a law adopted in 2000, which amended the Constitution to introduce indirect presidential elections. This was the only provision that was not repealed by the 4 March Constitutional Court decision. The 2016 OSCE/ODIHR and Venice Commission Joint Opinion noted that "age requirement of 40 years to stand for the presidency, although not without precedent in other countries, could be considered high".

<sup>19</sup> Paragraph 77 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation recommends that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party".

<sup>20</sup> Section I.1.3. of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "Checking of signatures must be governed by clear rules...The checking process must in principle cover all signatures; however, once it has been established beyond doubt that the requisite number of signatures has been collected, the remaining signatures need not be checked".

<sup>21</sup> According to the CEC, they did not cross-check the duplicates of signatures for all nominees, and did not check for duplicate signatures for Mr. Lupu as he was the first to submit his lists. The CEC accepted signature lists of Mr. Lupu on Saturday, 3 September, in contravention of its own 23 August decision excluding weekends from the schedule for acceptance the nomination documents. Some OSCE/ODIHR EOM interlocutors considered this CEC action as favouring the candidate.

<sup>22</sup> The decision of a mayor not to certify the signatures can be appealed to court. In one case, the Balti Court of Appeal held that the denial to certify signatures in favour of Mr. Mihaes by the mayor of Balti was unfounded. Another prospective candidate, Ms. Pavlicenco, appealed the CEC decision not to register her candidacy, claiming wide obstruction from the local authorities during signature collection. Representatives of Mr. Lupu and Mr. Ghiletchi also reported to the OSCE/ODIHR EOM that they faced administrative obstacles during certification of their signatures. OSCE/ODIHR EOM interlocutors, including most of the candidates, raised allegations of voters (including public servants) being forced to sign for Mr. Lupu.

Out of 24 initiative groups registered by the CEC, 10 represented political parties and 14 independent candidates. Eight initiative groups did not submit the required signatures and registration of four other candidates was denied following verification of signatures submitted. Signature lists of eight candidates were submitted on the last day of nomination. In line with the law, the CEC verified the support signatures by 6 October, after the official start of the campaign, contrary to good electoral practice.<sup>23</sup> The CEC initially registered 12 candidates, including five women.<sup>24</sup> Later, two candidates withdrew.<sup>25</sup>

The Election Code stipulates that candidates can be de-registered for any use of undeclared or foreign funds, funds exceeding the permissible spending limit, or involvement of foreign citizens in the campaign. As previously assessed by the OSCE/ODIHR, the ban on involving foreign citizens in campaigning is a disproportionate restriction challenging freedom of expression. One candidate was de-registered for violation of campaign finance requirements, which was widely reported as a case of vote-buying.<sup>26</sup> Two other cases considered by the CEC were related to alleged involvement of foreign citizens in campaigning. One was dismissed as unfounded and in the other case the CEC issued a warning to the candidate.<sup>27</sup> The law does not provide for any intermediate sanctions for these violations, which is at odds with the principle of proportionality, in that de-registration of a contestant should only be a sanction of last resort after serious or repeated breaches of the law.<sup>28</sup> Following withdrawals and de-registrations, nine candidates stood in the election.<sup>29</sup>

Inconsistent legal deadlines, selective implementation of rules during signature collection and verification, and disproportionate sanctions for campaign violations, challenged the right to stand for elections on an equal basis, contrary to paragraph 7.6 of the 1990 OSCE Copenhagen Document and Council of Europe standards.<sup>30</sup>

## Electoral Campaign

The Election Code provides for fair and equal opportunities for contestants during the campaign. Following the 2016 legal amendments, which aimed to address a previous OSCE/ODIHR recommendation to ensure equal campaign opportunities, the official campaign period starts not earlier than 30 days and ends 24 hours before election day.<sup>31</sup> According to the law, the registration of candidates is possible after the start of the official campaign period, meanwhile campaigning is allowed only after individual registration. This left four candidates with less time than the other eight to conduct their campaign activities, which negatively affected the equality of campaign opportunities and was at

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<sup>23</sup> Section I.1.3.v. of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “validation of signatures must be completed by the start of the election campaign”.

<sup>24</sup> Dumitru Ciubasenco, Igor Dodon, Valeriu Ghiletschi, Mihai Ghimpu, Ana Gutu, Maia Laguta, Iurie Leanca, Marian Lupu, Andrei Nastase, Inna Popenco, Silvia Radu, and Maia Sandu.

<sup>25</sup> Mr. Lupu and Mr. Nastase.

<sup>26</sup> Ms. Popenco was de-registered for failing to declare the cost of membership cards to “social stores” in the total amount of MLD 25,044 (EUR 1 is approximately MDL 22 (Moldovan Lei). Although the Criminal Code provides for criminal liability for vote-buying during the parliamentary and local elections as well as referenda, it does not criminalize vote-buying during the presidential election.

<sup>27</sup> The complaint against Mr. Nastase was dismissed. The complaint against Ms. Sandu resulted in a warning.

<sup>28</sup> Paragraph 24 of the 1990 OSCE Copenhagen Document provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”. See also paragraphs 224-228 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation.

<sup>29</sup> PEBs were instructed to mark the name of the candidate who withdrew after printing the ballots as “withdrawn”.

<sup>30</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”.

<sup>31</sup> The CEC invited all candidates to sign a Code of Conduct for the election and abide by the campaign regulations. The Code was signed only by two candidates Mr. Leanca and Mr. Lupu.

odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document and the Council of Europe standards.<sup>32</sup>

During the campaign, fundamental freedoms of expression, association, and assembly, were generally respected. The campaign was competitive with messages mainly focused on social, economical, and geopolitical issues. Instances of gender stereotyping and sexist language against one of the candidates were observed in the media. Most candidates campaigned through door-to-door canvassing, small-scale meetings and rallies, leaflets, billboards and posters, media, as well as intensively through social media.<sup>33</sup> While television is the main source of political information, according to the OSCE/ODIHR EOM monitoring results only six candidates used paid television advertisements.<sup>34</sup>

The Election Code provides a general prohibition of abuse of administrative resources without further details.<sup>35</sup> The Law on the Status of High Public Servants prohibits officials from campaigning while performing official functions.<sup>36</sup> The OSCE/ODIHR EOM directly observed cases of abuse of administrative resources, including pressure on state employees and other voters during the candidate signature collection period and campaign activities.<sup>37</sup> Many OSCE/ODIHR EOM interlocutors, including candidates and civil society also reported on such abuses.<sup>38</sup> This blurred the separation between the State and political parties and is at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document, which provides for “a clear separation between State and political parties”.

Six days before election day, a first-instance court in Chisinau granted the Prosecutor’s request for a 30-day arrest order to be issued against the leader of a political party that had nominated one of the candidates in connection with alleged crimes committed in 2011.<sup>39</sup> The timing of the announcement as well as the detention of other individuals close to elected local officials from the same party shortly before the election raised questions about whether it might have been politically motivated.

At least two candidates and some OSCE/ODIHR EOM interlocutors made allegations during the campaign that there might be widespread fraud or abuses, including vote-buying and “carousel voting”. One political party campaigned for a boycott of the election on the basis that they did not recognize the legality of the 4 March Constitutional Court decision mandating the election. One candidate and her

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<sup>32</sup> See also, Section I.2.3.a of the 2002 Venice Commission Code of Good Practice in Electoral Matters, which recommends that “Equality of opportunity must be guaranteed for parties and candidates alike”.

<sup>33</sup> The OSCE/ODIHR EOM observed 21 rallies and meetings with voters.

<sup>34</sup> According to the OSCE/ODIHR EOM media monitoring, Mr. Lupu used 33 per cent of the overall paid airtime within the monitored period, Mr. Ciubasenco and Mr. Dodon used 17 and 18 per cent respectively, Mr. Ghimpu, Mr. Leanca, and Ms. Radu used less than 10 per cent each. The other five candidates, including Ms. Sandu, did not use paid airtime.

<sup>35</sup> The law does not prescribe sanctions for abuse of campaign provisions during signature collection.

<sup>36</sup> The prohibition to campaign refers *inter alia* to ministers. On 17 October, *Publika* TV broadcast the Minister of Agriculture Mr. Grama who during his visit to Cahul urged workers of a factory to vote for Mr. Lupu.

<sup>37</sup> The OSCE/ODIHR EOM observed in the Edinet district cases of direct involvement of mayor offices in distributing campaign materials of Mr. Lupu (in Blesteni, Donduseni, Edinet, Terebna, Trinkka) as well as campaign activities in favour of Mr. Lupu (in Zabricani) and Mr. Dodon (in Alexeevka) during public events, organized by local authorities. None of the candidates were present there.

<sup>38</sup> The OSCE/ODIHR EOM received reports about several cases in Balti and Glodeni where teachers were told to attend meetings about education issues which turned out to be campaign meeting of Mr. Lupu. In other cases, the OSCE/ODIHR EOM received reports on alleged pressure by local mayor on employees of Gagauz Gaz and Post Offices in Comrat to visit PDM rallies. The OSCE/ODIHR EOM received reports about cases of using cars and other administrative resources during collection of signatures and campaign activities by PDM-affiliated mayors in villages around Balti, Causeni, Falesti, Glodeni, Riscani, and Talmaz. In Cainari, the representatives of the PPEM informed the OSCE/ODIHR EOM that the local mayor helped them to organize their campaign meeting.

<sup>39</sup> Mr. Usati, the mayor of Balti and leader of “Our Party”, which nominated Mr. Ciubasenco, and whose party was de-registered as a contestant shortly before the 2014 parliamentary elections for campaign finance violations.

party called for a boycott after she was de-registered, claiming that her de-registration was evidence of a manipulated electoral process.

## Campaign Finance

Substantial legal amendments regulating party and campaign finance were introduced in 2015 addressing some previous recommendations by the OSCE/ODIHR, Venice Commission and the Council of Europe's Group of States against Corruption. This included more comprehensive reporting requirements and stipulating criteria for spending limits. The 2016 amendments to the Election Code regulated financing of initiative groups' activities during signature collection. However, a number of previous OSCE/ODIHR and Venice Commission recommendations remain unaddressed, including on enhancement of campaign finance oversight.

Activities of initiative groups and campaigns are financed from the contestants' own funds and donations.<sup>40</sup> There are no direct public subsidies for campaigning *per se*, but contestants may receive interest-free loans from the state that may be written-off if a candidate received a certain number of votes.<sup>41</sup> The CEC established the maximum amount of MDL 30,000 for a loan received by candidates. The Ministry of Finance failed to adopt the required rules on receiving and paying back of loans.

Despite a previous OSCE/ODIHR and Venice Commission recommendation, donations from out-of-country sources of income remain prohibited.<sup>42</sup> An individual may donate up to MDL 1,010,000 whereas a legal entity may donate MDL 2,020,000. On 13 September, only 17 days before the start of the campaign, the CEC established spending limits for initiative groups and candidates, respectively at MDL 576,250 and MDL 65,797,538.

All expenses during signature collection and the campaign have to be made via dedicated bank accounts opened separately for initiative groups and candidates. Nine initiative groups declared no expenses incurred, thus raising concerns about financial transparency of signature collection activities, however the law does not detail sanctions for violation of financing rules for initiative groups. The CEC is responsible for campaign finance oversight. It receives and publishes bi-weekly financial reports from contestants on its website, and is required to verify their accuracy and compliance with the law. According to the CEC it operates with limited human resources to effectively monitor campaign finance and generally conducts inquiries only in response to complaints.

Financial reports were submitted to the CEC by all contestants on 14 and 28 October. As required by law, the CEC published information on total income and expenditures of candidates on its website, providing transparency.<sup>43</sup> The CEC issued a warning to two candidates for misreporting. One of the candidates was de-registered for using undeclared funds (See *Candidate Registration*).

## Media

The Constitution guarantees freedom of expression. The media legislation provides a sound basis for journalists' work if implemented in good faith. Laws pertaining to defamation, the access to information and pluralism in broadcasting are largely in line with international standards and best

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<sup>40</sup> Funding from foreign, public, anonymous sources and from non-profit and charitable organizations is prohibited.

<sup>41</sup> According to Article 37.3 of the Election Code loans are written-off fully or partially, proportionally to the votes received, provided that the contestant received above three per cent of votes cast.

<sup>42</sup> On 16 September, candidate Ms. Sandu challenged the constitutionality of this prohibition to Buiucani district Court in Chisinau. The court referred the case to the Constitutional Court which, on 26 September, declared the complaint inadmissible on procedural grounds.

<sup>43</sup> According to the reports, Mr. Lupu spent some MLD 24 million for campaign purposes, Mr. Dodon some MLD 6.4 million, and Ms. Sandu some MLD 543,000. All other candidates collectively spent some MLD 25 million.

practices. The OSCE/ODIHR EOM media interlocutors reported benefits from decriminalized defamation and the right to access to information.<sup>44</sup>

The media landscape is characterised by a high number of media outlets operating in a limited advertising market where most depend on subsidies and advertising revenues from political and business affiliates. Major television stations are owned by political and business interests and are strongly associated with political parties. A concentration in ownership further diminishes political pluralism on television, which remains the main source of information.<sup>45</sup> Journalists are exposed to pressure from media owners and coverage on commercial television is politically biased. The few outlets considered to be independent are struggling to survive. That leaves journalists with limited alternatives to practice quality investigative journalism. There is no interference in Internet freedom, and online news sources increasingly contribute to more pluralism and investigative journalism in the media sphere.

The Audio-visual Code obliges public and commercial broadcasters to have balanced, impartial, and objective political coverage between and during election campaigns in order to provide for political pluralism. The regulatory body for broadcasters is the Audio-visual Co-ordination Council (CCA) which acts *ex officio*, following its own media monitoring and upon complaints. However, the CCA conducted quantitative and qualitative monitoring of the campaign coverage only during prime time newscasts and does not conduct regular monitoring of political coverage between election campaigns. The CCA informed the OSCE/ODIHR EOM that a lack of means was the reason for limited monitoring.

On 6 September, the CEC in consultation with the CCA approved “Rules for the Practical Application of a Fair, Balanced, and Impartial Coverage” for broadcasting. These Rules obliged public and commercial nationwide broadcasters to organize debates with candidates or their representatives at their own editorial discretion.<sup>46</sup> The Rules further granted each contestant a total amount of five minutes of free airtime on commercial TV and ten minutes on commercial radio with nationwide coverage. The public broadcaster *Teleradio Moldova* had to provide daily one minute of free airtime to contestants. Only the public broadcaster followed the obligation to provide free airtime. The Rules do not define what constitutes fair, balanced, and impartial coverage, leaving it at the discretion of the CCA.

On 17 October, 18 days into the campaign, the CCA published its first monitoring report and issued public warnings to six TV stations for breaching the impartiality requirement.<sup>47</sup> On 28 October, the last day of the campaign, the CCA imposed fines on seven TV stations in the maximum possible amount of MLD 5,400 for repeated breaches of the impartiality requirement. Instead of immediate correction of the violations, broadcasters are given the possibility to express their point of view, appeal, and request suspension of the CCA’s decision in court. The Election Code does not explicitly provide for shortened terms for adjudicating the cases, leaving 30 days to consider an appeal. Although the Supreme Court on 26 September defined the time for an appeal of CCA decisions as five days, the CCA and civil society interlocutors were not aware of such provision. While the CCA disclosed biased coverage of

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<sup>44</sup> Investigative journalists reported to the OSCE/ODIHR EOM that public officials had at times requested to stop reporting on them, used their right to correction, and filed civil defamation suits. While some perceived this as harassment, media lawyers stated that no significant damages were awarded to plaintiffs in the last three years.

<sup>45</sup> Four out of five TV stations with nationwide coverage *Canal 2*, *Canal 3*, *Prime TV*, and *Publika TV* are registered under the General Media Group, owned by Mr. Plahotniuc, who is the First Deputy Chair of the PDM, the “Executive Coordinator” of the governing coalition, and one of the most prominent business owners in Moldova.

<sup>46</sup> *Prime* and *Publika TV* did not organize debates, while *Journal TV*, *Pro TV*, and *TV 7* did so.

<sup>47</sup> The Audio-visual Code obliges the CCA to warn the broadcaster, granting a “rehabilitation period” before further sanctions could be imposed. However, the law does not set a deadline between the warning and the application of sanctions. A warning comes into force only after the broadcaster has formally been informed.



contestants by several monitored commercial broadcasters, no fines were enforced until the end of the campaign.

The OSCE/ODIHR EOM conducted quantitative and qualitative prime time monitoring of seven TV stations, three Internet-based media outlets, and two newspapers.<sup>48</sup> The monitoring results disclosed that the first channel of the public broadcaster *Moldova 1* provided largely balanced coverage to Mr. Dodon (22 per cent of total news coverage), Mr. Lupu (15 per cent), and Ms. Sandu (32 per cent). Each of the other candidates received less than eight per cent of coverage. However, four of the six monitored commercial TV stations displayed explicitly biased coverage of contestants. *Prime* and *Publika TV* favoured Mr. Lupu by devoting 49 and 53 per cent of the news coverage respectively, while devoting 19 and 14 per cent respectively to Mr. Dodon. Ms. Sandu received 20 and 21 per cent of news coverage respectively, largely negative in tone. *Journal TV* devoted 58 per cent of its news coverage to Ms. Sandu, while giving only 12 and 15 per cent to Mr. Dodon and Mr. Lupu respectively. *NTV Moldova* devoted 48 per cent of its news coverage to Mr. Dodon, while giving only 8 per cent to Mr. Lupu and 35 per cent to Ms. Sandu; however, 76 per cent of the coverage of Ms. Sandu was negative in tone. *Pro TV* and *TV 7* with limited regional reach devoted 20 and 7 per cent respectively to Mr. Dodon, 11 and 14 per cent to Mr. Lupu, and 37 and 41 per cent to Ms. Sandu.

During the campaign, voters were able to receive information on political alternatives by using different sources, including different TV stations with limited regional coverage and online news portals. Leading commercial TV stations, however, failed to comply with the requirement to provide impartial coverage of contestants. Furthermore, the CCA failed to enforce the obligation of fair, balanced, and impartial campaign coverage, which compromised a level playing field for candidates.

## Complaints and Appeals

The complaints and appeals process is regulated by the Election Code and CEC decisions, as well as the Civil Procedural Code and Law on Administrative Court. The law lacks clarity on challenging results of the first round of elections in case there is a second round. Voters and contestants may complain about actions, inactions, and decisions of election management bodies, other contestants, and the media.<sup>49</sup> While election day complaints and those related to the right to vote may be filed directly to the courts, other complaints must be first considered by a higher-level election management body. The CEC decisions can be challenged at the Chisinau Court of Appeals, whose decisions are appealed at final instance to the Supreme Court.

Complaints and appeals were overall handled by the CEC and courts in an open and transparent manner and within legal deadlines. Nevertheless, various OSCE/ODIHR EOM interlocutors expressed a lack of trust in the election administration and judiciary to impartially handle complaints. The CEC received 34 complaints, mostly related to violation of campaign and campaign finance regulations. The CEC dismissed the majority of complaints as unsubstantiated or referred the complaints to the police or courts.<sup>50</sup> Inconsistent interpretation of the law while considering complaints and appeals on the de-registration of two candidates was perceived as politically motivated and raises concern over a lack of effective remedy, contrary to paragraph 5.10 of the 1990 OSCE Copenhagen Document and Council of Europe standards.

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<sup>48</sup> The TV stations include: *Moldova 1* (public) and the commercial *Jurnal TV*, *NTV Moldova*, *Prime TV*, *Pro TV*, *Publika TV*, and *TV7*. The Internet based media outlets monitored were <https://point.md/ru/>, <http://unimedia.info/>, and <http://www.zdg.md/>. The monitored newspapers were *Komsomolskaya Pravda* and *Timpul*.

<sup>49</sup> According to the CEC contestants are not eligible to file official complaints until their registration.

<sup>50</sup> According to the Election Code, a complaint should be referred to the relevant authority if the electoral body determines a lack of competence to examine it. In five cases, mostly related to campaign violations, the CEC referred the complaints to the police without a decision on substance.

The Chisinau Court of Appeals received some 30 appeals against the CEC decisions, including on two refusals to register candidates, lack of transparency in candidate registration and failure to provide public information. The majority of complaints were dismissed as unfounded.<sup>51</sup> Most of the court's decisions were upheld by the Supreme Court on appeal.

### Participation of National Minorities

According to the 2004 census, Moldovans and Romanians constitute 78 per cent of the population, Ukrainians 8.4 per cent, Russians 5.9 per cent, Gagauzians 4.4 per cent, Bulgarians 1.9 per cent, and the others at less than 1 per cent.<sup>52</sup> Voter education materials as well as campaign materials of the majority of candidates were available in the state language as well as in the Russian language. Although permitted, other minority languages were virtually absent from voter education and campaign activities. Some 24 per cent of all ballots were printed in Russian and distributed to the PEBs according to their requests. None of OSCE/ODIHR EOM interlocutors raised concerns regarding the participation of national minorities. Language or identity issues did not feature prominently in the electoral campaign.

### Citizen and International Observers

The Election Code provides for observation by citizen and international organizations, as well as representatives of candidates. Accredited observers are entitled to follow all stages of the election and no concerns were noted about their ability to operate freely. The CEC accredited more than 3,700 citizen and international observers. One of the most active civil society organizations, Promo-LEX, conducted long-term observation and published regular preliminary reports.

### Election Day

Election day procedures were largely carried out in a well-ordered and calm manner. In almost all observations at polling stations and DECAs, candidate and citizen observers were present and were able to follow all stages of voting, counting, and tabulation without restriction. No voting was organized on the territory controlled by the Transdniestrian *de facto* authorities.

The opening of polling stations was positively assessed in 95 per cent of observations, with key procedures followed. Some cases of minor procedural irregularities were reported by international observers, such as the non-inclusion of the ballot box seal numbers and the absence of all PEB members' signatures in the opening control form. Voting was assessed positively in 99 per cent of observations, with poll workers demonstrating good understanding of procedures. The SAISE functioned effectively in almost all polling stations observed, although there were 12 cases where the internet connection or software problems were encountered. Independent access for persons with disabilities to the voting premises was not ensured in 65 per cent of observations while in 27 per cent of polling stations observed the layout was not suitable for such voters. In 4 per cent of polling stations observed, ballot boxes were not properly sealed and in 2 per cent the layout of the stations did not guarantee the secrecy of the vote. In 8 per cent of polling stations observed, some voters were refused to vote as they were not included in the voter list and in 10 per cent were refused for not having valid ID. This indicates a continued need to strengthen voter registration procedures. Cases of overcrowding were reported from 4 per cent of polling stations observed.

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<sup>51</sup> In one case, the Court ruled in favour of a voter stating that CEC had failed to provide public information.

<sup>52</sup> [The 2004 census](#) did not include Transdniestria. The results of the 2014 census have not yet been published.

The assessment of the counting was less positive and 8 per cent of observed counts were assessed negatively, primarily due to procedural irregularities. This included PEB members not counting the unused ballots and the signatures in the voter lists in some 7 per cent of observations. PEBs encountered difficulties in reconciling the voting results in 21 per cent of observations and there were cases of changes in voter list entries and result protocols in 6 per cent of counts observed. Results protocols were pre-signed by PEB members in 22 per cent of observations. In 3 per cent of polling stations observed unauthorized persons participated in the count. Positively, candidate representatives and observers received a copy of the results protocol; however, the protocols were only posted for public scrutiny in over a half of counts observed. In addition, the PEBs directly reported preliminary results to the CEC electronically, which provided an important layer of transparency.

The tabulation process was prompt and transparent. However, it was negatively assessed in 6 of the 35 DEC observed, largely due to inadequate facilities for receiving the election materials and tabulating the results. In one of four DEC observed, the procedures were not well-organized. As a result, tensions and unrest were reported in 7 cases, which, at times, impacted overall transparency of the process.

The CEC regularly released information on voter turnout, with a breakdown by age and gender, as well as on out-of-country participation. The preliminary turnout was reported at 49 per cent, passing the threshold for the election to be considered valid. The CEC started posting the preliminary results as reported by PEBs at around midnight, contributing to the transparency of the process.

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

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Chisinau, 31 October 2016 – 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 Council of Europe (PACE), and the European Parliament (EP). The assessment was made to determine whether the election complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Arta Dade was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Geir Joergen Bekkevold headed the OSCE PA delegation. Elisabeth Schneider-Schneiter headed the PACE delegation. Igor Soltes headed the EP delegation. Douglas Wake is the Head of the OSCE/ODIHR EOM, deployed from 3 October.

Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Standing Committee meeting in Vienna in February 2017. The PACE will present its report at its Standing Committee on 25 November. The EP will present its report at the meeting of its Committee on Foreign Affairs in November.

The OSCE/ODIHR EOM includes 11 experts in the capital and 20 long-term observers deployed throughout the country. On election day, 273 observers from 41 countries were deployed, including 204 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 34-member delegation from the OSCE PA, a 24-member delegation from the PACE, and a 11-member delegation from the EP.

Opening was observed in 109 polling stations and voting was observed in 1,119 polling stations across the country. Counting was observed in 97 polling stations, and the tabulation in all 35 DECes.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs and European Integration for the assistance. They also express their appreciation to other state institutions, political parties, civil society organizations, and the international community representatives for their co-operation.

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*The English version of this report is the only official document.  
Unofficial translations are available in the state and Russian languages.*

## ANNEX C



# **Moldova presidential election competitive and fundamental freedoms respected, but biased media coverage and lack of transparent financing marred campaign, international election observers say**

CHISINAU, 31 October 2016 – The first round of Moldova’s first direct presidential election in 20 years provided ample opportunity for voters to express their preference for a new head of state. Fundamental freedoms were respected. The campaign was competitive, though marred by widespread abuse of state resources, biased media coverage and a lack of transparency in campaign finance, the international observers concluded in a preliminary statement released today. The election administration worked in a professional and transparent manner, and voting and counting were largely assessed positively by the observers.

“We were impressed to see the citizens of Moldova participate in the electoral process yesterday. This is proof that Moldovans want an active voice in significant decisions in their country,” said Arta Dade, Special Co-ordinator and leader of the short-term OSCE observer mission. “While the voters were provided with real choices in a competitive campaign, some negative aspects of the process, if not addressed, could further undermine voters’ trust that their voices are being heard.”

The competitive campaign took place against a backdrop of economic hardship and a climate of mistrust in state institutions. The numerous cases of abuse of state resources by parties holding elected office included pressure on state employees and other voters during the collection of signatures to support candidates and the campaign.

“The primary concern of the PACE observation delegation was not the outcome of the election, but the functioning of the electoral process. In this regard, we noted that the Moldovan people made their choice in a free manner and that the voting day was very well organized,” said Elisabeth Schneider-Schneiter, Head of the Parliamentary Assembly of the Council of Europe delegation. “However, some serious and long-standing issues remain unaddressed. Of particular concern are politically biased media, strongly associated with major political parties, and serving as a tool for propaganda; the use of huge sums of money for the election campaign; the lack of transparency of sources of funding and the weakness of state control mechanisms in this regard. These and other concerns, unless addressed in a timely and effective manner, will erode citizens’ trust in the democratic electoral process.”

Twelve candidates were initially registered, providing voters with a wide range of political alternatives. Two candidates withdrew before the election and one was de-registered for violating campaign finance rules. Inconsistent signature verification processes, conflicting legal deadlines and disproportionate sanctions for campaign violations limited the equal right to stand for elections, the observers said.

The election administration, led by the Central Election Commission, worked in an open manner, met legal deadlines and generally handled technical aspects of the election professionally at all levels. Despite a climate of distrust in state institutions, there was wide public confidence in the election administration, although there were some concerns whether the CEC was impartial in considering complaints.

“Moldova has once more proven its commitment to democratic values and administered the election in a professional manner. Unfortunately, I was concerned to see that the elderly and people with disabilities had to face substantial challenges to express their right to vote,” Geir Jøergen Bekkevold, Head of the OSCE Parliamentary Assembly delegation. “I encourage the election administration to redouble efforts to guarantee an inclusive process.”

Media outlets are strongly associated with major political parties, and the concentration of ownership diminishes political pluralism on television, the statement says. Media monitoring by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) mission and by the regulatory body revealed clear political bias in the campaign coverage of major broadcasters.

The legal framework largely provides an adequate basis for conducting democratic elections. Following the 4 March 2016 Constitutional Court decision that reintroduced direct presidential elections, the Election Code was amended in an expedited manner. However, despite longstanding concerns raised by ODIHR and the Council of Europe, a number of gaps and ambiguities remain.

There was general public trust in the voter register and voters may be added on supplementary voter lists on election day, provided they prove their identity. Questions were raised about the continued inclusion in the register both of a large number of citizens living abroad but still associated with their former residences, and of deceased persons. The nationwide electronic voter verification system in all polling stations provided a safeguard against multiple voting, the observers said.

“There are concerns over the lack of transparency in the area of campaign finance and the possibilities that this provides for manipulating the media,” said Igor Soltes, Head of the European Parliament delegation. “This issue requires urgent reform – both in political campaigns and in the funding of political parties.”

The CEC is responsible for campaign finance oversight, but lacks sufficient resources for effective monitoring. Recent legal amendments addressed some previous recommendations by providing comprehensive reporting requirements and criteria for spending limits. Nevertheless, a lack of effective oversight and sanctions for violations proved to be problematic and concerns were raised about the transparency of financing.

Of the 12 candidates initially registered, five were women. The CEC chairperson and deputy are women, and women are well represented in lower level election administration bodies. More than three quarters of commissioners at polling stations observed, including chairpersons, were women. Instances of gender stereotyping and sexist language in the coverage of one woman candidate were observed in some media during the campaign period.

Complaints and appeals were generally handled in an open manner within legal deadlines. However, inconsistent interpretation of the law in cases regarding candidate de-registration diminished overall trust in the impartiality of the election administration and judiciary.

The law provides for observation by international and citizen organizations, as well as by candidate representatives. More than 3,700 citizen and international observers were accredited and were able to conduct their activities freely.

“The election process has so far confirmed that Moldova has an adequate legal framework for holding democratic elections but also that further work is needed to fill gaps and address inconsistencies, in areas such as signature collection for candidate registration, and in ensuring appropriate sanctions for violating

campaign rules,” said Douglas Wake, Head of the ODIHR election observation mission. “The aim of election observation is to assist in further improving electoral processes. Even in areas where there are solid laws, including those designed to ensure campaign finance transparency and media pluralism, oversight institutions need strengthened capacity to work effectively.”

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## **Annexe D**

### **ELECTION OBSERVATION DELEGATION PRESIDENTIAL ELECTIONS IN MOLDOVA**

**13 NOVEMBER 2016**

### **DRAFT PROGRAMME HEAD OF DELEGATION**

*15/03/2017 15:23:00*

#### **LIST OF PARTICIPANTS**

##### **Members**

Igor ŠOLTES, Greens/EFA, Slovenia (Chair)  
Siegfried MUREȘAN, EPP, Romania  
Maria GRAPINI, S&D, Romania  
Fabio Massimo CASTALDO, EFDD, Italy  
Janusz KORWIN-MIKKE, NI, Poland

##### **EP Secretariat**

Ieva VALUTYTĖ, Administrator  
Joanna KAMINSKA, Administrator  
Pilar GONZÁLEZ-MURILLO, Assistant

##### **Political Groups**

Dovile RUCYTE, EFDD  
Mr Aleksander GRĘBCEWSKI, NI



## **Friday, 11 November 2016**

16.00 Meetings with ODIHR, with secretariats from other parliamentary assemblies and with EU delegation to finalize the programme and the logistics  
*(EP secretariat ONLY)*

## **Saturday, 12 November 2016**

Arrival of Members and transfer to the hotel  
*Radisson Blu Leograd*

### **Joint parliamentary briefings**

*Venue: Radisson Blu Leograd, Loft Lounge (1<sup>st</sup> floor)*

17.00 Opening

17.00-17.30 Meeting with Igor DODON

17.30-18.00 Meeting with Maia SANDU

18:00-19.30 Meeting with ODIHR EOM team

19.30-20:00 Meeting with drivers and interpreters

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**19:00-19:30 Meeting with the Head of the EU Delegation H.E. Pirkka Tapiola (Head of EP delegation only)**

**19.30-21:00 Meeting Heads of Delegations**  
*Venue: Radisson Blu Leograd, Rose room (1<sup>st</sup> floor) – Head of EP Delegation only*

## **Sunday 13 November 2016**

ELECTION DAY, Deployment

Departure from Radisson (time tbc):

06.15 TEAM 1: Chisinau and Causeni-Anenii Noi  
Mr ŠOLTES, Ms VALUTYTE

06.15 TEAM 2: Hînce ti  
Mr MURE AN, Mr CASTALDO, Ms RUCYTE, Ms GONZALEZ

06.15 TEAM 3: Chisinau and Criuleni/Dubasari  
Ms GRAPINI, Mr KORWIN-MIKKE, Mr GR BCZEWSKI, Ms KAMINSKA

07.00            Observation of Opening of Polling stations  
                    Observation of Voting  
21:00            Observation of Closing of Polling stations  
After 21.00     Observation of Vote Count

**Monday 14 November 2016**

**9:00            Meeting Heads of Delegations**  
*Venue: Codru Hotel – Head of EP Delegation only*

14:00            Press conference  
*Venue: Radisson Blu Leograd*

*Check out from the hotel, transfer to airport and departure*

Chisinau, 14 November 2016

**Press statement by Igor Šoltes,**

**Head of the European Parliament Delegation**

**to the International Election Observation Mission to Moldova - Presidential elections**

- I would like to reiterate the concern that I voiced after the first round: a lack of transparency in the area of campaign finance – as well as the possibilities to manipulate the media that this can provide. This concern extends beyond election-related activities to the more general question of the funding of political parties, where there is also a need for fundamental reform. It is therefore vital to ensure that there should be rigorous and effective scrutiny of party and campaign finance.
- More specifically, I would like to note that the legal provisions for campaign finance currently do not address the second round. The Election Code and the Central Election Commission regulation on campaign finance lack clarity on whether the expenditure limit is applicable to the first round only or both rounds. Legislation should be adopted to provide a clear framework for campaign finance for all stages of the electoral cycle.
- I would also like to stress that concrete measures need to be taken to facilitate the voting of the many citizens of Moldova living abroad. There were reports of Moldovans travelling long distances to reach the nearest polling station, of long queues and of some polling stations running out of ballots. Lessons need to be learned and the responsible authorities should consider all options, including electronic voting.

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*For further information please contact Ieva Valutyte or Joanna Kaminska from the European Parliament, [Ieva.Valutyte@ep.europa.eu](mailto:Ieva.Valutyte@ep.europa.eu) or [Joanna.Kaminska@ep.europa.eu](mailto:Joanna.Kaminska@ep.europa.eu)*




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## INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Moldova – Presidential Election, Second Round, 13 November 2016

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

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#### PRELIMINARY CONCLUSIONS

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The presidential election run-off was competitive, with respect for fundamental freedoms. The campaign, featuring televised debates, allowed the two candidates to address voters directly. However, increasingly polarized media coverage, harsh and intolerant rhetoric, and continued instances of abuse of administrative resources detracted from the process. Complaints, mostly related to campaign finance, were not resolved in a timely or consistent manner. Technical preparations for the second round were generally administered in a professional manner and, overall, election day procedures were positively assessed. Despite some efforts to prepare for a high turnout in specific polling stations abroad and for voters from Transnistria, many citizens were unable to vote because the ballots allocated to these polling stations proved insufficient.

The second round of the presidential election took place between Igor Dodon, nominated by the Party of Socialists, and Maia Sandu, nominated by the Action and Solidarity Party. The run-off was required as no candidate obtained at least half the votes in the first round held two weeks earlier.

The legal framework provides an adequate basis for conducting democratic elections, but it does not address essential aspects for holding a second round. This includes the timely adjudication of complaints and appeals, the official start of the run-off campaign, application of campaign finance regulations, media coverage, and voter list updates. Some steps for administering the second round, however, were included in the Central Election Commission (CEC) electoral calendar.

Preparations for the second round were generally managed in a professional, transparent and timely manner. The CEC maintained the same structure and composition of lower-level election commissions and the same number of polling stations, including those abroad. In anticipation of a high turnout, additional ballots were provided to specific out-of-country polling stations and those serving voters from Transnistria. These arrangements, however, were not sufficient to properly facilitate voting in all of these polling stations.

Fundamental freedoms were generally respected and candidates campaigned freely and without restrictions. The second round campaign was initially subdued but intensified as election day approached. Mr. Dodon's campaign was mostly focused on door-to-door outreach by his supporters. Ms. Sandu was actively involved in rallies and meetings throughout the country and made extensive use of social media. Negative campaign tactics were observed, including sexist language and gender stereotyping against Ms. Sandu, as well as instances of homophobic language.

The campaign in media was key for candidates. Five TV debates were aired, positively contributing to voter information. TV stations associated with political forces portrayed the race in an increasingly negative tone that further polarized the campaign. OSCE/ODIHR EOM media monitoring results revealed that *Jurnal TV* showed bias against Mr. Dodon while *NTV Moldova*, *Prime* and *Publika TV* showed significant bias against Ms. Sandu. In contrast, the public *Moldova 1* and other monitored commercial TV stations provided largely balanced coverage of the candidates.

Legal provisions for campaign finance do not address the second round. The financial reports for the run-off, though not explicitly required by law, were submitted to the CEC on 11 November. This timeline was insufficient for effective oversight of campaign finance and the CEC audit report was not adopted before election day. This decreased the efficiency of oversight, contrary to international standards and good practice, and affected voters' ability to make an informed choice.

Out of a total of 43 complaints received by the CEC, 18 were deemed outside of its jurisdiction, which raised concerns regarding stakeholders' understanding of the dispute resolution process. The law does not provide for expedited deadlines to investigate and address violations within the electoral period which undermined the right to an effective remedy, contrary to OSCE commitments. The CEC did not consider all complaints prior to election day.

Election day was calm and well-administered within the country. The overall assessment of voting, counting and tabulation was positive, with key procedures followed. Candidate and citizen observers were present in almost all polling stations and DEC's observed and were able to follow all stages of the process. Preliminary results by polling station were posted on the CEC website, enhancing transparency.

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## PRELIMINARY FINDINGS

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### Background

On 30 October the first round of the presidential election was held. Out of the 12 candidates initially registered by the Central Election Commission (CEC), two withdrew before the first round and one was de-registered for a campaign finance violation.<sup>1</sup> The voter turnout was 49 per cent, passing the one-third threshold required for the election to be considered valid.<sup>2</sup>

The two candidates who obtained the most votes were Igor Dodon, nominated by the Party of Socialists, and Maia Sandu, nominated by the Action and Solidarity Party. According to the official results announced by the CEC on 2 November, they received 48 per cent and 39 per cent respectively.<sup>3</sup> None of the nine contenders obtained at least half the votes cast required to be elected in the first round. Thus, in line with the law, a second round was called for 13 November between Mr. Dodon and Ms. Sandu. In the second round, the candidate who obtains the highest number of votes is elected regardless of voter turnout.

### Legal Framework

The legal framework provides an adequate basis for conducting democratic elections, but it does not address essential aspects for holding a second round. Some steps for administering the second round were included in the CEC electoral calendar. However, neither the Election Code nor CEC decisions adequately regulate such matters as the timely adjudication of complaints and appeals, the official start of the run-off campaign, application of campaign finance rules and voter list management.

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<sup>1</sup> Mr. Lupu and Mr. Nastase withdrew. Ms. Popenco was de-registered for failing to declare the cost of membership cards to "social stores", which were distributed to voters.

<sup>2</sup> For further information on the first round, see the [IEOM Statement of Preliminary Findings and Conclusions on the first round of the presidential election](#), as delivered at a press conference on 31 October.

<sup>3</sup> The CEC reported that other candidates received the following percentages of votes: Mr. Ciubasenco 6.03 per cent, Mr. Leanca 3.11 per cent, Mr. Ghimpu 1.80 per cent, Mr. Ghiletchi 1.08 per cent, Ms. Laguta 0.76 per cent, Ms. Radu 0.37 per cent and Ms. Gutu 0.17 per cent.

The CEC did not adopt regulations clarifying elements of the electoral process related to the conduct of the second round, thus missing the opportunity to address problematic issues identified in previous two-round elections.<sup>4</sup> This created the potential for uncertainty or conflicting interpretations of the applicable legal framework.<sup>5</sup>

## Election Administration

Overall, the CEC managed tabulation of the first round results in a professional and timely manner.<sup>6</sup> The CEC calculated the results of the first round based on the total number of the valid votes cast while both the Constitution and the Election Code stipulate that the calculation should be done based on the total number of votes cast. Given the number of votes received by the leading candidate, this practice did not have an impact on the decision to hold a second round.

The CEC maintained the same structure and composition of lower-level election commissions, including the same number of polling stations established abroad.<sup>7</sup> Women are well-represented in the election administration, including decision-making positions. In anticipation of a high voter turnout, the CEC increased the number of ballots to the established maximum of 3,000 for certain out-of-country polling stations and 10 polling stations that served voters residing in Transdnistria.<sup>8</sup> In total some 3.2 million ballots were printed, including some 750,000 in the Russian language.

The CEC held regular sessions in the run-up to the second round, which were open to observers and media. CEC members conducted their activities in a collegial manner and agendas and decisions were promptly published online. Preparations for the second round were generally managed by the CEC and lower-level election administration in a transparent, timely and professional manner.

The procedure for student voting was an issue raised by Ms. Sandu.<sup>9</sup> The CEC clarified that those students not included in the regular voter lists at their place of study could be included in the supplementary voter lists if they demonstrated registration of temporary residence at their place of study or if they obtained absentee voting certificates in advance from their place of permanent residence. It further clarified that the same conditions should apply for both rounds of the election.

There are no provisions requiring voter lists to be updated between the two rounds. However, those that turned 18 between the rounds were able to vote by providing proof of residence and the required

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<sup>4</sup> This included aspects related to voter registration, campaign and media. See [OSCE/ODIHR Limited Election Observation Mission Final Report on Local Elections in Moldova 14 and 28 June 2015](#).

<sup>5</sup> On 8 November, the CEC adopted a decision that the same rules related to election campaign in media, participation of citizens residing in Transdnistria, voting abroad with expired documents and without domicile or residence apply for the run-off. This decision, however, did not provide necessary details.

<sup>6</sup> According to Article 60 of the Election Code the CEC has five days to announce final results. They were announced on 2 November, three days after the first round election day.

<sup>7</sup> A three-level structure: the CEC, 35 District Electoral Councils (DECs) and 2,081 Precinct Electoral Bureaus (PEBs), including 100 abroad in 31 countries.

<sup>8</sup> Six polling stations in France, 5 in the United States, 4 in Portugal, 3 in Canada, 2 in Italy, 1 in the Netherlands, 1 in Estonia, 1 in Latvia, 1 in Lithuania, and 1 in Switzerland. The law provides that polling stations will have between 30 and 3,000 voters.

<sup>9</sup> On 1 November, Ms. Sandu requested the parliament to adopt the same student vote procedures for the second round of the presidential election as for parliamentary elections. According to these provisions, students that are not registered in the locality where their educational institution is located can vote in any polling station within the locality of their educational institution by providing ID card, ID slip and student card, issued by the university or college in the given locality and writing a statement refraining from multiple voting. The request was rejected by parliament on 3 November, on the grounds that the same conditions should apply for both rounds.

identification document. Their names were included in the supplementary voter lists.<sup>10</sup> The same voter list print-outs from the first round were used for the second round. An additional column for voters' signatures for the second round had already been included.<sup>11</sup>

## Campaign Environment

The law does not define when the electoral campaign resumes after the first round and whether it is prohibited to campaign before the announcement of the final results of the first round. This lack of clarity resulted in different interpretations by the CEC and the Audio-visual Co-ordination Council (CCA). According to the CEC the campaign for the second round started on 2 November and ended at midnight on 11 November, while the CCA stated that it resumed on 31 October. In practice the campaign resumed immediately after the first round election day.

As in the campaign for the first round, fundamental freedoms were generally respected and candidates campaigned freely and without restrictions. The campaign was initially subdued throughout the country, but intensified, especially in the media, as election day approached. The candidates devoted considerable attention in their activities to tackling corruption, as well as to broader social and economic issues. The second round campaign was perceived by most OSCE/ODIHR EOM interlocutors as a race between candidates with different geopolitical orientations.

Campaign activities were mostly carried out through door-to-door canvassing aiming to increase turnout of candidate supporters, as well as through social media targeting potential voters inside and outside the country. Mr. Dodon's campaign was mostly focused on door-to-door outreach by his supporters, while Ms. Sandu was actively involved in rallies and meetings throughout the country and made extensive use of social media.<sup>12</sup> Billboards and posters, mainly featuring Mr. Dodon, were displayed. Negative campaign tactics were observed, including sexist language and gender stereotyping against Ms. Sandu, as well as instances of homophobic language.<sup>13</sup>

Both candidates were endorsed by political parties which supported other candidates during the first round.<sup>14</sup> The leader of the Communist Party, which called for a boycott in the first round, publicly expressed a preference for Mr. Dodon in the second. Representatives of the Moldovan Orthodox Church expressed public support for Mr. Dodon and opposition to Ms. Sandu. Several IEOM interlocutors raised concerns regarding the appropriateness of the active role of church representatives, particularly in light of the separation between church and state.

The abuse of administrative resources appeared less widespread in the run-up to the second round than the first. Nevertheless, the OSCE/ODIHR EOM noted some cases in which mayors campaigned or exerted pressure to support one candidate or the other.<sup>15</sup> National and most local officials associated

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<sup>10</sup> According to the State Enterprise "Registru" in the period from 30 October to 13 November, some 1,400 persons turned 18 and some 1,200 died.

<sup>11</sup> PEB members received the voter lists print-outs from the first round from the first instance courts where they were deposited by the DEC's.

<sup>12</sup> The OSCE/ODIHR EOM observed 10 rallies and meetings with voters organized by Ms. Sandu.

<sup>13</sup> This was reflected in media, as well as numerous leaflets that were widely circulated. At a 8 November [press conference](#), several civil society representatives condemned hate messages being used in election campaign.

<sup>14</sup> Mr. Dodon was supported by Our Party. Ms. Sandu was supported by the European People's Party, and the Dignity and Truth Platform.

<sup>15</sup> The Law on the Status of High Public Servants prohibits officials from campaigning while performing official functions. Mayors of Corbu, Regina Maria and Bulboci campaigned and exerted pressure in support of Ms. Sandu. Mayors of Abaclia, Sadaclia and Cimislia made a statement expressing support for Ms. Sandu and opposing Mr. Dodon. A mayor from Donduseni district instructed civil servants to campaign for Mr. Dodon. The Head of the Autonomous Territorial Unit of Gagauzia participated in a rally to support Mr. Dodon.



with the main governing party, the Democratic Party, publicly stated their support for a ‘pro-European candidate’ (assumed to be Ms. Sandu). In practice some mayors from this party worked to consolidate support for Mr. Dodon.

## Campaign Finance

Legal provisions for campaign finance do not address the second round. The CEC regulation on campaign finance only mentions that the campaign account is reactivated in case of a second round.<sup>16</sup> The Election Code and the regulation lack clarity on whether the expenditure limit is applicable to the first round only or both rounds. The CEC informed the OSCE/ODIHR EOM that, although not formally regulated, the expenditure limit of MDL 65.8 million applied for both rounds cumulatively.<sup>17</sup>

The CEC published its assessment of the financial reports submitted before the first round on 30 October, the first round election day. It requested clarification on possible unreported spending from one candidate and requested the State Tax Inspectorate to verify the origin of donations exceeding MDL 75,000.<sup>18</sup> No irregularities were found in other cases. In response to a question raised by the civil society organization Promo-LEX on possible discrepancies in the financial reports of some candidates, the CEC admitted that it had neither sufficient time nor qualified staff to thoroughly examine the reports. It continued to operate with limited resources and stated that it had capacity to conduct inquiries only in response to complaints.

In the absence of an explicit legal requirement to report on campaign finance for the second round, the CEC decided that such reports were required and due on 11 November. Financial reports were submitted to the CEC in time by both contestants. The CEC published information on total income and expenditure of candidates on its website, thus providing public access to campaign finance data.<sup>19</sup> However, the timeline determined by the CEC was insufficient for effective oversight and the CEC audit report was not published before election day. This decreased the efficiency of campaign finance oversight, contrary to international obligations and good practice, and affected voters’ ability to make an informed choice.<sup>20</sup>

## Media

Legislation does not provide explicit provisions on media coverage for the second round. According to the CCA, the campaign period resumed on 31 October, obliging broadcasters to provide fair, balanced and impartial coverage, to offer free airtime and to organize debates between the contestants. While legal provisions regarding free airtime for a second round are unclear, each candidate was allocated one minute a day on the public broadcaster. The CCA continued its monitoring on 31 October; however, the report covering the period from 31 October to 13 November was not issued before the second round. On 28 October the CCA imposed fines on seven TV stations for unbalanced coverage at the maximum amount of MDL 5,400.

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<sup>16</sup> However, the law does not provide a deadline for closing these accounts. According to the CEC, the campaign accounts of contestants for the second round were not blocked between the two rounds.

<sup>17</sup> According to the reports for the first round, Mr. Dodon spent some MLD 6.4 million and Ms. Sandu some MLD 543,000. (EUR 1 is approximately MDL 22 (Moldovan Leu).

<sup>18</sup> The candidate concerned was Ms. Laguta.

<sup>19</sup> According to the reports, Mr. Dodon spent some MDL 8.4 million and Ms. Sandu some MDL 1.4 million. (EUR 1 is approximately MDL 22 (Moldovan Leu).

<sup>20</sup> See Article 7.3 of the [2004 United Nations Convention against Corruption](#) and paragraphs 194 and 200 of the [2011 Joint OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#).



The campaign in media was key for candidates and gained momentum as election day approached. TV stations associated with political forces portrayed the race in an increasingly negative tone that further polarized the campaign. Some politically aligned broadcasters emphasised divisive topics, often with seemingly unsubstantiated information.<sup>21</sup> This approach by media had an adverse impact on the campaign environment.

Five TV debates between the two candidates were broadcast, which positively contributed to voter information. The candidates frequently exchanged mutual and, at times, harsh accusations rather than engaging in substantive debate.

OSCE/ODIHR EOM media monitoring results revealed a mixed picture. The public *Moldova 1* equally divided their prime time news coverage between Mr. Dodon and Ms. Sandu. *Pro TV* and *TV 7* devoted 51 and 50 per cent of news coverage respectively to Mr. Dodon, and 49 and 50 per cent respectively to Ms. Sandu. Positively, the coverage on these TV stations was predominantly in a neutral tone for both candidates.

In contrast, *Jurnal TV* devoted 63 per cent of its news coverage to Ms. Sandu, and only 37 per cent to Mr. Dodon. 82 per cent of Mr. Dodon's news coverage was negative in tone. *NTV Moldova, Prime* and *Publika TV* favoured Mr. Dodon. These TV stations devoted 70, 61 and 64 per cent of news coverage respectively to Ms. Sandu, and 30, 39 and 36 per cent to Mr. Dodon. However, 72 per cent of Ms. Sandu's news coverage on *Prime* and 89 per cent on *Publika TV* was negative, while 96 per cent of the news coverage of Ms. Sandu on *NTV Moldova* was very negative in tone.

## Complaints and Appeals

Between the two rounds the CEC received nine complaints and the courts received none. Complaints were mostly related to alleged campaign finance irregularities. Four cases related to alleged spending of unreported funds, another two to spreading false information and one to obstruction of voting rights.<sup>22</sup> The CEC postponed consideration of several complaints until after election day, which is contrary to the Election Code obligation to resolve complaints prior to voting. Out of the 43 complaints received by the CEC for both rounds, 18 were deemed outside of its jurisdiction, which raised concerns regarding stakeholders' understanding of the electoral dispute resolution process.<sup>23</sup>

According to information received by the General Inspectorate of Police, as of 9 November, the law enforcement agencies received 167 cases of alleged election-related offences and opened 52 cases, mainly concerning hindrance of the work of the election administration, violation of the campaign silence period, and destruction of campaign materials. The law does not provide for expedited deadlines to investigate and address violations within the electoral period which undermined the right to an effective remedy, at odds with OSCE commitments.<sup>24</sup>

The law lacks clarity on the avenue for challenging first round election results. While some stakeholders stated that first round results could be challenged through the standard appeal procedure

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<sup>21</sup> For example, alleging that Ms. Sandu had agreed to accept a large refugee intake, if elected.

<sup>22</sup> The complaint on spreading false information by a newspaper about one of the candidates was returned to the complainant as the first instance court was the competent body to consider print-media complaints. Some complaints were referred to the police for further investigation but were not addressed before election day.

<sup>23</sup> Section II.3.3.c of the Code of Good Practice recommends that the appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law.

<sup>24</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental human rights and ensure legal integrity".

for which the Supreme Court is the final instance, others stated that the Constitutional Court should resolve all challenges related to election results. The law does not provide for sufficiently short deadlines for the resolution of possible election result disputes before the holding of the second round, contrary to OSCE commitments and international standards.<sup>25</sup> Final results have to be announced by the CEC within five days after election day, which may be challenged at the Constitutional Court.

## Election Day

Election day was calm and well-administered within the country. PEB and DEC members were open and welcoming to international observers. Candidate and citizen observers were present in almost all polling stations and DEC members observed and were able to follow all stages of the process. With very few exceptions, the State Automated Information System “Elections” (SAISE), which is an online voter verification system used at polling stations, functioned effectively as a safeguard against multiple-voting and a tool for prompt tabulation and announcement of the preliminary results. Women constituted 80 per cent of PEB members and 78 per cent of chairpersons in polling stations observed.

Opening was assessed positively in all polling stations observed. Most polling stations opened on time and key procedures were followed. However, in a few instances some procedures were not followed, including ballot boxes not properly sealed, ballot box seals not recorded in the opening control form, and the opening control form not being deposited in the ballot box prior to voting.

The overall assessment of voting was positive in 99 per cent of polling stations observed with PEB members displaying a sound understanding of procedures. Independent access to persons with disabilities was not assured in 69 per cent of observations, while in 23 per cent of polling stations observed the layout was not appropriate for such voters. Ballot boxes were not properly sealed in 3 per cent of observations, as also noted in the first round, which raises questions about the quality of seals and the instructions given to PEB members. In 5 per cent of polling stations observed some voters were not allowed to vote as they were not on the voter list, and in 5 per cent of observations they had no valid ID. In most cases those voters were redirected to the appropriate polling station or requested to return with proper documents. In 3 per cent of observations, overcrowding was noted, mainly in polling stations serving voters from Transdnistria. This was reported to be largely related to poor queue control and inadequate polling station layout. Isolated instances of tension and unrest were registered in those polling stations.

The counting was efficient and transparent and evaluated positively by IEOM observers. However, some procedural irregularities were observed, including PEB members not voting on the validity of disputed ballot papers in 15 cases and pre-signing of the results protocols in 12 cases. Reconciliation procedures were not always followed, which led to difficulties in finalizing the results protocols in 6 cases. This included not establishing the number of ballot papers issued by counting the signatures in the voter lists (4 cases) and not counting the total number of ballot papers in the ballot box prior to counting by candidate (5 cases). These procedural omissions were assessed mainly as attempts to speed up the process and had no major impact on the count. In half of the polling stations observed, the result protocols were not posted for public scrutiny, contrary to the Election Code. As in the first round, the PEB protocols were submitted directly to the CEC using SAISE, providing an additional layer of transparency.

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<sup>25</sup> Section II.3.3.b and II.3.3.g of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) recommends that the procedure must be simple and devoid of formalism with short time-limits for lodging and deciding appeals. Article 2 of the International Covenant of Civil and Political Rights states that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy”. See also paragraph 5.10 of the 1990 OSCE Copenhagen Document.

The tabulation process was quick, transparent and well-organized. It was negatively assessed in only one of the 35 DECs observed. In 8 cases the conditions were not suitable for receiving election materials, which affected the transparency of the process. While citizen observers were present in the majority of DECs, candidate representatives were noted only in 7 DECs.

The CEC frequently released information on voter turnout, as well as on out-of-country participation. It reported increased turnout of voters abroad in comparison to the first round. Several out-of-country polling stations ran out of ballot papers with many citizens unable to vote.<sup>26</sup> This underscored concerns that provisions to facilitate out-of-country voting on an equal basis were not fully effective. Two in-country polling stations dedicated to voters from the territory controlled by the Transdniestrian *de facto* authorities also ran out of ballot papers and voters were redirected to nearby polling stations in order to cast their vote.

The preliminary turnout was reported at 52.48 per cent. The CEC started posting the preliminary results by polling station on its website at around midnight.

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#### MISSION INFORMATION & ACKNOWLEDGEMENTS

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Chisinau, 14 November 2016 – 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 Council of Europe (PACE) and the European Parliament (EP). The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Arta Dade was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Geir Joergen Bekkevold headed the OSCE PA delegation. Elisabeth Schneider-Schneiter headed the PACE delegation. Igor Soltes headed the EP delegation. Douglas Wake is the Head of the OSCE/ODIHR EOM, deployed from 3 October.

Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its next session. The PACE will present its report at its Standing Committee on 25 November. The EP will present its report at the meeting of its Committee on Foreign Affairs in November.

The OSCE/ODIHR EOM includes 13 experts in the capital and 16 long-term observers deployed throughout the country. On election day, 177 observers from 35 countries were deployed, including 136 long-term and short-term observers deployed by the OSCE/ODIHR, as well as an 11-member delegation from the OSCE PA, a 7-member delegation from PACE and a 10-member delegation from EP. Opening was observed in 68 polling stations and voting was observed in 683 polling stations across the country. Counting was observed in 56 polling stations, and the tabulation in 35 DECs.

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<sup>26</sup> According to the CEC, out-of-country polling stations that ran out of ballots included one in Bologna, one in Bucharest, one in Paris, one in London and one in Moscow.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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*The English version of this report is the only official document.  
Unofficial translations are available in the state and Russian languages.*

## ANNEX F



*Moldova presidential run-off competitive, fundamental freedoms respected, but polarized media coverage, harsh rhetoric detracted from process, international observers say*

CHISINAU, 14 November 2016 – The second round of the presidential election in Moldova was competitive, with respect for fundamental freedoms. The campaign, featuring televised debates, allowed the two candidates to address voters directly. However, increasingly polarized media coverage, harsh and intolerant rhetoric and continued instances of abuse of administrative resources detracted from the process. Complaints, mostly related to campaign finance, were not resolved in a timely and consistent manner, the international observers concluded in a [preliminary statement](#) released today.

Technical preparations for the second round were generally administered professionally and, overall, the observers assessed election day positively. Despite some efforts to prepare for a high turnout in specific polling stations abroad and for voters from Transdniestria, many citizens were unable to vote because these polling stations ran out of ballots, the statement says.

“The more intense campaign in the lead-up to the second round succeeded in mobilizing a greater number of voters and offered an opportunity for citizens to express their choice,” said Arta Dade, the Special Co-ordinator and leader of the short-term OSCE observer mission. “This underlines a desire for continued civic mobilization, and I encourage the newly-elected President to support the reforms needed to restore public confidence in state institutions.”

Moldova has adequate laws to conduct democratic elections, but they do not address essential aspects for holding a second round, the observers said. This includes the official start of the run-off campaign, application of campaign finance regulations, voter list updates, media coverage and the timely adjudication of complaints and appeals.

“I note that the legal framework is incomplete when it comes to the second round and it leaves too much room for interpretation,” said Geir Joergen Bekkevold, Head of the OSCE Parliamentary Assembly delegation. “We stand ready to work hand in hand with our colleagues in the Moldovan parliament to address these shortcomings and strengthen the electoral legislation and procedures.”

The second round campaign was initially subdued but intensified as the election approached, the statement says. The media were the key platform used by the candidates. While the public television coverage was largely balanced, politically affiliated TV stations showed significant bias, further polarizing the campaign. Negative tactics were employed, including sexist language and gender stereotyping, as well as homophobic statements.

“In Moldova people made their choice in a free manner and the voting day was very well organized,” said Elisabeth Schneider-Schneiter, Head of the Parliamentary Assembly of the Council of Europe delegation. “Our primary concern was not the outcome of the presidential election, but rather the functioning of the democratic electoral process. Unfortunately, the serious and long-standing concerns from the first round campaign were observed also in the second round. Of particular concern were politically biased media, strongly associated with major political parties and serving a tool for propaganda. This and other concerns, unless

addressed in a timely and effective manner, will erode citizens' trust in the democratic electoral process.”

Campaign finance oversight in the second round lacked efficiency, the observers said. Although not explicitly required by law, the financial reports for the run-off were submitted to the Central Election Commission (CEC) two days before the elections, and the CEC audit report was not adopted before election day, making it more difficult for voters to make an informed choice.

“Legislation should be adopted to provide a clear framework for campaign finance for all stages of the electoral cycle,” said Igor Soltes, Head of the European Parliament delegation. “A continuing concern is the lack of transparency in the area of campaign finance – as well as the possibilities to manipulate the media that this can provide.”

Election day was calm and well-administered within the country. The overall assessment of voting, counting and tabulation was positive, with key procedures followed.

The law does not provide for expedited deadlines to investigate and address violations within the electoral period, which undermined the right to an effective remedy. Contrary to legal requirements, the CEC did not consider all complaints prior to election day.

“Candidates had a real opportunity to present their visions to voters, especially in the televised debates, though it is unfortunate that the voters were often confronted with harsh rhetoric rather than serious discussions of alternative policy approaches,” said Douglas Wake, Head of the ODIHR Election Observation Mission. “Voters actively participated on an election day that we observed to be very smooth across the country. It was particularly regrettable, however, to hear reports that many citizens were unable to vote at specific polling stations that ran out of ballots.”