



**Doc. 14202**  
24 November 2016

## **Observation of the presidential election in the Republic of Moldova (30 October and 13 November 2016)**

### **Election observation report**

Ad hoc Committee of the Bureau

Rapporteur: Ms Elisabeth SCHNEIDER-SCHNEITER, Switzerland, Group of the European People's Party

| <b>Contents</b>  | <b>Page</b> |
|--|-------------|
| 1. Introduction.....   | 1           |
| 2. Political context and legal framework.....  | 2           |
| 3. Electoral administration and registration of voters and candidates.....               | 3           |
| 4. Election campaign, campaign funding and media coverage.....                           | 5           |
| 5. Polling day.....  | 7           |
| 6. Conclusions and recommendations.....  | 8           |
| Appendix 1 – Composition of the ad hoc committee.....                                    | 10          |
| Appendix 2 – Statement by the pre-electoral delegation.....                              | 11          |
| Appendix 3 – Programme of the election observation mission (28-31 October 2016).....     | 13          |
| Appendix 4 – Press release of the International Election Observation Mission (IEOM)..... | 15          |

### **1. Introduction**

1. The Bureau of the Parliamentary Assembly decided, at its meeting on 26 May 2016, to set up an ad hoc committee of 20 members, plus the two co-rapporteurs of the Monitoring Committee, to observe the presidential election of 30 October 2016, subject to receiving an invitation from the authorities of the Republic of Moldova. The Bureau also authorised a pre-electoral visit by a five-member delegation – one member from each political group represented on the ad hoc committee plus the two co-rapporteurs of the Monitoring Committee. On 8 June 2016, the Chair of the Central Election Commission (CEC) of the Republic of Moldova sent the Parliamentary Assembly a letter of invitation to observe the presidential election of 30 October. On 24 June 2016, the Bureau approved the composition of the ad hoc committee (see Appendix 1) and appointed Ms Elisabeth Schneider-Schneiter (Switzerland, EPP/CD) as its Chairperson.

2. In line with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (“Venice Commission”) on 4 October 2004, a member of the Venice Commission joined the ad hoc committee as a legal adviser.

3. The ad hoc committee operated in the framework of an 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).

4. The Bureau had authorised a pre-electoral visit to the Republic of Moldova which took place from 26 to 29 September 2016 to assess the organisation of the election campaign and the prevailing political climate in the run-up to the election. The cross-party delegation consisted of Elisabeth Schneider-Schneiter



(Switzerland, EPP/CD), head of delegation, Stefan Schennach (Austria, SOC), Meritxell Mateu (Andorra, ALDE), Suat Önal (Turkey, EC) and Lotta Johnsson Fornave (Sweden, UEL). The statement issued by the pre-electoral delegation following its visit is reproduced in Appendix 2.

5. On 28 and 29 October 2016, the ad hoc committee met in Chisinau the presidential candidates and their representatives, the Chair of the Central Election Commission (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, of the OSCE Mission in the Republic of Moldova and of 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.

6. On polling day, the ad hoc committee split into 12 teams which observed the election in the cities and regions of Chisinau, Comrat, Balti, Orhei, Edinet and Bender.

7. The IEOM concluded that the first round of the Republic of Moldova's first direct presidential election since 1996 provided ample opportunity for voters to express their preference for a new head of State. Fundamental freedoms were respected. The Head of the Delegation of the Parliamentary Assembly of the Council of Europe pointed out that "the primary concern of the Assembly 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 organised. 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". The press release issued by the IEOM after the elections appears in Appendix 4.

8. The ad hoc committee wishes to thank the OSCE/ODIHR Election Observation Mission and the Council of Europe Office in Chisinau for their co-operation and support.

## 2. Political context and legal framework

9. The political context was marked by distrust, following a number of corruption scandals including the disappearance of around 1 billion euros from three Moldovan banks – that is approximately 15% of the gross domestic product (GDP) of the Republic of Moldova, and also divisions remaining within the society over geopolitical issues between Moldovan citizens.

10. The presidential election is regulated by the 1994 Constitution, the 1997 Election Code and the 2007 Law on Political Parties, all amended in 2016, and other relevant legislation. In 2000 the Constitution of the Republic of Moldova was revised and, as a result, since that date the President of Moldova has been elected indirectly by the Parliament. The Presidential election on 30 October 2016 was the first direct presidential election since 1996.

11. On 4 March 2016, the Constitutional Court of the Republic of Moldova took a decision on the unconstitutionality of the 2000 constitutional revision that led to the president being indirectly elected by parliament. The Court made the decision in response to a complaint filed by opposition lawmakers, who argued that the amendment had violated the Constitution. The Constitutional Court's decision was the latest chapter in the continuing political crisis that erupted in 2009 when President Vladimir Voronin's second constitutional term expired.

12. The Constitutional Court decision of 4 March 2016 necessitated amendments to the Election Code. The final version of the amendments to the Electoral Code, which were focused on the re-introduction of a direct presidential election, was adopted on 29 July 2016.<sup>1</sup> The authorities had previously submitted a draft text<sup>2</sup> for a joint opinion of the Venice Commission and the OSCE/ODIHR.<sup>3</sup> Several previous OSCE/ODIHR and Venice Commission recommendations were partially addressed, but a number of issues remain outstanding, in particular:

- procedures for the collection and verification of supporting signatures;
- financing and conduct of the electoral campaign;

---

1. [CDL-REF\(2016\)053](#).

2. [CDL-REF\(2016\)032](#).

3. This opinion was adopted on 13 June 2016, [CDL-AD\(2016\)021](#).

– sanctions on election violations and campaign restrictions.

13. With regard to the election legislation in general, the Assembly pre-electoral delegation noted that the recent amendments to the election legislation in 2016 should, if properly implemented, enable the presidential election to take place in conformity with Council of Europe standards.

### 3. Electoral administration and registration of voters and candidates

14. The presidential election was administered by a three-level system of election commissions: the Central Election Commission (CEC), the 35 district electoral councils (DECs) and 2 081 precinct electoral bureaus (PEBs). PEBs are managed by five to eleven members; three of them being nominated by local councils and the remainder by parties represented in the parliament, one from each party.

15. On 17 June 2016, the parliament approved a new composition of the Central Election Commission. The CEC is a permanent body composed of nine members, appointed for a five-year term of office. According to the legislation, eight of the nine CEC members are proposed by the parliamentary factions, depending on the size of the faction, while the ninth member is proposed by the President of the Republic of Moldova.

16. Citizens of the Republic of Moldova who have reached the age of 18, except those declared incapable by a final decision of a court of law, have the right to vote. The Electoral Code concerning the voters lists was changed in April 2014. Registration is passive. The centralised State Register of Voters (SRV) was used for the first time for the 2014 parliamentary elections. The CEC supervises the SRV maintenance. Voters may ask the CEC or the election bureau to amend the list at the latest on the day before the day of the election. Voters can check their data and request corrections to the voters lists, which should be displayed at polling stations for 20 days. Voters can also check their data online.

17. According to the CEC, 3 247 106 voters were registered to vote (3 072 000 in the 2014 parliamentary elections). However, only 2 819 787 citizens were registered on the voters lists, the others residing abroad (about 160 000) or living in Transnistria (about 220 000). Only 3 570 people were registered in the provisional registry of voters abroad. The increased number of voters in 2014 was mainly the result of including voters residing in Transnistria. The CEC provided extracts of the SRV to local administrations to perform checks and to update the lists. On election day, voters omitted from the voter list who could prove residence within the boundaries of the precinct, voters with an absentee voter certificate and voters who did not have a registered domicile or residence could be entered on a supplementary voters list and vote.

18. For the polling stations established abroad, the lists of voters were created based on the data collected by the heads of diplomatic missions and of consular offices on the territory of the respective States. The CEC designated 30 polling stations for voters residing in Transnistria and established 100 polling stations in other countries – 25 in Italy; 11 in Romania; 8 in Russia; 7 in the United States, 6 in France, 2 in Germany; 2 in Ukraine, 1 in Belarus and some in other countries. Each polling station covers between 30 and 3 000 voters.

19. Concerning voter registration, the CEC expressed its confidence in the integrity of the voter registration system. Nevertheless, a number of the Assembly pre-electoral delegation's interlocutors raised concerns about the fact that voter numbers have consistently grown since 2005 while the number of Moldovans emigrating abroad has increased. The Parliamentary Assembly, in its previous observation reports, and the Venice Commission, in its opinions, expressed concern at the lack of transparency over the criteria to determine the number of polling stations abroad. In response to these concerns, recent amendments to the law established two criteria for determining the number of polling stations abroad: the number of voters who participated in previous elections and the result of voluntary online pre-registration of voters abroad. For many stakeholders, these criteria seem to be insufficient to ensure the voters' right to participate effectively in an election. And the resulting number of polling stations is not proportionate to the number of voters living in different countries.

20. Despite a climate of distrust in State institutions, the main stakeholders 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. The technical aspects of the election were managed by the election administration in a professional manner. The members of the Assembly observation delegation noted with satisfaction the openness of the members of the polling stations on election day and their spirit of sincere co-operation with the international observers.

21. The president is 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 he or she is supported by at least half of the valid votes cast. If no candidate obtains the required

number of votes, a second round is held two weeks later between the two candidates who obtained the most votes. In the second round, the candidate who obtains the highest number of votes is considered elected, regardless of voter turnout.

22. With regard to the registration of the presidential candidates, eligible voters of at least 40 years of age who have resided in the Republic of Moldova for a minimum of 10 years and are proficient in the State language are eligible to stand for office. The limitations on the right to be elected are quite broad; in particular, the requirement of 10 years' residence is overly restrictive and the latest Venice Commission opinion states that, while the constitutional requirement of State language proficiency is not unreasonable, the Election Code should provide that the testing of language proficiency should be reasonable, objective, verifiable and subject to effective review.<sup>4</sup> According to the Statement of Preliminary Findings and Conclusions of the IEOM, the 40 years age requirement can be considered as a politically motivated restriction, aimed in the current context at excluding certain prospective candidates.<sup>5</sup>

23. According to Article 102 of the Election Code, candidates for the office of President of the Republic must submit lists with between 15 000 and 25 000 support signatures of voters from at least half of the second level administrative and territorial divisions of the country. Independent candidates or those from small political parties complained to the Assembly's pre-electoral delegation about the high number of signatures required, the fact that voters can only sign in support of one candidate and the regulations concerning their geographical distribution, as well as the short campaign period.

24. Out of 24 initiative groups registered by the CEC for collecting support signatures of voters, 10 represented political parties and 14 represented independent candidates. The CEC verified the support signatures by 6 October and registered 12 candidates, including five women. Later, two candidates, Mr Marian Lupu and Mr Andrei Năstase, withdrew. The presidential candidate, Ms Inna Popenco, was de-registered following a complaint submitted by another candidate, Ms Silvia Radu, for violation of campaign finance requirements. Presidential candidates could begin campaigning once the CEC had approved the signatures collected by the initiative group; as a result, campaign periods ranged from 25 to 40 days – less than the two months provided for by the Election Code.

25. According to the joint opinion by the Venice Commission and the OSCE/ODIHR adopted on 13 June 2016,<sup>6</sup> recent amendments to the Election Code did not address previous recommendations to ensure that campaigning begins on the same day for all contestants in order to provide equal campaign opportunities.

26. Upon receipt of the candidate's certificates, the candidates could start campaigning as from 1 October. Some independent presidential candidates complained that the Republic of Moldova's election law disadvantages independent candidates through complicated nomination requirements: a potential candidate must collect a minimum of 15 000 signatures, including 600 signatures from at least 18 districts of the country.

27. Finally, the following nine candidates participated in the election<sup>7</sup>:

- Mr Dmitry Chubashenko was appointed as the candidate of the Political Party "Our Party" (PPPN). He is the editor-in-chief of the newspaper *Moldavschie Vedomosti*. In the 2009 parliamentary elections he was a candidate of the Liberal Democratic Party of Moldova. The leader of the PPPN is the Mayor of Balti, Renato Usatyi, who could not participate in this election;
- Mr Igor Dodon was appointed as the candidate of the Party of Socialists of the Republic of Moldova (PSRM). He is the leader of the PSRM. Between 2005 and 2011, the party was known as the Party of Socialists of Moldova «Motherland». In 2011, Mr. Dodon, former member of the Party of Communists of the Republic of Moldova, joined the PSRM and was elected as chairperson. Mr Dodon is in favour of closer relations with the Russian Federation and with the Euro-Asian Union;
- Mr Valeriu Ghilețchi was registered as an independent candidate; he is a member of the Moldovan Parliament and a member of the Parliamentary Assembly of the Council of Europe. Mr Ghilețchi formed an initiative group and, despite some difficulties, succeeded in collecting the necessary number of signatures;

---

4. CDL-AD(2016)021, paragraphs 9-10.

5. Statement of Preliminary Findings and Conclusions of the IEOM, Republic of Moldova – Presidential Election, 30 October 2016, p. 6.

6. CDL-AD(2016)021.

7. The order is alphabetical.

- Mr Mihai Ghimpu was appointed as the candidate of the Liberal Party (PL); he is the leader of the Liberal party which is considered a conservative party. Mr Ghimpu was Speaker of Parliament from August 2009 to December 2010 and Acting President from September 2009 until December 2010;
- Ms Ana Gutu was registered as the candidate from the “The Right” Party; she is the leader of the party. She was a member of the Moldovan Parliament from 2009 until 2014 and a member of the Parliamentary Assembly of the Council of Europe. She is in favour of the reunification of the Republic of Moldova with Romania;
- Ms Maia Laguta was registered as an independent candidate; she is an actor and producer. She is known in the Republic of Moldova for her activities in the field of the defence of human rights;
- Mr Ilurie Leancă was appointed as a candidate of the European People’s Party of Moldova (EPPM); he is the leader of the party. The EPPM is a centre-right party founded in March 2015. Mr Leancă was Prime Minister of the Republic of Moldova from 2013 to 2015;
- Mr Marian Lupu was appointed as the candidate of the Democratic Party of Moldova (DP). He is a leader of the DP. Mr Lupu was a high-ranking member of the Party of Communists of the Republic of Moldova (PCRM). After the communists won the elections in 2005, Mr Lupu was promoted to the position of Speaker of the Moldovan Parliament and occupied this post until 2009 when he left the PCRM. On 26 October, to everyone’s surprise, he withdrew from the election and called the electors to support the pro-EU candidate, Maia Sandu. It was the first time since the independence of the country that the ruling party, the DP, did not have a candidate for the presidential election;
- Ms Silvia Radu was registered as an independent candidate; she is the former president of the Moldovan company “Gas Natural Fenosa”;
- Ms Maia Sandu was appointed as a candidate by the “Action and Solidarity” Party (PAS), of which she is the leader. From 2012 until 2015 she was Minister of Education in the Government of Prime Minister Vlad Filat. In December 2015, she launched a platform “Keep Assembly with Maia Sandu”, which later became the Action and Solidarity Party. She is in favour of the creation of a pro-EU reformist government.

28. The Communist Party of the Republic of Moldova did not put forward a candidate and called for a boycott of the election.

29. The CEC informed the Assembly delegation that the registration of presidential candidates had been inclusive. Concerning the procedure for collecting signatures, the pre-electoral delegation was informed by different interlocutors about allegations of misuse of administrative resources, mostly in favour of the Democratic Party’s candidate. Cases were also reported of misuse of administrative resources in favour of some other potential candidates at the level of local authorities. The Assembly’s delegation strongly condemned such practices, which must be excluded from the election campaign, and recalled the need to depoliticise State institutions, as previously requested by the Assembly.

#### **4. Election campaign, campaign funding and media coverage**

30. The Election Code re-established the 60-day election campaign period used prior to 2000; the presidential campaign started on 30 August 2016.

31. One of the main reasons for the long-standing political crisis in the Republic of Moldova is the lack of confidence in the State institutions resulting from multiple corruption scandals, including one major bank scandal which had a political impact. This aspect is particularly worrying in a country that faces serious economic and social problems and a high level of poverty. A considerable proportion of the general public is convinced that corruption is common in the Republic of Moldova.

32. The election campaign environment was mostly characterised by a geopolitical division between “pro-EU” and “pro-Russia” orientations. It was not in the mandate of the Assembly’s pre-electoral delegation to assess the geopolitical preferences in Moldovan society. The delegation noted that, no matter the geopolitical sensibilities, a number of long-standing serious concerns, identified in the Parliamentary Assembly’s resolutions and election observation reports, still remain unaddressed. In particular, the lack of results in the fight against corruption, the obscure system of funding of political parties and election campaigns, including external funding, the monopolisation of many media outlets and lack of transparency concerning their sources of funding, and the role played by oligarchic structures in the country’s political life, especially in the electoral

process. The pre-electoral delegation was also informed about the involvement of the Orthodox Church in the election campaigns of some candidates. In this regard, the delegation recalls that the principle of separation between State and religious institutions must be respected.

33. On 15 October 2016, the European People's Party (EPP) issued a statement welcoming the decision of three Moldovan centre-right pro-EU political parties to agree on putting forward a common candidate at the presidential election and expressing its concern about the leader of the European People's Party of Moldova, Iurie Leancă, who had decided to maintain his candidacy. In this regard, some members of the Assembly observation delegation questioned the appropriateness of issuing a statement which suggested which presidential candidates should remain in the running and which should not.

34. With regard to campaign financing, substantial legal amendments were adopted in 2015 addressing some recommendations of the Council of Europe's Group of States against Corruption (GRECO). While legal regulations concerning campaign and party finance have improved, for many interlocutors significant financial resources can still be used for electoral purposes without any control.

35. Campaign financing is regulated mainly by the Election Code and the Law on Political Parties. Achieving better accountability of the political institutions towards the citizens is a key goal in the Republic of Moldova. To that end, the Venice Commission and the OSCE/ODIHR strongly recommended revising the legislation regarding political parties and electoral campaign finance. In April 2015, legal amendments to six laws pertaining to campaign finance were adopted. Campaign finance irregularities were criminalised and some previous recommendations by the OSCE/ODIHR, the Venice Commission and GRECO were addressed, including enhancing oversight, introducing more comprehensive reporting requirements and stipulating criteria for spending limits. However, the regulatory system, the enhancement of campaign finance oversight and its current implementation were insufficient to ensure the transparency, integrity and accountability of campaign finances, and did not enjoy public confidence.

36. The Election Code provides a general prohibition of abuse of administrative resources. The Assembly observation delegation was informed about a number of cases of misuse of administrative resources, including pressure on State employees and other voters during the candidate signature collection procedures and campaign activities. There were allegations that administrations of some State institutions, such as Moldova's Post Office, Moldtelecom, Moldova-Gaz, as well as schools and hospitals, put pressure on their employees to sign the lists. Cases were also reported of misuse of administrative resources in favour of potential candidates at the level of local authorities. The Assembly's delegation strongly condemned such practices, which must be excluded from the election campaign, and recalled the need to depoliticise State institutions, as previously requested by the Assembly.

37. The Electoral Code and the Audiovisual Code establish the framework for media conduct during the election campaign. Broadcasters are obliged to cover elections in an accurate, balanced and impartial manner. Each contestant is entitled to five minutes free airtime on each national television and 10 minutes on each radio channel. Contestants are entitled to participate in debates that national broadcasters are obliged to organise free of charge. Additional paid airtime, up to two minutes a day per broadcaster, can be purchased. However, the current concentration of media and the lack of transparency concerning their financial sources have been raised as a matter of concern in current and previous elections.

38. According to the Statement of the Preliminary Findings and Conclusions of the IEOM,<sup>8</sup> "the first channel of the public broadcaster Moldova 1 provided largely balanced coverage to Mr Dodon (22% of total news coverage), Mr Lupu (15%), and Ms Sandu (32%). Each of the other candidates received less than 8% 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% of their news coverage respectively, while devoting 19% and 14% respectively to Mr Dodon. Ms Sandu received 20% and 21% of news coverage respectively, largely negative in tone. Journal TV devoted 58% of its news coverage to Ms Sandu, while giving only 12% and 15% to Mr Dodon and Mr Lupu respectively".

39. Concerning media coverage of the election campaign, the Assembly observation delegation expressed its concern about some serious and long-standing issues which remained unaddressed. Of particular concern are politically biased media, strongly associated with major political parties, and serving as a tool for propaganda, the spending of huge sums of money for the election campaign, and the lack of transparency of sources of funding.

---

8. Statement of Preliminary Findings and Conclusions of the IEOM, op. cit., p. 11.

## 5. Polling day

40. In the first round, polling day was calm and the voting was well organised. Voting operations and vote counting generally took place in a professional manner and in a calm atmosphere. Polling station staff fully co-operated with the observers. The members of the Assembly delegation noted the presence of a large number of women among the polling station staff, as well as of representatives of the main presidential candidates in all the polling stations visited. Some members of the delegation observed the voting in special polling stations: in hospitals and in the prison of Branesti where the voting was also very well organised, in the presence of representatives of presidential candidates.

41. The Assembly's ad hoc committee identified a number of technical issues in the polling stations visited:

- overall, for people with reduced mobility the polling stations were either inaccessible or difficult to access;
- cases were noted of unintended non-compliance with vote counting procedures in some polling stations;
- cases were noted of unintended non-compliance with procedures for drawing up protocols and the failure to declare this fact after the count.

42. On 31 October 2016, the CEC announced the preliminary results of the presidential election. The turnout was 49%. Mr Dodon obtained 48% of the votes cast; Ms Sandu 39%; Mr Chubashenko 6.03%; Mr Leancă 3.11%; Mr Ghimpu 1.8% and Mr Ghilețchi 1.08%. The other candidates obtained less than 1%. The two best-placed candidates, Igor Dodon and Maia Sandu, took part in the second round of the presidential election on 13 November 2016.

43. According to the CEC, 67 150 Moldovan citizens cast their vote outside of Moldova in 100 polling stations established in 34 countries. The highest number of voters – 21 904 – was in Italy; in Romania – 9 440; in France – 5 139; in Russia – 4 578 and in Great Britain – 4 002. According to the CEC, more than 80% of the voters abroad voted for Maia Sandu, while the majority of voters residing in the Russian Federation supported Igor Dodon.

44. After the first round of the presidential election, the Bureau of the Assembly decided to set up an ad hoc committee of five members – one member from each political group, plus the two co-rapporteurs of the Monitoring Committee, to observe the second round of the presidential election on 13 November 2016. The cross-party delegation consisted of Elisabeth Schneider-Schneiter (Switzerland, EPP/CD), head of delegation, Stefan Schennach (Austria, SOC), Suat Önal (Turkey, EC) and the two-corapporteurs of the Monitoring Committee: Ms Valentina Leskaj and Mr Ögmundur Jonasson. Unfortunately, the groups ALDE and UEL were not able to appoint members to observe the second round of election.

45. On 12 November 2016, the ad hoc committee for the observation of the second round of the election met in Chisinau the two presidential candidates, Mr Dodon and Ms Sandu, the Head of the OSCE/ODIHR Election Observation Mission and his staff. On polling day, the ad hoc committee split into three teams which observed the second round in Chisinau and in the regions.

46. The ad hoc committee operated in the framework of an International Election Observation Mission (IEOM), which also included delegations from the OSCE Parliamentary Assembly, the European Parliament and the election observation mission of the OSCE/ODIHR.

47. The IEOM concluded that the second round of the presidential election in the Republic of Moldova was competitive, and that fundamental freedoms had been respected. Technical preparations for the second round were generally administered professionally and, overall, the observers assessed election day positively. On election day, the people made their choice freely and voting day was very well organised. 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 these polling stations ran out of ballots.

48. On 14 November, the CEC announced the preliminary results of the second round of the presidential election: Mr Dodon obtained 52.29% of the votes cast and Ms Sandu 47.71%. The turnout was 53%, which represents 1 610 527 registered voters, including 202 882 voters added to the supplementary voters lists on election day; around 135 000 citizens voted abroad from whom around 86% voted for Ms Sandu and 14% for Mr Dodon.

## 6. Conclusions and recommendations

49. The Assembly's observation delegation concluded that the first round of the Republic 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. Fundamental freedoms were respected. The primary concern of the Assembly's observation delegation was not the outcome of the election, but the functioning of the democratic electoral process. In this regard, the delegation noted that the Moldovan people made their choice in a free manner and that the voting day was very well organised.

50. 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 spending 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. The Assembly's observation delegation considers that if these and other concerns are not addressed in a timely and effective manner, the citizens' trust in the democratic electoral process could be eroded.

51. After the second round, the Assembly's ad hoc committee noted that on 13 November in the Republic of Moldova the people made their choice freely and voting day was very well organised. 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 as a tool for propaganda.

52. The Assembly's ad hoc committee noted that the recent amendments to the election legislation in 2016, if properly implemented, should have enabled the presidential election to take place in conformity with Council of Europe standards. Regrettably, several previous Venice Commission recommendations were only partially addressed and a number of issues remain unaddressed, in particular complicated procedures on supporting signature collection and verification; financing and conduct of the electoral campaign; sanctions on election violations and campaign restrictions. Despite the adoption of the law limiting the concentration of media ownership, this law does not become fully effective until current licenses have expired.

53. The Assembly delegation noted that the election campaign took place in a calm atmosphere. It was mostly characterised by a geopolitical division between "pro-EU" and "pro-Russia" orientations. It was not in the mandate of the Assembly's observation delegation to assess the geopolitical preferences in Moldovan society. The delegation noted that, no matter the geopolitical sensibilities, a number of long-standing serious concerns, identified in the Parliamentary Assembly's resolutions and election observation reports, remain unaddressed.

54. In this regard, the delegation noted in particular: the lack of results in the fight against corruption; the obscure system of funding of political parties and election campaigns including external funding; the monopolisation of many media outlets and lack of transparency concerning their sources of funding; and the role played by oligarchic structures in the country's political life, especially in the electoral process.

55. The Assembly's observation delegation noted with satisfaction that the main stakeholders 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. It also welcomed the openness of the members of the polling stations on election day and their spirit of sincere co-operation with the international observers.

56. Concerning registration of voters and presidential candidates, the Assembly delegation was informed about the integrity of the voter registration system and about the fact that in general the registration of candidates was inclusive. Nevertheless, for a number of stakeholders the criteria for establishing the number of polling stations abroad seem to be insufficient to ensure the voters' right to participate effectively in the election. And the resulting number of polling stations was not proportionate to the number of voters living in different countries.

57. In this regard, after the second round, the ad hoc committee expressed its concern, declaring that despite some efforts aiming better preparation for a high turnout in the second round of election in specific polling stations abroad and for Transnistria, many citizens were unable to vote. The second round of the presidential election proved once again that, in general, the manner in which voting abroad is organised is a matter of concern.

58. The Assembly's observation delegation was informed about a number of cases of misuse of administrative resources, including pressure on State employees and other voters during the candidate signature collection procedures and campaign activities. Cases were also reported of misuse of administrative resources in favour of potential candidates at the level of local authorities, as well as cases of involvement of



the Orthodox Church in the election campaigns in favour of some candidates. The Assembly delegation condemned such practices, which must be excluded from the election campaign, and recalled the need to depoliticise State institutions, as previously requested by the Assembly. It also recalled that the principle of separation between State and religious institutions must be respected.

59. The Assembly's ad hoc committee noted improvements in the media coverage of the election campaign by public service broadcasters, especially the television channel Moldova 1 and Radio Moldova, but the commercial television stations displayed explicitly biased coverage of presidential candidates' activities. In this regard, the Assembly observation delegation expressed its concern about some serious and long-standing issues which remained unaddressed. Of particular concern are politically biased media, strongly associated with major political parties and serving as a tool for propaganda, and the lack of transparency of sources of funding.

60. The Assembly's ad hoc committee believes that the Parliamentary Assembly should continue its close co-operation with the authorities of the Republic of Moldova, through its monitoring procedure, and with the Venice Commission, in order to improve the election legislation and, most importantly, its effective implementation. The Council of Europe and its Parliamentary Assembly should, through their various co-operation programmes, continue to help the Republic of Moldova to implement reforms in the field of elections.

## **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 as follows:

Chairperson: Elisabeth SCHNEIDER-SCHNEITER (Switzerland, EPP/CD)

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

- Viorel Riceard BADEA, Romania
- Colm BROPHY, Ireland
- Marie-Christine DALLOZ, France
- Elisabeth SCHNEIDER-SCHNEITER, Switzerland
- Aleksander POCIEJ, Poland
- Andrzej HALICKI, Poland

### **Socialist Group (SOC)**

- Stefan SCHENNACH, Austria
- Predrag SEKULIĆ, Montenegro
- Maryvonne BLONDIN, France
- Claude ADAM, Luxembourg
- Pierre-Alain FRIDEZ, Switzerland
- Catherine QUERE, France

### **Alliance of Liberals and Democrats for Europe (ALDE)**

- Alain DESTEXHE, Belgium
- Luis Alberto ORELLANA, Italy

### **European Conservatives Group (EC)**

- Erkan KANDEMIR, Turkey
- Suat ÖNAL, Turkey

### **Group of the Unified European Left (UEL)**

- ....

### **Co-rapporteurs of the Monitoring Committee**

- Valentina LESKAJ, Albania
- Ögmundur JÓNASSON, Iceland

### **Venice Commission**

- Oliver KASK, Member
- Pierre GARRONE, Head of the Division on Elections and Political Parties

### **Secretariat of the Parliamentary Assembly**

- Chemavon CHAHBAZIAN, Head of Division, Election observation and Interparliamentary Co-operation Division
- Franck DAESCHLER, Principal Administrative Assistant
- Anne GODFREY, Assistant

## **Appendix 2 – Statement by the pre-electoral delegation**

### **Republic of Moldova: statement by the pre-electoral delegation ahead of the Presidential election**

29.09.2016 – A pre-electoral delegation from the Parliamentary Assembly of the Council of Europe (PACE) visited Chisinau to assess the election campaign and the preparations for the Presidential election to be held on 30 October 2016.

The election campaign environment is mostly characterised by a geopolitical division between “pro-EU” and “pro-Russia” orientations. It is not in the mandate of the Assembly’s pre-electoral delegation to assess the geopolitical preferences in Moldovan society. The delegation noted that, no matter the geopolitical sensibilities, a number of long-standing serious concerns, identified in the Parliamentary Assembly’s resolutions and election observation reports still remain unaddressed. In particular, the lack of results in the fight against corruption; the obscure system of funding of political parties and election campaigns including external funding; the monopolisation of many media outlets and lack of transparency concerning their sources of funding; and the role played by oligarchic structures in the country’s political life, especially in the electoral process. The pre-electoral delegation was also informed about the involvement of the Orthodox churches in the election campaigns of some candidates. In this regard, the delegation recalls that the principle of separation between State and religious institutions must be respected.

With regard to the election legislation, the Assembly pre-electoral delegation noted that the recent amendments to the election legislation in 2016, if properly implemented, should enable the presidential election to take place in conformity with Council of Europe standards. Nevertheless, despite the adoption of a law limiting the concentration of media ownership, this law will not be fully effective until current licenses have expired.

The Central Election Commission informed the delegation that the registration of presidential candidates was inclusive. Concerning the procedure for collecting signatures, the pre-electoral delegation was informed by different interlocutors about misuse of administrative resources, mostly in favour of the Democratic Party’s candidate. In particular, there were allegations that administrations of some State institutions, such as Moldova’s Post Office, Moldtelecom, Moldovagaz, as well as schools and hospitals, put pressure on their own employees to sign the lists. Cases were also reported of misuse of administrative resources in favour of some other potential candidates at the level of local authorities. The Assembly’s delegation strongly condemns such practices, which must be excluded from the election campaign, and recalls the need to depoliticise State institutions, as previously requested by the Assembly. Independent candidates or those from small political parties complained about the high number of signatures required and the regulations concerning their geographical distribution, as well as the short campaign period.

Concerning voter registration, the Central Election Commission expressed confidence in the integrity of the voter registration system. Nevertheless, a number of interlocutors raised concerns about the fact that voter numbers have consistently grown since 2005 while the number of Moldovans emigrating abroad has increased. The Parliamentary Assembly, in its previous observation reports, and the Venice Commission, in its opinions, expressed concern at the lack of transparency over the criteria to determine the number of polling stations abroad. In response to these concerns, recent amendments to the law established two criteria for determining the number of polling stations abroad: the number of voters who participated in previous elections and the result of voluntary online pre-registration of voters abroad. For many stakeholders these criteria seem to be insufficient to ensure the voter’s right to participate effectively to the election. And the resulting number of polling stations does not represent proportionally the voters living in different countries.

Concerning media coverage of the election campaign environment, despite a large number of media outlets with dozens of television channels, according to many interlocutors, media pluralism can be considered as limited because of the dominant role of one media holding group affiliated to one of the political parties. In this regard the Assembly’s delegation recalls that the Audio-visual Code of Moldova obliges all broadcasters to ensure equal, fair and impartial media coverage for all presidential candidates. Unbalanced media coverage and a very high degree of ownership concentration were mentioned in previous Assembly reports as a matter of serious concern. The Assembly delegation regrets that, despite its invitation to different media, including the public broadcasters, most of them were not able to meet with the delegation. The delegation asks in particular the public broadcaster to ensure equal access and fair coverage for all registered presidential candidates.

One of the main reasons for the long-standing political crisis in Moldova is the lack of confidence in the State institutions resulting from multiple corruption scandals, including one major bank scandal which had a political impact. This aspect is particularly worrying in a country that faces serious economic and social problems and a high level of poverty. A considerable proportion of the general public is convinced that corruption is common

in the Republic of Moldova. With regard to campaign financing, substantial legal amendments were adopted in 2015 addressing some recommendations of the Council of Europe's Group of States against Corruption (GRECO). While campaign and party finance legal regulations have improved, for many interlocutors, significant financial resources can still be used for electoral purposes without any control.

The Assembly's delegation calls on the relevant authorities to take the necessary steps to ensure equal campaign conditions for all registered presidential candidates.

The delegation had meetings with the Prime Minister, with eleven potential presidential candidates or their representatives, the Moldovan parliamentary delegation to Assembly, the Chairperson and members of the Central Election Commission, the Chairperson and members of the Audio-visual Co-ordinating Council, representatives of civil society and the media, and representatives of the international community.

The Parliamentary Assembly will send a 22-member delegation to observe the Presidential election on 30 October 2016.

Members of the delegation: Elisabeth Schneider-Schneiter (Switzerland, EPP/CD), Head of the delegation; Stefan Schennach (Austria, SOC); Meritxell Mateu (Andorra, ALDE); Suat Önal (Turkey, EC); Lotta Johnsson Fornave (Sweden, UEL).

### Appendix 3 – Programme of the election observation mission (28-31 October 2016)

#### Friday 28 October 2016

- 09:00-10:00 Assembly delegation internal meeting:
- Briefing on the pre-electoral mission by Elisabeth Schneider-Schneiter, Head of the Delegation
  - Briefing by members of the pre-electoral mission
  - Briefing on the pre-election campaign by Jose-Luis Herrero, Head of the Council of Europe Office in Chisinau
  - Briefing on legal framework and recent modifications of election legislation, by the secretariat of the Venice Commission
  - Practical and logistical arrangements, Secretariat
- Joint parliamentary briefing meetings:
- 10:30-10:40 Opening:
- Arta Dade, Special Coordinator of the OSCE Short-Term Observers
  - Elisabeth Schneider-Schneiter, Head of the PACE delegation
  - Geir Joergen Bekkevold, Head of OSCE Parliamentary Assembly delegation
  - Igor Soltes, Head of the European Parliament delegation
- 10:40-10:50 Welcome:
- Ambassador Pirkka Tapiola, Head of the EU Delegation to the Republic of 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
- 14:00-14:45 Meeting with Alina Russu, Chairperson of the Central Electoral Commission (CEC)
- 15:00-16:00 Civil society roundtable:
- Pavel Postica, Promo Lex (election observation and civic education)
  - Nadine Gogu, Director of the Independent Journalism Center (CIJ)
  - Alexei Buzu, National Women's Studies and Information Center "Partnership for Development"
- 16:00-17:00 Media roundtable:
- Alina Radu, *Ziarul de Garda*
  - Mircea Surdu, Moldova 1
  - Eugenia Nastase, Jurnal TV
  - Vladimir Soloviov, Director of *Newsmaker*
- 17:15 Deployment information and meeting with drivers and linguistic assistants for the Assembly delegation

#### Saturday 29 October 2016

- 09:30-10:30 Meetings with presidential candidates (Panel I):
- Roman Botan, representative of Mihai Ghimpu, Liberal Party
  - Eugen Carpov, Vice-President of the European Peoples Party of Moldova, representative of Iurie Leanca
  - Ion Ceban, representative of Igor Dodon, Socialist Party of Moldova
- 10:30-11:30 Presidential candidates (Panel II):
- Liliana Nicolaescu, representative of Maia Sandu, Action and Solidarity Party
  - Silvia Radu, independent candidate
  - Maia Laguta, independent candidate
  - Ana Gutu, Drupta party
  - Valeriu Ghilețchi, independent candidate

11:30-12:15 OSCE/ODIHR briefing (security, co-ordination, forms)

12:15-12:45 Regional briefing by LTOs for teams deployed in Chisinau city and region

**Sunday 30 October 2016**

07:00-21:00 Opening of polling stations

Observation of the election

Closing of polling stations – Counting

**Monday 31 October 2016**

08:30- 09:20 PACE delegation debriefing meeting

09:30-11:30 Meeting of the Heads of delegation

15:00 Press conference

#### **Appendix 4 – Press release of the International Election Observation Mission (IEOM)**

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

Chisinau, 31.10.2016 – 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 Assembly 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 organised”, 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 Jørgen 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.”