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Observation of the parliamentary elections in the Republic of Moldova (24 February 2019)

Election observation report

Ad hoc Committee of the Bureau

Rapporteur: Mr Claude KERN, France, Alliance of Liberals and Democrats for Europe

Contents	Page
1. Introduction	1
2. Political context and legal framework	2
3. Management of the elections, registration of candidates and of voters	4
4. Election campaign, campaign funding and media coverage	6
5. Polling day	8
6. Conclusions and recommendations	8
Appendix 1 – Composition of the ad hoc committee	11
Appendix 2 – Statement of the pre-electoral delegation of the Parliamentary Assembly	13
Appendix 3 – Programme of the meetings of the International Electoral Observation Mission (22-25 February 2019)	15
Appendix 4 – Press release of the International Election Observation Mission	17

1. Introduction

1. On 24 August 2018, the Chair of the Central Election Commission (CEC) of the Republic of Moldova sent the Parliamentary Assembly a letter of invitation to observe the parliamentary elections to be held on 24 February 2019. At its meeting on 3 September 2018, the Bureau of the Assembly decided to set up an ad hoc committee comprising 30 members and the two co-rapporteurs of the Monitoring Committee, which was given the task of observing the parliamentary elections of 24 February 2019. The Bureau also authorised a pre-electoral mission made up of six members – one from each political group who was also a member of the ad hoc committee and both of the Monitoring Committee's co-rapporteurs. The Bureau approved the composition of the ad hoc committee (Appendix 1) and appointed Mr Claude Kern (France, ALDE) as its Chair.

2. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission), on 4 October 2004, representatives of the Venice Commission were invited to join the ad hoc committee as legal advisors.

3. In order to assess the organisation of the election campaign and the political climate that prevailed in the run-up to the election, the Bureau sent a pre-electoral delegation to the Republic of Moldova from 28 to 31 January 2019. The election observation mission wishes to thank Mr William Massolin, Head of the Council of Europe Office in the Republic of Moldova, and his staff, and the secretariat of the Moldovan delegation to the Parliamentary Assembly for their contribution to the preparation and organisation of the pre-election visit.



4. At the end of its visit to the Republic of Moldova, the pre-electoral delegation of the Parliamentary Assembly noted the efficiency with which the technical aspects of the election were managed by the CEC. With regard to the legal framework, the delegation pointed out that the new electoral system was contrary to the previous recommendations of the Venice Commission. The delegation also drew attention to a number of long-standing problems which had still not been resolved. The statement published by the pre-electoral delegation at the end of its mission is set out in Appendix 2.
5. The ad hoc committee of the Parliamentary Assembly was involved as part of the International Election Observation Mission (IEOM), which also included delegations from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE), the European Parliament, and the election observation mission of the Office for Democratic Institutions and Human Rights of the OSCE (OSCE/ODIHR).
6. The ad hoc committee met from 22 to 25 February 2019 in Chişinău, where it met the leaders and representatives of the parties running for election, the chair of the CEC, the head of the OSCE/ODIHR Election Observation Mission and his staff, the Heads of the Council of Europe Office in the Republic of Moldova, the OSCE mission in the Republic of Moldova and the European Union delegation, and representatives of civil society and the media. The programme of the ad hoc committee's meetings is set out in Appendix 3.
7. On the day of the election, the ad hoc committee split into 13 teams to observe the election in the capital, Chişinău, and the surrounding area, and in various towns and regions around the country.
8. The IEOM concluded that the elections of 24 February 2019 had been competitive and that fundamental rights had generally been respected. The delegation of the Parliamentary Assembly underlined the fact that the elections were not limited to what happened on polling day; with regard to election law, the new electoral system unfortunately confirmed certain concerns expressed by the Venice Commission, in particular the fact that electoral players in single-member constituencies were reportedly subject to undue pressure or manipulation from wealthy local business leaders. The election campaign also saw isolated cases of intimidation and violence against candidates, mass misuse of administrative resources, allegations of vote buying, and distribution of electoral gifts involving charitable foundations associated with political parties. The press statement published by the IEOM at the end of the elections is set out in Appendix 4.
9. The ad hoc committee thanks the OSCE/ODIHR election observation mission and the Council of Europe Office in Chişinău for their co-operation and support.

2. Political context and legal framework

10. The delegation of the Parliamentary Assembly points out that the Republic of Moldova has signed and ratified the European Convention on Human Rights (ETS No. 5) and its Additional Protocol (ETS No. 9), which enshrine several principles that are essential for effective and real democracy, including the right to free elections (Article 3 of the Additional Protocol), freedom of expression, freedom of assembly and association, and the prohibition of discrimination (Articles 10, 11 and 14 of the Convention).
11. Since 1994, the Assembly has observed all elections in the Republic of Moldova without exception. With regard to the previous parliamentary elections held on 30 November 2014, the observer delegation of the Assembly had concluded that "the citizens of the Republic of Moldova had been able to make their choice freely. It added that the holding of genuinely democratic elections depended primarily on the existence of political will, which must be demonstrated by all concerned, to observe both the letter and the spirit of the law. It expressed regret that, contrary to the Venice Commission's recommendations, the electoral law had recently been amended to raise the election threshold. An electoral reform should be carried out well ahead of elections on the basis of a broad consensus between the main political parties".
12. After the parliamentary elections of 30 November 2014, the following parties entered parliament: the PSRM took 25 seats, the PLDM took 23 seats, the PCRM took 21 seats, the PDM took 19 seats and the PL took 13 seats. The political make-up of parliament changed throughout the legislative session and was as follows just before the elections of 24 February 2019: the PDM had 42 seats, the PSRM had 24 seats, the PCRM had 6 seats, the Liberal Democratic Party had 5 seats, and the Liberal Party had 6 seats. Consequently, the big "winner" in this "political turnaround" was the PDM.

13. In this regard, from 2016 onwards, the co-rapporteurs of the Assembly's Monitoring Committee had raised questions and concerns about the "political turnarounds" brought about by members of parliament, which drastically alter the parliamentary majority. Some political leaders had questioned the real reasons behind these "political turnarounds". However, despite numerous allegations and recriminations, no criminal investigation into political corruption has been opened or completed due to the lack of formal complaints.

14. The observer delegation of the Assembly noted with great regret that the defections of approximately 40% of Moldovan members of parliament between the two elections, against a backdrop of strong influence of interests connected with private companies on political parties, raised questions and sparked criticisms – including of an ethical and moral nature – in terms of political opportunism, the potential loss of public trust in the political class and the values of the rule of law.

15. With investigations into corruption under way, the political context prior to the elections of 24 February 2019 was characterised by a high level of public mistrust of State institutions. The Constitutional Court of the Republic of Moldova had on several occasions announced the temporary suspension of the powers of the President of the Republic of Moldova, Igor Dodon, who was elected by universal suffrage in 2016.

16. The parliamentary elections of 24 February 2019 were initially supposed to take place in November 2018; in a vote held in July 2018, the parliament decided to hold them on 24 February 2019. They were the first elections to be called since the adoption in 2017 of significant amendments to the Electoral Code.

17. In November 2018, the Parliament of the Republic of Moldova decided that an advisory referendum on the reduction of the number of members of parliament from 101 to 61 and the introduction of rules allowing them to be dismissed if they did not fulfil their duties and responsibilities properly would be held on the same day as the elections. Since it was only invited to observe the elections, the observer delegation of the Assembly did not observe the referendum. For this reason, this report will not cover issues concerning the referendum.

18. Nonetheless, in its pre-election statement of 31 January 2019, the delegation of the Assembly recalled Assembly [Resolution 2251 \(2019\)](#) on updating guidelines to ensure fair referendums in the Council of Europe member States, which does not recommend that referendums and other elections be held at the same time.

19. The legal framework for these elections is provided by the [Constitution](#), the Electoral Code¹ and the rules laid down by the [Central Election Commission](#).²

20. The Venice Commission and the OSCE/ODIHR have published numerous opinions on the various changes made to the Electoral Code of the Republic of Moldova and the legislation concerning political parties.³ In 2017, major changes were made to the Electoral Code, including the introduction of a new mixed electoral system. These changes were examined by the Venice Commission and the OSCE/ODIHR in three opinions which were published in June and December 2017 and March 2018.

21. In their opinions of 2017 and 2018, the Venice Commission and the OSCE/ODIHR expressed concerns about the introduction of a mixed electoral system and underlined that "in the present Moldovan context, the proposed reform could potentially have a negative effect at the constituency level, where independent majoritarian candidates may develop links with or be influenced by business people or other actors who follow their own separate interests".⁴ In their joint opinions, they concluded that the change to the electoral system was not "advisable at this time".

22. In this regard, during its visit to Chişinău in January 2019, the pre-electoral delegation of the Assembly underlined the fact that it shared the Venice Commission's concerns due to recurring difficulties which had already been observed in the country during the previous elections.

1. Parliamentary elections are covered more specifically by Title III of the Electoral Code, Articles 78-105.

2. Full details of constituencies, the electoral calendar, the rules and other applicable documents and directives may be found through the [following link](#) (in Romanian only).

3. See in particular the Joint Opinion on the law amending certain legislative acts (Electoral system for the election of parliament) (CDL-AD(2018)008), the Joint Opinion on the legal framework governing the funding of political parties and electoral campaigns (CDL-AD(2017)027), the Joint Opinion on the draft laws amending and completing certain legislative acts (electoral system for the election of Parliament) (CDL-AD(2017)012), the Joint Opinion on the draft law on changes to the electoral code (CDL-AD(2016)021), and the joint opinions on matters concerning the elections in 2014 (CDL-AD(2014)003), 2013 (CDL-AD(2013)002), 2010 (CDL-AD(2010)014), 2008 (CDL-AD(2008)022) and 2007 (CDL-AD(2007)040).

4. CDL-AD(2017)012, paragraph 14; these concerns are repeated in opinion CDL-AD(2018)008, paragraph 21.

23. The amended Electoral Code makes provision for 50 of the 101 MPs to be elected in a national constituency under a proportional representation system and for the other 51 MPs to be elected in single-member constituencies under a single-member first-past-the-post system.⁵ MPs are elected for a four-year term.⁶ The minimum representation thresholds for the proportional component are as follows: 6% for a political party; 8% for an electoral alliance made up of two political parties and/or socio-political organisations;⁷ 11% for an electoral alliance made up of at least three political parties and/or socio-political organisations; and 2% for an independent candidate.⁸

24. With regard to seat allocation, Article 96(3) of the Electoral Law provides, in relation to the proportional component, that the number of seats to be allocated to lists that exceed the threshold should be rounded up to the nearest whole number to the quota. Article 96(4) provides that the other seats shall be allocated to political parties which have exceeded the threshold, according to their number of votes, in decreasing order. The Venice Commission noted in its opinion of March 2018 that this allocation formula could be reconsidered.⁹

25. With regard to the seat allocation system, the delegation of the Assembly wishes to point out that in the past the authorities of the Republic of Moldova had changed this system shortly before the date of elections. In particular, in its observation report on the parliamentary elections of 28 November 2010, the delegation of the Assembly had noted that “the Moldovan authorities amended the Electoral Code, particularly Article 87 on the allocation of seats in parliamentary elections. Prior to this amendment, the Electoral Code provided for seats to be allocated using the D’Hondt formula, which favours the parties which have obtained the largest numbers of votes. This system was replaced by an apparently unique method which gives a significant advantage to small parties”.¹⁰

3. Management of the elections, registration of candidates and of voters

26. Three types of electoral committees managed the parliamentary elections: the CEC, 51 constituency electoral councils (CoECs) and 2 141 precinct election bureaus. For the first time, 47 polling stations were specifically designated for voters living in the Transnistria region of the Republic of Moldova. On 12 February, the CEC decided to change the locations of 31 of the 47 polling stations on security grounds. In this regard, the PSRM criticised this decision of the CEC which, according to the party, would penalise its voters.¹¹

27. The CEC is a permanent body made up of nine members: one is appointed by the President of the Republic of Moldova and the other eight are appointed by parliament, based on proportional representation of the government and the opposition in parliament. The composition must be approved by a majority decision of parliament. The members of the CEC are appointed for a five-year term. The chair, vice-chair and secretary of the CEC are elected from among the members of the CEC by a majority of votes of all of its members.

28. CoECs and precinct election bureaus are created for each election. The Electoral Code provides that CoECs shall be made up of an odd number of members between 7 and 11. As happened during the previous elections, no CoECs were created for Transnistria, but the CEC ran an information campaign to encourage voters in the region to register at polling stations where they could exercise their right to vote, in order to facilitate their participation.

29. Each polling station has between 30 and 3 000 voters. The precinct election bureaus were run by five to 11 members; three were appointed by local councils and the others were appointed by parties represented in parliament, with one for each party.

30. With regard to the voters living abroad, the CEC set up 123 polling stations in 37 foreign countries on the basis of the government’s proposals. In 2016, during the presidential election, the CEC had set up 100 polling stations in 31 countries.

5. Article 79(3) of the Electoral Code.

6. Article 79(1) of the Electoral Code.

7. Article 95(2) of the Electoral Code.

8. Article 80(2) of the Electoral Code.

9. [CDL-AD\(2018\)008](#), paragraph 26.

10. [Doc. 12476](#), Report of the Parliamentary Assembly on the observation of the early parliamentary elections in Moldova (28 November 2010), p. 10.

11. Preliminary conclusions of the IEOM on the observation of the parliamentary elections of 24 February 2019, p. 5.

31. A considerable number of the people with whom the Assembly delegation spoke criticised the criteria for the creation of polling stations in foreign countries. In its statement of 31 January 2019, the pre-electoral delegation underlined that “the Parliamentary Assembly, in its previous observation reports, expressed concern at the lack of transparency of the criteria to determine the number of polling stations abroad. For many stakeholders, these criteria should ensure the voter’s right to participate effectively in the elections. The delegation believes that the increase in the number of ballot papers assigned to each polling station may not solve the problem, if the number and location of polling stations is not in proportion to the voters living in different countries”.

32. The Electoral Code provides that all citizens of the Republic of Moldova with the right to vote can stand for election.¹² Military personnel, prisoners and persons with a criminal record cannot stand as candidates. The candidacy submission period began 60 days before the date of the election and ended 30 days before it.

33. The most recent amendments provide that in order to register, candidates must personally hand over, by the registration deadline, a set of documents including an integrity certificate which the National Integrity Authority must issue within 15 days after it is requested.¹³ According to information received by the members of the IEOM, no candidates had any difficulties in getting these certificates issued in due time. In their opinion of March 2018, the Venice Commission and the OSCE/ODIHR recommended that the provisions requiring the submission of biographical information and a health certificate be repealed. The opinion also underlined that it should be ensured in practice that the provisions regarding integrity certificates are applied in an impartial manner.

34. In their opinions of June 2017/March 2018, the Venice Commission and the OSCE/ODIHR expressed the view that the setting of a maximum period of 14 days prior to elections for changes to lists, rather than the seven days provided for in the draft, was a positive aspect. However, they recommended that the candidate withdrawal period should be reduced further in order to avoid replacements at such a late stage of the process.¹⁴

35. In an inclusive manner, the CEC registered 14 political parties and one alliance which submitted national lists; in total, there were 632 candidates on the national lists, including 264 candidates who were women. The CoECs registered 325 candidates in single-member constituencies, including 70 candidates who were women and 58 independent candidates. In the single-member constituencies, candidates were required to collect a minimum number of signatures of inhabitants of the constituency in support of their candidacy: this was 500 for male candidates and 250 for female candidates.¹⁵ Voters could only support one candidate.¹⁶ The delegation of the Assembly was informed by various people with whom it spoke of the misuse of administrative resources and the role played by public-sector employees in the collection of signatures in support of the parties in government.

36. The Electoral Code was amended in April 2014 in relation to electoral rolls. Voter registration is passive. There is a centralised national register of voters, which was used for the first time in the parliamentary elections of 2014. Voters can ask the CEC or the polling station to amend the electoral register up to the day before election day. For 20 days, voters can check their data online and request corrections to electoral rolls, which are also displayed at polling stations. On the day of the election, voters who had been omitted from the electoral roll and who were able to provide proof of their residence within the constituency, and voters in Transnistria, students and people who submitted a voting right certificate remotely, were added to the supplementary electoral registers and voted.

37. There are 3 276 000 people on the State register, including 230 200 who have no registered primary or secondary place of residence, and approximately 230 600 voters live in Transnistria. There were 2 810 303 voters on the electoral registers. According to data in the State register, 90 438 citizens were officially registered as citizens who had left the country, but in reality the figure is much higher. The authorities acknowledge a lack of clarity in the way in which they are assigned to a single-member constituency.¹⁷ The electoral lists that were created outside the Republic of Moldova were drawn up on the basis of data gathered by heads of diplomatic missions and consular offices in the States concerned.

12. Article 46 of the Electoral Code. Candidates can stand in the national constituency and in a single-member constituency at the same time, with the latter taking priority if a candidate is elected in both.

13. [CDL-AD\(2018\)008](#), paragraph 5: “Moreover, the practice should ensure that provisions on integrity certificates are applied impartially.”

14. [CDL-AD\(2018\)008](#), paragraph 52.

15. Article 86 of the Electoral Code.

16. Articles 47 and 87 of the Electoral Code.

17. [Interim Report of the ODIHR of 8 February 2019](#), section VI, p. 4.

38. The criteria for setting up polling stations abroad seem vague and may be subject to interpretation. The Electoral Code lays down the following criteria for the creation of polling stations abroad:

- Information held by diplomatic and consular missions in countries of residence;
- Information held by the central public authorities, including relevant official statistics;
- Information obtained as a result of the preliminary registration of citizens of the Republic of Moldova living abroad in accordance with the procedure established in regulations adopted by the CEC;
- Other relevant data obtained by the central public authorities upon request to the authorities in the country of residence, in accordance with the law.

39. The delegation of the Assembly noted the efficiency with which the technical aspects of the election were managed by the CEC. The CEC informed the delegation of the inclusiveness of party and candidate registration. No-one with whom the delegation spoke mentioned any problems in terms of the accuracy of the electoral rolls. However, several people expressed concern over the constant rise in the number of registered voters despite the fact that the number of Moldovans moving abroad is growing. Due to the large number of Moldovan citizens living abroad, setting criteria for the creation of single-member constituencies is a major issue. The revised Electoral Code makes provision for three constituencies of this type. Since voters living abroad generally support different political parties, the creation of these constituencies also has political repercussions.

4. Election campaign, campaign funding and media coverage

40. The election campaign officially began on 25 January. On the whole, political parties and candidates were able to campaign freely. The election campaign was very much present until the day of the election, when political parties and candidates campaigned close to polling stations. The Electoral Code does not make provision for a day of no campaigning. A large number of members of the Assembly's delegation felt that the fact that campaigning took place close to polling stations on the day of the election until the polling stations closed gave the impression that voters were being intimidated.

41. The election campaign focused mainly on the issues of unemployment, social assistance and old age pensions, and the fight against corruption. According to the Preliminary conclusions of the IEOM on the observation of the parliamentary elections of 24 February 2019, geopolitical issues and the foreign policy of the Republic of Moldova were less prominent during this campaign, by contrast with previous elections, with the exception of the campaign of the PSRM party, which should be in favour of strong ties with the Russian Federation.¹⁸

42. Numerous people with whom the delegation spoke mentioned citizens' lack of trust in State institutions, which can be attributed to multiple corruption scandals. This issue is of particular concern in a country with a high level of poverty. A large proportion of the public is convinced that corruption is widespread in the Republic of Moldova and that the judicial system is not sufficiently independent.

43. Various people informed the Assembly delegation of a number of recurring and long-standing problems which had still not been resolved and which surfaced during this campaign. These included intimidation and violence against candidates; allegations of threats against supporters of opposition parties; pressure on public-sector employees to attend election campaign events during working hours, including events organised by the ruling PDM party; hate speech, including against female candidates; wide-scale misuse of administrative resources; allegations of vote buying; the role of public-sector employees in the collection of signatures; and distribution of electoral gifts involving charitable foundations associated with political parties. In its statement, the pre-electoral delegation of the Assembly condemned such practices during election campaigns and asked the competent authorities to take all measures necessary to abolish them.

44. During the meeting with the pre-electoral delegation, the authorities of the Republic of Moldova underlined the importance of objective election observation. They assured the Assembly delegation that all appropriate measures would be taken to ensure that all candidates in the elections and registered parties could campaign on an equal footing.

45. In 2007, a number of amendments were made to the provisions in force concerning election campaign funding.¹⁹ The law provides that public funding in a maximum amount of 0.2% of the State budget shall be allocated to political parties each year, with half being in proportion to their results in parliamentary elections

18. Preliminary conclusions of the IEOM on the observation of the parliamentary elections of 24 February 2019, p. 8.

and half being in proportion to their results in local-level parliamentary elections.²⁰ Campaigns are also funded with candidates' own funds and donations, but funding from foreign, State, public and anonymous sources and charities and trade unions is prohibited.²¹

46. The 2017 amendments lowered the ceilings for cash donations and the ceilings for donations made by private individuals and legal entities to 50 and 100 times the average monthly wage respectively. The CEC set limits for candidates' spending: an individual can make a donation of up to MDL 348 750 (approximately €17 750) and a legal entity can donate up to MDL 697 500 (approximately €35 500). The ceilings for campaign spending set by the CEC are MDL 86 871 855 for national constituency lists and MDL 1 845 000 for single-member constituency candidates.²²

47. Candidates are required to submit weekly financial reports from the time of the official launch of the campaign, and a final report on the campaign as a whole, no later than two days before the date of the election. The CEC is responsible for overseeing campaign funding and publishes the weekly financial reports that it receives from candidates on its website within 48 hours. The CEC can impose penalties or ask other competent bodies to do so.²³

48. During the election campaign, the following political parties spent the most money: PDM – MDL 30.29 million, SOR – MDL 19.86 million, PSRM – MDL 5.47 million, Our Party – MDL 3.2 million, the ACUM Alliance – MDL 1.86 million, and the PDM also spent MDL 28.84 million on the referendum campaign.²⁴ Although the legal provisions regarding the funding of election campaigns and political parties have been improved, and reports on parties' election spending were generally provided in accordance with the requirements, many of the people with whom the delegation spoke are convinced that significant financial resources could still have been raised for electoral purposes given the lack of any effective oversight by the State authorities.

49. However, the joint opinion of 2017 highlighted the need to strengthen the legal framework, including to “permit private contributions, within clearly defined limits”, “further reduce annual ceilings for private donations to political parties and to electoral contestants”, “significantly enhance the supervision and enforcement of the rules on party and campaign financing” and “strengthen the regime of sanctions available for infringements of party and campaign funding rules”.²⁵

50. The Electoral Code and the Radio and Television Code lay down the framework for media behaviour during election campaigns. Radio broadcasters are required to cover elections in an accurate, balanced and impartial manner. Each candidate is entitled to five minutes of air time free of charge on each national television channel and ten minutes on each radio station. Candidates are entitled to take part in debates which national radio broadcasters are obliged to hold free of charge. They can also purchase up to two minutes of additional air time per day and per radio broadcaster.²⁶

51. The Audiovisual Coordination Council and public radio broadcasters informed the Parliamentary Assembly's pre-electoral delegation that equality of access to the media for parties and candidates is guaranteed by law. However, the delegation was informed of cases of pressure, threats and verbal and physical attacks against independent journalists which became increasingly frequent over the months preceding the elections. Since most of the media is affiliated with the main political parties and the advertising media are controlled by the latter, media pluralism can be regarded as limited. Previous Assembly reports have expressed serious concern at the very high concentration of media ownership, the takeover of numerous media organisations and a lack of transparency as to the sources of their financing.

52. With regard to media coverage of the election campaign, the results of the media monitoring conducted by the ODIHR mission during the election campaign show that some national television channels did not cover the election in a balanced manner. All of the television channels that were monitored devoted the majority of

19. These include the Electoral Code, the Law on Political Parties, Administrative Violations, the Court of Auditors, and the Criminal Code, supplemented by the regulations of the CEC.

20. From 2019 onwards, political parties will be entitled to additional funding from the State in proportion to the number of women and young candidates elected.

21. Article 39 of the Electoral Code.

22. [Interim Report of the ODIHR of 8 February 2019](#), Section IX, pp. 6-7.

23. *Ibid.*

24. Preliminary conclusions of the IEOM on the observation of the parliamentary elections of 24 February 2019, p. 11.

25. [CDL-AD\(2017\)027](#), paragraph 15.

26. Article 70 of the Electoral Code.

their news coverage to the PDM party (between 20% and 41%), followed by ACUM (between 4% and 20%) and the PSRM (between 5% and 11%). The president of the Republic of Moldova, Igor Dodon, was the most visible public figure on television during the election campaign.²⁷

53. The pre-electoral delegation referred to Assembly [Resolution 2254 \(2019\)](#) on media freedom as a condition for democratic elections, adopted on 23 January 2019, which recommends the following among other things: “promote a free, independent and pluralist media environment as an essential precondition for combating disinformation and undue propaganda; avoid media concentration, also paying attention to the problem of cross ownership; ... ensure total transparency with regard to the public when media are owned by political parties or politicians”.

5. Polling day

54. The day of the election passed off peacefully and the election was well organised on the whole. The voting and counting operations were generally conducted in a professional manner and in a calm atmosphere. The staff at the polling stations visited co-operated fully with the observers.

55. The delegation of the Assembly identified a number of technical inadequacies at the polling stations visited:

- the fact that election campaigning took place virtually at the entrances to polling stations on the day of the election gave the impression that voters were being intimidated, even though the Electoral Code does not prohibit campaigning on election day;
- some polling stations were ill-suited to the purpose of holding elections;
- on the whole, polling stations were inaccessible or difficult to access for persons with reduced mobility;
- at some of the polling stations visited, near Anenii Noi and Căușeni, large numbers of voters were bussed in from Transnistria to vote, most of them on supplementary registers; inside these polling stations and at the entrances to them, hundreds of voters waited to vote; the operation of these polling stations, and the low number of observers who were present at them, did not appear to be in accordance with basic standards for the organisation of elections;
- cases of unintentional non-compliance with counting procedures were noted at some polling stations.

56. On 3 March, the CEC approved the final results of the parliamentary elections of 24 February 2019, according to which, in the national constituency for the proportional component, which consists of 50 MPs, the PSRM won 31.15% of the votes (18 seats), the ACUM Alliance won 26.84% (14 seats), the PDM won 23.62% (13 seats) and the Șor Party won 8.32% (5 seats). The other 51 MPs were elected in the 51 single-member constituencies in the single-member first-past-the-post election: PSRM – 17 seats, ACUM – 12 seats, PDM – 17 seats and Șor Party – 2 seats. Two independent candidates, Alexandru Oleinic and Viorel Melnic, were elected in two single-member constituencies created for residents of Transnistria and one independent candidate, Ion Groza, was elected in Cahul. The final results approved by the CEC are therefore as follows: PSRM – 35 seats, PDM – 30 seats, ACUM Alliance – 26 seats, Șor Party – 7 seats, and independent candidates – 3 seats. Turnout was 49.22%, or 1 453 013 voters. Over 37 000 voters from Transnistria took part in the elections, as did 76 601 voters in foreign countries.

6. Conclusions and recommendations

57. The delegation of the Parliamentary Assembly concluded that the elections of 24 February 2019 were competitive and that fundamental rights were generally upheld, but elections are not limited to what happens on election day.

58. With regard to electoral law, the new electoral system unfortunately confirmed certain concerns expressed by the Venice Commission, particularly the fact that electoral players and in particular voters in single-member constituencies were reportedly subject to undue pressure or manipulation from wealthy local business people. In the end, deputies from four political groupings were elected to parliament through the first-past-the-post component of the election.

27. Preliminary conclusions of the IEOM on the observation of the parliamentary elections of 24 February 2019, p. 13.

59. On the whole, the delegation of the Assembly is convinced that frequent changes to election law, including fundamental aspects of the law such as the electoral system or the seat allocation method, combined with significant “political turnarounds” brought about by members of parliament during a legislative session lead to a drastic change in the parliamentary majority after elections, when citizens have already expressed their wishes. These factors do not contribute to democratic stability and can undermine citizens’ trust in the institutions of their country and the values of the rule of law.

60. The delegation noted that the day of the election was calm and that the election was well organised on the whole. The voting and counting operations were generally conducted in a professional manner and in a calm atmosphere. With regard to the voting in foreign countries and the Transnistria region of the Republic of Moldova, the delegation noted that approximately 76 000 voters participated in foreign countries, as did 37 000 from the region of Transnistria, which respectively equate to approximately 5% and 2.5% of the voters who participated in the elections.

61. With regard to the voting of Moldovan citizens living in the Transnistria region, the members of the Assembly’s delegation noted that on the day of the election, the transfer of voters was arranged by means of buses and that hundreds of voters waited in and around polling stations; in addition, there were fewer members of precinct election bureaus as compared with other polling stations, and few national observers present.

62. While recognising the efforts of the Moldovan authorities to organise the election and being aware of the complexity this involves, the delegation of the Assembly is nonetheless convinced that the competent authorities should have created equal and transparent conditions for all Moldovan citizens, so that citizens living in the region of Transnistria could express their wishes freely and in appropriate humane and sanitary conditions. This could also have made it possible to avoid any allegations of pressure on voters and political speculation. With regard to the specific matter of organised transfers of voters on election day, the delegation notes with regret that similar practices unfortunately occurred in other regions of the Republic of Moldova, in particular in rural localities.

63. With regard to the election campaign, the Assembly delegation noted that on the whole, political parties and candidates were able to campaign freely. The fact that campaigning took place close to polling stations on the day of the election until the polling stations closed, even though this is permitted by law, allowed a perception of voter intimidation to emerge.

64. The delegation noted with great regret that certain recurring problems were still present during the election campaign, including intimidation and isolated cases of violence against candidates, allegations of threats against supporters of opposition parties, pressure on public-sector employees to oblige them to attend election campaign events during working hours, mass misuse of administrative resources, allegations of vote buying, or the distribution of electoral gifts involving charitable foundations associated with political parties.

65. In accordance with the recommendations of the Venice Commission and the Group of States Against Corruption (GRECO), a number of amendments have been made to the provisions in force concerning election campaign funding, including the lowering of the ceilings for cash donations and the ceilings for donations made by private individuals and legal entities.

66. While the legal provisions concerning funding for election campaigns and political parties have been improved, and reports on parties’ election spending were generally provided in accordance with the requirements, many people with whom the delegation spoke were convinced that significant financial resources could still have been raised for electoral purposes given the lack of any effective oversight by the State authorities.

67. Equality of access to the media for parties and candidates is guaranteed by law. However, the Assembly delegation was informed of cases of pressure, threats and verbal and physical attacks against independent journalists which became increasingly frequent during the months preceding the elections. Since most of the media is affiliated with the main political parties and the advertising media are controlled by the latter, media pluralism could be regarded as limited. Previous Assembly reports have expressed serious concern over the very high concentration of media ownership, the takeover of numerous media organisations and a lack of transparency as to the sources of their financing.

68. With regard to media coverage of the election campaign, the results of the media monitoring conducted by the ODIHR mission during the election campaign show that some national television channels did not cover the election in a balanced manner. All of the television channels that were monitored devoted the majority of

their news coverage to the PDM party (between 20% and 41%), followed by ACUM (between 4% and 20%) and the PSRM (between 5% and 11%). The president of the Republic of Moldova, Igor Dodon, was the most visible public figure on television during the election campaign.

69. The delegation of the Assembly noted the efficiency with which the technical aspects of the election were managed by the Central Election Commission. The process of registering political parties and candidates was inclusive. None of the people with whom the delegation spoke mentioned any problems with regard to the accuracy of electoral rolls.

70. The delegation of the Parliamentary Assembly invites the authorities of the Republic of Moldova to continue to co-operate, through its monitoring procedure and with the Venice Commission, in order to resolve the problems identified during the parliamentary elections of 24 February 2019, both in law and in practice. Through its various co-operation programmes, the Council of Europe should therefore continue to assist the Republic of Moldova in improving the legal framework and electoral practices.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed of:

Chairperson: Mr Claude Kern, France (ALDE)

Group of the European People's Party (EPP/CD)

- Mr Corneliu Mugurel COZMANCIUC, Romania
- Ms Alina Ștefania GORGHIU, Romania
- Mr Killion MUNYAMA, Poland
- Ms Elisabeth SCHNEIDER-SCHNEITER, Switzerland*
- Mr Ionuț-Marian STROE, Romania
- Mr Krzysztof TRUSKOLASKI, Poland
- Mr Stefaan VERCAMER, Belgium

Socialists, Democrats and Greens Group (SOC)

- Mr Titus CORLĂȚEAN, Romania
- Mr Stefan SCHENNACH, Austria*
- Mr Pierre-Alain FRIDEZ, Switzerland
- Mr José CEPEDA, Spain

European Conservatives Group (EC)

- Mr Markus WIECHEL, Sweden

Alliance of Liberals and Democrats for Europe (ALDE)

- Mr Claude KERN, France*
- Ms Melisa RODRÍGUEZ HERNÁNDEZ, Spain

Group of the Unified European Left (UEL)

- Mr Petter EIDE, Norway
- Mr George LOUKAIDES, Cyprus
- Ms Miren Edurne GORROTXATEGUI, Spain

Co-rapporteurs of the Monitoring Committee (ex officio)

- Mr Egidijus VAREIKIS, Lithuania
- Ms Maryvonne BLONDIN, France

Venice Commission

- Mr Richard BARRETT, member

Secretariat

- Mr Chemavon CHAHBAZIAN, Head of Division, Election Observation and Interparliamentary Co-operation Division

- Ms Danièle GASTL, Assistant
- Ms Anne GODFREY, Assistant
- Mr Gaël MARTIN-MICALLEF, Legal Adviser, Venice Commission

* Member of the pre-electoral mission.

Appendix 2 – Statement of the pre-electoral delegation of the Parliamentary Assembly

Strasbourg, 31.01.2019 – A pre-electoral delegation from the Parliamentary Assembly of the Council of Europe (PACE) visited Chişinău to assess the election campaign and the preparations for the Parliamentary elections to be held on 24 February 2019.

With regard to the legal framework, the Assembly's pre-electoral delegation noted that in July 2017 the Republic of Moldova adopted fundamental changes to the Electoral Code introducing a mixed electoral system with one national constituency electing 50 members of parliament by proportional representation from closed party lists, together with 51 members elected from 51 new single-member constituencies on a first-past-the-post majority basis.

In this regard, the Council of Europe Venice Commission and OSCE/ODIHR, in their joint opinion, adopted in March 2018, pointed out that the new electoral system is contrary to prior recommendations. In particular, the election stakeholders in single-member constituencies could be vulnerable to undue influence and manipulation by well-resourced local business people. While it is the sovereign decision of Moldovan legislators to make such changes to the electoral system, nevertheless, the PACE pre-electoral delegation shares the Venice Commission's concern, especially since in the past such recurring problems were observed in the country. In addition, the delegation was informed that the new electoral system may be too complicated for the understanding of many voters.

The election campaign just started and political parties and candidates are in general able to campaign freely. Nevertheless, the delegation was informed by different interlocutors about a number of long-standing concerns which still remain unaddressed. In particular, cases of intimidation and violence against candidates; cases of hate speech, including against women candidates; cases of misuse of administrative resources; allegations of vote buying; cases of involvement of public employees in the signature collection procedure; cases of distribution of electoral gifts during election campaign events involving charitable foundations associated with certain political parties. For some interlocutors, the use of video-cameras in polling stations can be perceived as a means of pressurizing voters.

The Assembly's delegation condemns such practices in the election campaign and asks the relevant authorities to take all necessary measures to exclude them.

The delegation noted that the technical aspects of the elections are well managed by the Central Election Commission, even if the new electoral system and the referenda still require further clarification. The CEC informed the delegation that the registration of parties and candidates was inclusive. Concerning voter registration, a number of interlocutors raised concerns about the fact that voter numbers have consistently grown while the number of Moldovans emigrating abroad has increased.

Due to the high number of Moldovan citizens residing abroad, the criteria for the establishment of single-member constituencies is a significant issue. The revised Electoral Code provides for three such constituencies. The establishment of these constituencies also has a significant political impact as voters residing in different countries tend to support different political parties.

The Parliamentary Assembly, in its previous observation reports, expressed concern at the lack of transparency of the criteria to determine the number of polling stations abroad. For many stakeholders these criteria should ensure the voter's right to participate effectively in the elections. The delegation believes that the increase in the number of ballot papers assigned to each polling station may not solve the problem, if the number and the location of polling stations is not in proportion to the voters living in different countries.

Many interlocutors mentioned the issue of a lack of confidence in State institutions resulting from multiple corruption scandals. This aspect is particularly worrying in a country with a high level of poverty. A considerable proportion of the general public is convinced that corruption is common in the Republic of Moldova and that the judiciary lack independence. With regard to campaign financing, while legal regulations on campaign and party finance have improved and the parties' election expenditures reports are provided in due form, for many interlocutors, significant financial resources can still be used for electoral purposes without any efficient control by State authorities.

The Audiovisual Coordinating Council and the Public Broadcaster informed the delegation that equal access of parties and candidates is ensured according to the legislation. Nevertheless, the delegation was informed about increasingly frequent cases of pressure, threats and verbal and physical attacks on independent journalists during the months preceding the elections. Media pluralism can be considered as limited because most of the media are affiliated with the main political parties and the advertising media is under their control.

A very high degree of ownership concentration, the monopolisation of many media outlets and a lack of transparency concerning their sources of funding were mentioned in previous PACE reports as a matter of serious concern.

The pre-electoral delegation recalls the Assembly's Resolution 2254 adopted on 23 January 2019 on "Media freedom as a condition for democratic elections", which, in particular, recommends "to promote a free, independent and pluralist media environment as an essential precondition for combating discrimination and undue propaganda; to avoid media concentration, also paying attention to the problem of cross ownership; to ensure total transparency vis-à-vis the public when media are owned by political parties or politicians". The delegation asks the public broadcaster in particular to ensure equal access and, most importantly, well-balanced and fair coverage for all registered political parties and candidates according to the legislation.

The PACE pre-electoral delegation recalls that the Assembly has observed all parliamentary and presidential elections in the Republic of Moldova since 1994. Unfortunately, some recurrent problems still remain unaddressed. Moreover, the upcoming elections will be held under the new electoral system which is contrary to the Venice Commission's prior recommendations. Therefore, the delegation calls on the relevant authorities to take the necessary steps to ensure the right of citizens to free elections according to the international commitments of the Republic of Moldova.

The authorities of the Republic of Moldova stressed the importance of objective observation of elections; they assured the Assembly's pre-electoral delegation that all appropriate measures will be taken to ensure equal conditions for all parties and candidates participating in the elections.

In November 2018, the Parliament of the Republic of Moldova decided to hold a consultative referendum on the same day as the parliamentary elections. It is not in the mandate of the Assembly's delegation to observe the consultative referendum. The pre-electoral delegation recalls the Assembly's [Resolution 2251 \(2019\)](#) on "Updating guidelines to ensure fair referendums in the Council of Europe member States" which does not recommend holding referendums at the same time as other elections.

The delegation had meetings with the Prime Minister, the Speaker of the Parliament, the leaders or the representatives of the parliamentary and extra-parliamentary political parties participating in the elections, the Chairperson of the Central Election Commission, the Chairperson of the Audiovisual Co-ordinating Council, the Chairperson of the National Integrity Agency, representatives of civil society and the media, and representatives of the international community.

The Parliamentary Assembly will send a 32-member delegation to observe the Parliamentary elections on 24 February 2019.

Members of the delegation: Claude Kern (France, ALDE group), Head of the delegation; Elisabeth Schneider-Schneiter (Switzerland, EPP/CD); Stefan Schennach (Austria, SOC); Christian Langballe (Denmark, EC); Egidijus Vareikis (Lithuania, co-rapporteur AS/Mon); Maryvonne Blondin (France, co-rapporteur AS/Mon)

Appendix 3 – Programme of the meetings of the International Electoral Observation Mission (22-25 February 2019)

Friday 22 February 2019

- 14:00-15:00 PACE Ad hoc committee meeting
- Briefing on the pre-electoral mission by Mr Claude Kern, Head of the Delegation, and by members of the pre-electoral mission
 - Briefing by Mr William Massolin, Head of the Council of Europe Office in Chişinău
 - Briefing on recent modifications to election legislation, by experts of the Venice Commission
 - Practical and logistical arrangements, Secretariat

Programme of joint parliamentary briefings

- 15:30-15:45 Opening remarks by the heads of the parliamentary delegations
- Mr George Tsereteli, Special Co-ordinator and President of the Parliamentary Assembly of the OSCE
 - Ms Kari Henriksen, Head of the OSCE Parliamentary Assembly Delegation
 - Mr Claude Kern, Head of the PACE Delegation
 - Ms Rebecca Harms, Head of the European Parliament Delegation
- 15:45-16:00 International community
- Dr Claus Neukirch, Head of the OSCE Mission to the Republic of Moldova
 - Mr William Massolin, Head of the Council of Europe Office in the Republic of Moldova
 - Ambassador Peter Michalko, Head of the European Union Delegation to the Republic of Moldova
- 16:05-18:00 Briefing by the OSCE/ODIHR Election Observation Mission
- Welcome and introduction by the ODIHR Election Observation Mission
- Ambassador Matyas Eörsi, Head of the OSCE/ODIHR Election Observation Mission
- Political Overview
- Ms Tamara Sartania, Political Analyst
- Media Overview
- Ms Alice Colombi, Media Analyst
- Legal Framework, Candidate Registration and Electoral System
- Ms Rebecca Cox, Legal Analyst
- Election Administration, Voter Registration, Campaign Finance and Observers
- Ms Yuliya Shypilova, Election Analyst
- Security Overview
- Mr Oleksandr Stetsenko, Security Expert
- 18:00-19:00 Campaign and Policy Analysis Panel
- Ms Polina Panainte, Chairperson, Civil Coalition for Free and Fair Elections
 - Mr Dumitru Misin, Director of Programming, Jurnal TV
 - Ms Olga Bordeianu and Mr Constantin Vulpe, TeleRadio Moldova
 - Ms Ecaterina Mitin-Stratan, Director, Moldova 1
 - Mr Petru Macovei, Executive Director, Association of Independent Press (API)
 - Ms Anastasia Nani, Deputy Director, Independent Journalism Center

Saturday 23 February 2019

- 09:00-10:15 Campaigning and Impact of the Amended Electoral Code Panel
- Mr Tudor Deliu, MP, Deputy Chair of the Legal Committee of the Parliament

- Mr Igor Boțan, Chairperson, Association for Participative Democracy (ADEPT)
 - Mr Ion Manole, Executive Director, Promo-LEX Election Observation Mission
 - Ms Andrea Keerbs, EOM Co-ordinator, International Republican Institute
 - Mr Dritan Taulla, Head of Mission, ENEMO
- 10:15-11:15 Election administration round table
- Ms Alina Russu, Chairperson, Central Election Commission
 - Mr Dragos Vicol, Chairperson, Audiovisual Coordination Council
 - Ms Nadejda Hriptievschi, Program Director, Legal Resources Centre from Moldova
- 11:30-12:50 Briefing by representatives of political parties
- 11:30-11:50 Mr Vlad Cebotari and Mr Andrian Candu, Democratic Party of Moldova
- 11:50-12:10 Mr Maxim Lebedincii, Party of Socialists of the Republic of Moldova
- 12:10-12:30 Ms Marina Postoico and Ms Irina Vizir, Party of Communists of the Republic of Moldova
- 12:30-12:50 Mr Dorin Chirtoacă, Liberal Party
- 13:45-14:05 Ms Marina Tauber, Șor Party
- 14:05-14:25 Ms Maia Sandu and Mr Andrei Năstase, ACUM Bloc
- 14:25-14:45 Mr Ilian Casu, Our Party
- 14:45-15:45 Briefing by the OSCE/ODIHR Election Observation Mission
- Election day procedures
- Mr Don Bisson, Deputy Head of Mission
 - Ms Yuliya Shypilova, Election Analyst
- Observation forms
- Mr Anders Eriksson, Statistical Analyst
- 15:45 Meeting with interpreters and drivers
- 15:45-19:00 Meeting of the heads of the parliamentary delegations

Sunday 24 February 2019

- 07:00-21:00 Observation in polling stations
- After 21.00 Observation of the closing and counting

Monday 25 February 2019

- 08:00-09:00 PACE ad hoc committee debriefing
- 09:00-10:30 Meeting of the heads of the parliamentary delegations
- 14:30 Press conference

Appendix 4 – Press release of the International Election Observation Mission

Fundamental rights generally respected in competitive Moldovan elections, though campaign tainted by violations, international observers say

Chişinău, 25.02.2019 – Moldova's 24 February parliamentary elections were competitive and fundamental rights were generally respected, but the campaign took place against the backdrop of disaffection with public institutions and was tainted by allegations of pressure on public employees, strong indications of vote buying and the misuse of State resources, the international observers concluded in a preliminary statement released today.

Control and ownership of the media by political actors limited the range of viewpoints presented to voters, the observers said. Most aspects of the elections were administered in a professional and transparent manner, and the observers assessed the voting positively, despite difficulties and confusion caused by the introduction of a new electoral system and the concurrent holding of a referendum, which caused problems in counting procedures.

"This was an active, hard-fought and polarized campaign in generally well-run elections. It is no secret that there is overall disappointment among citizens in political processes and institutions here," said George Tsereteli, Special Co-ordinator and leader of the short-term OSCE observer mission. "I call on my newly elected parliamentary colleagues to now deliver on promises, address the problems we identified, and meet the expectations of the people."

These were the first elections held under the new mixed electoral system, which was adopted without inclusive public debate and consultation. Under the new system, 50 members of parliament are elected through proportional representation from national party lists and 51 in single-member constituencies.

"The changes to the electoral system and the concurrent holding of the referendum clearly led to confusion, both on the part of voters and some polling station workers," said Rebecca Harms, Head of the EP delegation. "The decision by the Central Election Commission that only holders of valid passports could vote abroad came just six weeks before election day, and departed from practice in past elections, where holders of national ID cards could also vote. There were concerns about the motives behind this decision."

The legal framework generally provides an adequate basis for conducting democratic elections, and recent amendments partially addressed some previous recommendations by the OSCE Office for Democratic Institutions and Human Rights and the Council of Europe's Venice Commission. These elections demonstrated, however, that important issues remain to be addressed, including the application of provisions against the misuse of State resources, loopholes concerning the use of charities to finance campaigns, and the concentration of media ownership.

Substantial recent amendments to party and campaign finance regulations addressed some previous recommendations, but other key recommendations remain unaddressed, particularly those to enhance the supervision and enforcement of party and campaign finance rules and strengthening sanctions. According to the CEC, it lacks sufficient human resources to monitor campaign finance effectively, and it conducted inquiries only in response to complaints.

Claude Kern, Head of the PACE delegation, said: "Election day was generally well organized. As demonstrated by the campaign, the new electoral system regrettably confirmed the main concerns raised by the Council of Europe's Venice Commission, in particular the lack of effective mechanisms to prevent undue influence by wealthy businesspeople, combined with a poor system of supervision of party and candidate funding, and inadequate penalties."

The media landscape is diverse, with television as the main source of political information, followed by online media. Media monitoring showed that some national TV channels did not comply with the legal requirement to provide fair, balanced and impartial campaign coverage.

Most technical aspects of the election were managed professionally at all levels, and election commission sessions were open to observers and media. Women were well represented at all levels of election administration. The lack of clarity over jurisdiction to hear complaints and the CEC's view that it could not overrule district committee decisions on candidate registration resulted in the denial of the right to an effective remedy in a number of cases.

“The prominent role that women play in running elections was on display yesterday in polling stations across the country,” said Kari Henriksen, Head of the OSCE PA delegation. “Considering that women are the majority of the population, political leaders must assume their responsibility to step up and effectively translate this into equal political power and representation.”

In an inclusive process, the CEC registered all 14 parties and one bloc that submitted national lists. Of the 632 candidates on national lists, 264 are women, but only 49 were in top 10 positions. There were 325 candidates registered in single member constituencies, of whom 70 are women and 58 ran as independents.

“The elections offered voters a wide choice of political alternatives, the campaign was competitive and fundamental rights were respected, but reports of pressure on public employees, vote-buying and the misuse of State resources have to be addressed to increase public confidence in elections,” said Matyas Eörsi, Head of the ODIHR election observation mission. “We hope the authorities will follow up on the recommendations contained in our final report on these elections to address these issues.”

Citing security considerations, the CEC changed the locations of 31 of 47 polling stations opened for the first time specifically for voters residing in Transnistria. One major contesting party alleged this was a government attempt to reduce the number of votes from Transnistria. The CEC established 123 polling stations in 37 countries for out-of-country voting, an increase from previous elections. The lack of transparency in how these polling stations were allocated contributed to a perception that the decision was made for political reasons.

Candidate, citizen and international observers have broad rights, including the right to attend sessions of all election commissions and to receive results protocols and contributed to transparency. Citizen observers conducted long-term observation, deployed short-term observers on election day and conducted a parallel vote tabulation.