



Office for Democratic Institutions and Human Rights

# REPUBLIC OF MOLDOVA

## PARLIAMENTARY ELECTIONS

30 November 2014

OSCE/ODIHR Election Observation Mission  
Final Report



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**REPUBLIC OF MOLDOVA**  
**PARLIAMENTARY ELECTIONS**  
**30 November 2014**

**OSCE/ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the Moldovan authorities, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an election observation mission (EOM) for the 30 November parliamentary elections. The OSCE/ODIHR assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. For election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament to form an International Election Observation Mission (IEOM).

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 1 December 2014 concluded that “the 30 November elections offered voters a wide choice of political alternatives. The campaign was influenced by the country’s geopolitical aspirations and the late deregistration of one electoral contestant raised questions about timing and circumstances. Contestants enjoyed unimpeded access to the media; however, most outlets, with notable exceptions including the public broadcaster, were subject to political interference. The election administration enjoyed the confidence of most stakeholders and the process was generally well administered, with the exception of the functioning of the new electronic system for the processing of voters on election day.”

The legal framework generally provides an adequate basis for conducting democratic elections. The Election Code was amended since the last elections, most recently in April 2014. Amendments included the increase of thresholds to enter the parliament, implementation of a centralized State Register of Voter (SRV), and the discontinuation of the use of ex-Soviet passports. While some amendments partly addressed previous OSCE/ODIHR and Council of Europe’s Commission for Democracy through Law (Venice Commission) recommendations, in particular related to the work of the election administration, a number of recommendations remain unaddressed. The Election Code continues to contain ambiguities, vague and inconsistent provisions, posing challenges to consistent and effective application of the law. Central Election Commission (CEC) decisions did not fully address the existing gaps and inconsistencies in the law.

Several significant changes to the Election Code proposed in 2014, after extensive consultations and negotiations, failed to be adopted and remain pending in parliament. Among them are revisions to party and campaign finance regulations, inclusion of gender quotas for party lists, and an extension of the period for voting abroad. Additionally, the requirements for media ownership disclosure are yet to be addressed in a broader legal framework. Adoption of these measures would strengthen the legal framework and contribute to building public confidence in the democratic process.

The CEC was efficient overall in its preparations and generally met the legal deadlines. The administration of the elections benefited from comprehensive training programmes, the introduction of uniform election materials and the increased use of technologies in election management. Technologies used for administering elections could have been tested more thoroughly and provisions for effective contingency plans could have been made.

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<sup>1</sup> The English version of this report is the only official document. Unofficial translations are available in Romanian and Russian.

The new centralized SRV represents an important step forward in managing voter registration. However, in the short timeframe of its introduction, the CEC faced a number of challenges, such as a lack of infrastructure, shortage of qualified personnel and security concerns. Unlike in previous elections, the quality of voter lists was not raised by stakeholders as a concern. For its further improvement, the SRV would benefit from a more comprehensive regulatory framework, better coordination among stakeholders and the establishment of the address register.

The lack of transparency with regard to the criteria for determining the number and location of polling stations abroad contributed to public perceptions that the government sought to discourage voting in the Russian Federation, while increasing the number of polling stations in other countries.

In an inclusive process, the CEC registered 26 contestants (21 political parties, 1 electoral bloc and 4 independent candidates), resulting in a diverse choice of political alternatives for voters. Legal provisions allowing for the staggered start of campaigning, based on the date of their registration, negatively affected the equality of campaign opportunities of different contestants. Parties and blocs could change their candidate lists up until 22 November and all but five did so. Prior to inclusion on the lists, some prospective candidates took advantage of this provision and continued working in their capacities as senior government officials, blurring the distinction between public office and campaigning.

The legal framework protects equality between women and men in public and political life. At the same time, there are no legal requirements aimed at enhancing the participation of women. Women made up almost 31 per cent of candidates, but only a few were placed in winnable positions on candidate lists. The visibility of women candidates in the campaign was low and with rare exceptions, the campaigns did not address issues related to women. The number of women ultimately elected to parliament increased from 18 to 21. However, women were underrepresented in the CEC and District Electoral Councils (DEC), including in leadership positions. One CEC member is a woman, as were some 40 per cent of DEC members and one third of DEC chairpersons. Women were overrepresented in Precinct Electoral Bureaus (PEB), with three-quarters of both members and chairpersons.

The campaign was visible and peaceful. It was broadly focused on geopolitical issues such as engagement with the European Union and the Eurasian Customs Union, as well as on individual political figures. The number and locations of polling stations abroad were widely discussed during the campaign, as was the ongoing conflict in and around Ukraine. A number of contestants spoke about the importance of an inter-ethnic dialogue. There were no cases of ethnicity-focused discourse or hate speech. Candidates generally campaigned both in the state language and in Russian.

Two key cases influenced the campaign and raised concerns over the perceived selective use of the justice system, the effect the decisions had on the choice available to voters, and the lack of effective legal remedies for the affected contestants. The first case related to the deregistration of one contestant a day before elections. The second was the extension into the campaign period of a legal challenge aimed at stopping a party with a logo and name similar to those of another contestant from running in the elections.

Freedoms of expression, association and assembly were generally respected. The OSCE/ODIHR EOM observed a limited number of campaign violations, mostly related to unequal access to public venues, vandalized campaign posters and billboards, and placement of party materials in unapproved locations. In addition, the EOM observed a number of campaign events in which students or state employees were required to attend. Some candidates did not suspend their official duties, as required by the law.

The media enabled contestants to convey messages to the electorate overall, and offered voters diverse campaign information. However, significant ownership concentration of broadcast media and their association with political actors influenced editorial freedom and, according to the interlocutors, resulted in self-censorship and limited analytical reporting, impacting voter access to impartial information. The national media oversight body failed to apply effective sanctions to the outlets for repeated unbalanced coverage, as required by law.

The legal framework allows for the participation of national minorities in the elections on an equal basis; however, there are no special measures to promote minority representation. Existing regional requirements for the establishment of political parties and an elevated threshold of six per cent for entering the parliament *de facto* pose a challenge for the representation of regionally-based minorities and undermine their chances to political representation. Most contestants claimed to have included representatives of different ethnic groups in their candidate lists. However, they did not provide such data to the OSCE/ODIHR EOM to allow for verification.

The electoral dispute resolution mechanism was used robustly by contestants. Complaints were generally handled satisfactorily by the CEC and the courts. However, complaints from parties other than electoral contestants were not addressed pursuant to the Election Code's procedure and were instead addressed informally or by a longer procedure of the Law on Petitions, *de facto* not providing for effective remedy. Additionally, transparency of the complaints process would have been enhanced if the CEC posted all complaints and appeals and the subsequent decisions online.

The Election Code provides for observation by international and citizen organizations, as well as representatives of contestants. A significant number of citizens and international observers were accredited for the elections. Contestant and citizen group observers were present in almost all of the polling stations and tabulation centres. *Promo-LEX*, a citizen observer group undertook comprehensive observation of the election process, which consisted of monitoring campaign finance, producing voter information and education spots, and long-term and short-term observation of the elections, including through parallel vote tabulation.

Election day generally proceeded in an orderly manner, but considerable technical deficiencies were noted throughout the voting and counting processes related to the functioning of the electronic system for processing voters' data. Despite this, and at times overcrowded polling stations, the PEBs generally respected the procedures. The counting process slightly deteriorated, as some of the PEB members were lacking knowledge of counting procedures and/or were not implementing them correctly. One fifth of PEBs observed could not process the results electronically, which affected the tabulation at the district level. PEB results protocols were published on the CEC website in real time. The turnout announced by the CEC was 57.28 per cent. On 9 December, the Constitutional Court validated the results.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Moldovan authorities and based on the recommendation of a Needs Assessment Mission (NAM) conducted from 2 to 5 September, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 24 October.<sup>2</sup> The EOM was headed by Ambassador Jan Petersen and consisted of 14 experts based in Chisinau and 22 long-term observers (LTOs) who were deployed throughout the country. Mission members were drawn from 20 OSCE participating States.

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<sup>2</sup> All previous OSCE/ODIHR reports on Moldova are available at: <http://www.osce.org/odihr/elections/moldova>.

For election day, the OSCE/ODIHR EOM joined forces with delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) to form an International Election Observation Mission (IEOM). Over 400 observers from 43 countries were deployed, including 307 long-term and short-term observers deployed by the OSCE/ODIHR, a 63-member delegation from the OSCE PA, a 30-member delegation from the PACE, and a 13-member delegation from the EP. Voting did not take place on the territory controlled by the Transnistrian *de facto* authorities. As such, the IEOM did not deploy there. However, provisions for voters from Transnistria to exercise their right to vote were followed by the observers.

The OSCE/ODIHR EOM assessed whether the elections were in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference on 1 December.

The observers wish to thank the authorities for the invitation to observe the elections, the Central Election Commission (CEC) for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and European Integration of the Republic of Moldova and other state and local authorities for their support and co-operation during the course of the observation. The observers also wish to express their appreciation to the OSCE Mission to Moldova, the OSCE Office of the High Commissioner on National Minorities, and international organizations and embassies accredited in Chisinau, as well as political parties, civil society organizations and media representatives for their co-operation and support.

### **III. BACKGROUND AND POLITICAL CONTEXT**

Moldova is a parliamentary republic with executive power exercised by the government, headed by a prime minister, and with legislative power vested in the 101-member National Assembly (parliament).

It is elected for a four-year term through proportional representation in a single nationwide constituency. One-third of registered voters must participate in an election for it to be valid.

The 2010 parliamentary elections resulted in a governing coalition, the Alliance for European Integration, which collapsed in 2013 after a vote of non-confidence related to accusations of corruption. Despite a fragmented political landscape, a new coalition, the Pro-European Coalition, was formed and the outgoing parliament was the first one since 2005 to complete its four-year term.

The 30 November elections were the eighth parliamentary elections since independence in 1991 and the eleventh to be observed by the OSCE/ODIHR.

### **IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM**

Parliamentary elections are regulated primarily by the Constitution and the Election Code, supplemented by other laws, as well as CEC decisions and regulations.<sup>3</sup> The legal framework generally provides an adequate basis for conducting democratic elections.

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<sup>3</sup> The legal framework also includes the Law on Political Parties, Law on Assembly, Audio-Visual Code, organic laws on the courts, as well as relevant provisions of the Criminal Code and the Code on Minor Offences.

The Election Code was amended most recently in April 2014. Amendments included an increase in the thresholds to enter parliament, the implementation of a centralized State Register of Voters (SRV), the discontinuation of the use of ex-Soviet passports, and the abandoning of requirements for staff of election bodies to be certified by the CEC. While some amendments partly addressed previous recommendations from the OSCE/ODIHR and Council of Europe's Commission for Democracy through Law (Venice Commission), particularly related to the election administration, a number of key recommendations remain unaddressed.<sup>4</sup>

Several significant changes to the Election Code proposed in 2014 failed to be adopted and remain pending. These include revisions to party and campaign finance regulations, inclusion of gender quotas for party lists, and an extension of the period for voting abroad. These proposals were drafted with the involvement of the CEC and civil society ahead of the 2014 elections and went through an extensive consultation and negotiation process. Additionally, the broader legal framework is yet to address the requirements for media ownership disclosure. Many OSCE/ODIHR EOM interlocutors expressed disappointment with comprehensive and inclusive reforms not being passed and pointed to the lack of political will to reform the legal framework.<sup>5</sup>

*The legal framework could benefit from a comprehensive review to eliminate inconsistencies and ambiguities, as well as the contradictions between the Election Code and other laws. Legislative reforms should be undertaken well in advance of elections, through open and inclusive consultations with all election stakeholders. These should be addressed in a context of broader issues such as rule of law and public confidence in the judicial system.*

The Election Code, however, continues to contain ambiguous and vague provisions open to interpretation, among them, on candidate registration, verification of independent candidate support signatures, selection and dismissal of members of electoral bodies, post-election complaints and campaign financing. Provisions of other laws such as the Law on Data Protection and Law on Political Parties are at times at odds with the Election Code.<sup>6</sup> CEC decisions did not fully address the existing gaps and inconsistencies in the law.<sup>7</sup>

*As a permanent body responsible for the overall conduct of elections, the CEC could anticipate and address more effectively the ambiguities or gaps in the law, as early as possible in the electoral process.*

Citizens who reach 18 years of age by election day have the right to vote, except those deprived of such right by a court decision. Citizens eligible to vote can stand as candidates, except active military personnel, people serving a prison sentence, those with an unexpunged criminal record, and citizens deprived of this right by a court decision. The lack of clear legal provisions, thus, in practice deprives

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<sup>4</sup> Such recommendations include lowering of thresholds, streamlining signature collection and verification, reviewing campaign finance regulations to strengthen oversight and enforcement mechanisms, and including measures to promote participation and representation of women. See previous OSCE/ODIHR reports on Moldova as well as relevant previous OSCE/ODIHR and Venice Commission joint opinions at [http://www.venice.coe.int/WebForms/documents/by\\_opinion.aspx](http://www.venice.coe.int/WebForms/documents/by_opinion.aspx).

<sup>5</sup> In contrast, in 2013, the election system was changed twice in two weeks: on 19 April, a law altering the electoral system from a proportional to a mixed system was adopted by the Parliament. On 3 May, a proposal to repeal it and to restore the proportional system was adopted.

<sup>6</sup> The Law on Data Protection was quoted as prohibiting PEB's from publicizing specific data from the voter list as required by the Election Code. The Law on Political Parties does not delineate party funding from campaign funding and does not provide a definition on what types of party symbol are prohibited. The Election Code disallows only identical symbols whereas the Law on Political Parties requires the symbol to be clearly distinguished and prohibits using the same graphic symbols.

<sup>7</sup> CEC planned but failed to adopt new regulations on campaign finance, complaints and appeals, and access of persons with disabilities.

individuals of their legal capacity. Their placement under guardianship, among other things, entails an automatic loss of the right to vote for persons with disabilities that is contrary to international obligations.<sup>8</sup>

*The legal framework should be amended with an aim to ensure the right to vote is fully protected in accordance with OSCE commitments and international obligations. Legal provisions that suspend legal capacity and grant guardianship should be reviewed. Limitations on the right to stand for office, including for military personnel, should be minimal.*

In order to gain representation, political parties need to receive six per cent of the valid votes to be allocated seats in the parliament. The threshold for electoral blocs of 2 parties is 9 per cent, and for blocs of 3 or more parties, it is 11 per cent.

Independent candidates need to receive two per cent of the valid votes to obtain a seat, double compared to the electoral quota for candidates from party or coalition lists. This threshold thus far has resulted in no independent candidate ever entering the parliament, and together with support signature and registration requirements (see Candidate Registration and Campaign Finance sections), puts independent candidates at a disadvantage.<sup>9</sup>

*Support signatures and registration requirements for independent candidates could be reviewed with a view to ensuring that such candidates have realistic opportunities of competing on a par with other contestants.*

## V. ELECTION ADMINISTRATION

The elections were administered by a three-level structure, comprising the CEC, 35 District Electoral Councils (DECs) and 2,073 Precinct Electoral Bureaus (PEBs), including 95 polling stations abroad and 26 designated polling stations for voters residing in Transdniestria.<sup>10</sup>

The CEC is a nine-member permanent body that serves a five-year term, while DECs and PEBs are established for each election. DECs consisted of 7 to 11 members nominated by courts and/or local councils and parliamentary parties. PEBs consisted of 5 to 11 members nominated by local councils and parliamentary parties. Women were underrepresented in the CEC and DECs, including in leadership positions: one CEC member is a woman, as were some 40 per cent of DEC members and

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<sup>8</sup> Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) provides that “State Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others.” Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens”. According to paragraph 24 of 1990 OSCE Copenhagen Document, “any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of the law.” See also paragraph 9.4 of CRPD’s Communication No.4/2011 (*Zsold Bujdoso and five others v. Hungary*) and *Alajos Kiss v. Hungary* judgment by the European Court of Human Rights (ECtHR), at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-98800>. According to an UNDP study (see at [www.un.md/publicdocget/39](http://www.un.md/publicdocget/39)) and information provided by the Ministry of Justice (MoJ) to the OSCE/ODIHR EOM, some 4,000 people are under guardianship following court orders deprived of all their legal rights, including the right to vote.

<sup>9</sup> Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that participating States will “[...] respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”.

<sup>10</sup> Moldova is divided into 37 electoral districts, one per territorial-administrative unit. DECs in Bender and Tiraspol, located on the territory controlled by the Transdniestrian *de facto* authorities, were not established.



one third of DEC chairpersons. Women were overrepresented in PEBs, with three-quarters of both members and chairpersons.

The CEC generally enjoyed the confidence of most electoral contestants and stakeholders. Its sessions were conducted in a professional, collegial and transparent manner, with agendas published in advance and decisions made available online. The CEC was efficient overall in its preparations, and generally met the legal deadlines. The CEC developed a comprehensive training programme, and held some 450 sessions for election officials, judges, citizen observers, and representatives of contestants, in the period observed.

DECs and PEBs were generally formed within legal deadlines. Overall, DEC operated effectively and impartially. The PEBs, despite limited infrastructure and resources, implemented the necessary election preparations in time. Some efforts were made to facilitate access of disabled voters to polling stations: a number of polling stations were moved to the ground floor, and access ramps were installed in 30 polling stations. As previously recommended, uniform election materials, consisting of seals, ballot boxes and voting booths, were introduced in all polling stations.

The CEC updated its State Automated Information System “Elections” (SAISE), purchased two computers per polling station and recruited 4,200 operators. For the first time, on election day PEBs had the possibility to identify voters online, which also served to prevent multiple voting. In addition, the system was designed for the PEBs to electronically report results directly to the CEC. At the same time, insufficient testing and an *ad hoc* approach to possible system security and integrity issues led to significant problems with its functioning which occurred on election day (see Voter Registration section).

Out-of-country voters could vote without prior registration. To estimate their number and potential polling station locations, the government created a website for voters to declare their residency abroad.<sup>11</sup> On 20 October, the government issued a decision to open 95 polling stations abroad in 31 countries.<sup>12</sup> The lack of transparency with regard to the criteria for determining the number and location of polling stations abroad contributed to the perception of a number of stakeholders that the government sought to discourage voting in the Russian Federation while increasing the number of polling stations in other countries.<sup>13</sup> Three appeals against this decision submitted by the Party of Socialists of the Republic of Moldova (PSRM) were not upheld by courts.

*As previously recommended, decisions on the locations for polling stations abroad should be taken transparently and based on clear and consistent criteria, which may include the number of citizens eligible to vote in a given country and/or location.*

The CEC produced voter education and information materials on the importance of voting, election procedures and absentee voting; video materials produced included Russian subtitles. Radio spots were aired both in the state language and in Russian. The public television broadcaster *Moldova 1* and the civil society organization *Promo-LEX* produced additional voter information and education spots.

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<sup>11</sup> Only 1,700 voters registered themselves via the website.

<sup>12</sup> Most out-of-country polling stations were in Italy (25), Romania (11), United States of America (6) and France, Portugal, and the Russian Federation (5 in each country). The remaining 25 countries had between 1 and 5 stations.

<sup>13</sup> The average number of voters per country per polling station varied from 21 in China to 1,904 in the Russian Federation. On election day, the precincts in Moscow and Saint-Petersburg each issued almost all 3,000 ballots they received, while those in Italy were far from reaching this participation rate.

## VI. VOTER REGISTRATION

Voter registration is passive. The centralized SRV, which is based on data from the State Population Register<sup>14</sup> and is maintained by the CEC, was created and used for the first time for these elections.<sup>15</sup> The SRV represents an important step forward for the administration of elections. However, it could have benefited from a more timely adoption and the development of comprehensive guidelines, documentation and information. The CEC Regulation on the SRV maintenance was adopted only ten days before election day and was not scrutinized by election stakeholders or observers. In the short time from its introduction, the CEC faced a number of challenges, such as a lack of infrastructure, shortage of qualified personnel and security concerns.

*The reliability and the transparency of the SRV could be enhanced by the conduct of timely, full-scale testing before election day, post-election audits and introduction of provisions for observer access. Computer operators for the SRV should be trained well in advance of the next elections.*

The CEC provided extracts of the SRV to local administrations for checks and updates. According to the CEC, some 105,000 records were modified, mostly due to changes in voters' domicile or permanent residence, or of their personal data. The OSCE/ODIHR EOM noted cases, where deceased people, who were deleted from the voter lists by local public administrations, re-appeared in the SRV, apparently due to lack of co-ordination between the State Enterprise *Registru* and Civil Status Offices. During meetings with the OSCE/ODIHR EOM, both the CEC and *Registru* acknowledged that the introduction of a comprehensive register of addresses would improve the SRV's quality.

*The SRV would benefit from a more comprehensive regulatory framework, which, among others, needs to include clear mechanisms of data exchange between the SRV and relevant state registries, particularly the Civil Registry and the Population Registry, and to provide for the possibility of public scrutiny of the system. The establishment of a national address register to support civil status and residency registration would contribute to increased accuracy of source data used for voter registration.*

Voters also had an opportunity to verify voter lists (i.e. extracts of SRV data per polling station) in polling stations for 20 days before the elections, as well as to check their data online. The Election Code and the CEC Regulation on the Management of Voter Lists contain provisions on the implementation of such verification by PEBs, which require public display of voters' personal data, namely personal identification numbers. The disclosure of this data is in conflict with the Law on Protection of Personal Data. Due to unclear instructions on how to proceed in such a conflicting situation, PEBs were using different practices for making voter lists available for public scrutiny.

*Legal contradictions between the Election Code and the Law on Personal Data Protection with regard to public display of voters' personal data in voter lists should be resolved. Until then, the CEC should ensure uniform implementation of procedures for public scrutiny of voter lists.*

According to the CEC, the number of eligible voters was 3,226,446 compared to some 2,734,000 in the 2010 parliamentary elections. The CEC noted that this increase resulted from the inclusion of voters residing abroad and in Transdnistria, and the natural growth of the population. Unlike in

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<sup>14</sup> The State Enterprise *Registru* maintains the State Population Register based on data from Civil Status Offices (place of residence, births, marriages and deaths), Ministry of Interior (detainees and prisoners), Cadastral Office (addresses and land demarcation), and Border Control Service and the Ministry of Foreign Affairs and European Integration (out-of-country residents).

<sup>15</sup> In 2012, the OSCE/ODIHR conducted an expert visit to assess the SAISE and the Voter Registration System; see at: <http://www.osce.org/odihr/92207>.

previous elections, the quality of voter lists was not raised by stakeholders as a concern. The CEC printed 3,112,962 ballots, of which almost a quarter were in the Russian language.<sup>16</sup>

Voters omitted from voter lists, but able to prove their residence within the boundaries of the precinct, as well as students, voters from Transdnistria, and those with absentee voting certificates, with no current residence/domicile at their previous polling station, and those who required mobile voting, could be added on election day to supplementary voter lists.<sup>17</sup> The number of voters included into the supplementary voter lists was 155,443.<sup>18</sup>

*In line with good practice, consideration should be given to limiting the possibility for voters to register on election day to avoid the possibility of multiple registrations.*

According to the 2014 changes to the Election Code, ex-Soviet passports were no longer permitted as voter identification on election day. Authorities made efforts to provide new IDs to holders of such passports.<sup>19</sup> On 18 November, the CEC decided to allow voter identification with expired identification documents (IDs) and passports.<sup>20</sup> This decision raised concerns among election stakeholders; it was appealed to the courts and was upheld. On election day, 19,662 voters used expired IDs.

## VII. CANDIDATE REGISTRATION

In an inclusive process, the CEC registered 26 contestants (21 political parties, 1 electoral bloc and 4 independent candidates), resulting in a diverse choice of political alternatives for voters. On 22 November, one party withdrew. Each party or bloc had to provide to the CEC a list of candidates upon registration, but they could change it up until 22 November. The CEC excluded two candidates from party lists because they did not meet eligibility criteria. The final number of candidates was 1,885, of whom 31 per cent were women. Few women were placed in winnable positions on candidate lists. Nonetheless, the total number of women ultimately elected to parliament increased from 18 to 21.

*In line with international obligations and practices aimed at promoting gender equality, greater efforts to include women on candidate lists, including in winnable positions, should be made by political parties.*

Independent candidates were required to collect at least 2,000 support signatures from eligible voters. A voter can sign in support of the registration of only one independent candidate. This is an unnecessary restriction and, in addition, may affect voters' privacy as authorities have the possibility to check their political affiliation.<sup>21</sup> While not affecting the registration of independent candidates,

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<sup>16</sup> Ballots are distributed based on requests from PEBs, but not more than 3,000 per polling station which is the maximum number of registered voters per polling station. According to CEC data, 49 polling stations allocated more voters than this number.

<sup>17</sup> According to the Venice Commission's Code of Good Electoral Practice in Electoral Matters (1.2.iv), "there should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day."

<sup>18</sup> This number includes 73,311 voters abroad, 9,261 voters residing in Transdnistria, 3,777 students, 24,105 voters with AVCs, and 33,155 who voters voted at their place of residence. The remaining number is represented by voters without a (current) domicile/residence.

<sup>19</sup> According to the CEC, some 5,000 voters could not vote as their only valid ID was the ex-Soviet passport.

<sup>20</sup> According to the CEC, there were some 155,200 expired IDs and 241,700 expired passports.

<sup>21</sup> The 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation state that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party"; see at <http://www.osce.org/odihr/77812>.

legal ambiguities with regard to the signature verification process resulted in CEC members having diverging interpretations of the validation criteria.<sup>22</sup>

*A clear and detailed procedure for the collection, verification and validation of support signatures should be provided by law, ensuring consistency and legal certainty of the process. The prohibition for voters to sign in support of more than one candidate should be removed.*

On 26 November, the CEC passed a decision to request the Court of Appeal to annul the registration of the *Patria* Party (PP) as an electoral contestant. The request was made on the basis of information provided by the General Police Inspectorate, which indicated violations of campaign finance provisions. On 27 November, the Court of Appeal decided to deregister the PP, and the Supreme Court upheld the decision following an appeal on the eve of elections (see Complaints and Appeals section). The expedited process of deregistering PP as an electoral contestant raised questions concerning its timing and circumstances.<sup>23</sup>

## VIII. ELECTION CAMPAIGN

Contestants could officially start campaigning after registration by the CEC, resulting in a staggered beginning of the campaign. Parties and blocs could be registered from 10 October and start campaigning immediately, while independent candidates could only start collecting support signatures at that time. This gave established political parties and electoral blocs an advantage over new ones and independent candidates.<sup>24</sup> It negatively affected the equality of campaign opportunities of different contestants, and was at odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document and good electoral practice.<sup>25</sup>

*As previously recommended, the campaign period should begin on the same day for all electoral contestants to ensure a level playing field during the election campaign.*

The campaign was visible and peaceful, and became more active as election day approached, particularly outside of Chisinau. The campaign environment was affected by the deregistration of the PP in the week before election day (see Complaints and Appeals section). The campaign silence period started on 29 November and was generally respected.

Most campaigning was conducted in the media and through billboards and posters. In the regions, meetings with voters dominated as the primary campaign method. The bigger parties conducted numerous public events, mainly in the larger cities. The OSCE/ODIHR EOM observed 36 such events.

The campaign was broadly focused on geopolitical issues such as engagement with the European Union and the Eurasian Customs Union, as well as on individual political figures. Additionally, some contestants campaigned on social and economic issues, like employment, pensions and anti-corruption

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<sup>22</sup> Article 42.4 and 43.4 of the Election Code are ambiguous as to whether a voter should enter his/her identification data on the signature list personally, or if it is sufficient to sign the list next to his/her data already written. The Election Code and the CEC Regulation on Signature Collection and Verification are unclear about the validity of data with minor mistakes or typos, and about the procedures to follow if certain signatures are found to be identical.

<sup>23</sup> Eventually, the ballot included 24 contestants, plus 1 “withdrawn” contestant (PP).

<sup>24</sup> On October 13, the CEC registered 16 contestants. The remaining contestants were registered up until 7 November.

<sup>25</sup> Paragraph 7.6 calls on OSCE participating States to ensure that contestants are able “[...] to compete with each other on a basis of equal treatment before the law and by the authorities.” The Venice Commission Code of Good Practice in Electoral Matters (I.2.3.a) states that “Equality of opportunity must be guaranteed for parties and candidates alike.”

measures. Smaller political parties and independent candidates tended to focus on specific and singular issues of law and order, ecology and human rights. The number and locations of polling stations abroad was widely discussed during the campaign. The ongoing armed conflict in Ukraine was topical for most contestants.<sup>26</sup> In addition, certain foreign initiatives impacted the campaign.<sup>27</sup> Closer to election day, a number of candidates accused each other of bribing and intimidating voters, and of planning post-election unrest. With rare exceptions, the campaigns did not address issues related to women. The visibility of women candidates in the campaign was low.

A number of contestants spoke about the importance of inter-ethnic dialogue. Positively, compared to previous elections, candidates generally refrained from using divisive rhetoric in the areas of language, identity and national minority issues, and no cases of ethnicity-focused or hate speech were observed. Candidates generally campaigned both in the state and Russian languages.

Freedoms of expression, association and assembly were generally respected. The OSCE/ODIHR EOM observed a limited number of campaign violations, including vandalized campaign posters and billboards, and placement of party materials in unapproved locations throughout the country. EOM interlocutors stated that some advertising companies refused political advertisement fearing possible retaliation. There were isolated cases of discriminatory and offensive campaign language.<sup>28</sup>

There were a number of violations in regards to equal access to public spaces, which is at odds with paragraph 7.7 of the 1990 OSCE Copenhagen Document.<sup>29</sup> In addition, the OSCE/ODIHR EOM observed a number of campaign events in which students or state employees were required to attend during working hours, or where pupils were involved.<sup>30</sup> Media reported on a case of abuse of authority and voter coercion by an employee of *Registru*.<sup>31</sup> Some candidates did not suspend their official duties, as required by the law.<sup>32</sup>

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<sup>26</sup> On 20 November, the President of Ukraine made statements at a Liberal Democratic Party of Moldova (PLDM) event in Balti linking the conflict in eastern Ukraine to Transdnistria and stressing the importance of a pro-European choice.

<sup>27</sup> For example: the Russian Federal Migration Service changed immigration rules to allow Moldovan citizens living illegally in the Russian Federation to travel home in November, and then to be able to return; the ceremony where the Prime Minister (also a PLDM candidate) handed over to the police 164 cars previously donated by the EU and attended by EU representatives; a number of presidents visited Moldova during the campaign and called on voters to support the country's western aspirations.

<sup>28</sup> On 16 November in Riscani, the PSRM candidate and party leader made discriminatory statements against religious minorities and homosexual individuals. On 7 November in Causeni, a PP candidate and party leader made discriminatory statements against homosexual individuals. Both events were observed by the OSCE/ODIHR EOM, which is not aware of any legal measures taken.

<sup>29</sup> As observed by the OSCE/ODIHR EOM, a campaign meeting room was provided free of charge to the PLDM, but not to PP (DEC 2); a room at a state company was denied to the Liberal Party (PL), but not to other parties (DEC 17); a Democratic Party of Moldova (PDM) candidate used his mayoral vehicle for campaign (DEC 16); and only a PLDM campaign tent was allowed on public property (DEC 2). Paragraph 7.7 of the OSCE Copenhagen Document provides that participating States will "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere".

<sup>30</sup> As observed by the OSCE/ODIHR EOM: on several occasions students were required to attend PLDM events in Balti and Comrat (DECs 2 and 36); on 11 November, employees of a hospital in Chisinau were required to attend a PL event (DEC 1); minors actively participated in a PSRM event in Riscani on 16 November (DEC 27) and the EOM was provided proof of a similar case at a PLDM event in a school in Taraclia on 18 November (DEC 33).

<sup>31</sup> On 13 November, *Accent TV* showed a video of the *Registru* official requiring employees to provide a list of voters who would vote for the PDM.

<sup>32</sup> This included the PL candidate and Mayor of Chisinau; Party of Communists of Republic of Moldova (PCRM) candidate and chair of a village council (DEC 15); and PDM candidate and mayor of village (DEC 23). The law refers *inter alia* to deputy prime ministers, deputy ministers, ministers, *ex officio* members of the government, heads of central public authority bodies, chairpersons and deputies of *rayons*, vice mayors and mayors. The Law on the Status of High Public Servants prohibits officials from campaigning while performing official functions.

A number of candidates, who at the same time were public officials, were temporarily removed by their nominating political parties from candidate lists and were re-included in them closer to election day.<sup>33</sup> While not violating the Election Code, this practice blurred the distinction between public office and campaigning. Moreover, frequent and last minute adjustments in candidate lists by at least 18 of the 24 contestants may have resulted in voters not being aware of the latest candidate replacements, impacting their ability to make an informed choice, and might have diminished public confidence in the process.

*Consideration should be given to reducing the flexibility in adjusting party lists close to election day with a view to eliminating the possibilities for circumvention of provisions, thus preventing misuse of public office, providing voters with consistent candidate information and enabling them to make an informed choice.*

## IX. CAMPAIGN FINANCE

Campaign finance is regulated to a limited extent by the Election Code, the Law on Political Parties, and the 2012 CEC Regulation on Financing of Electoral Campaigns and Political Parties. Amendments to the campaign finance framework were considered in 2014. However, the framework remained unchanged, despite prior OSCE/ODIHR and Venice Commission recommendations.<sup>34</sup> Transparency, oversight and enforcement mechanisms continue to require improvement, in particular with regard to disclosure, comprehensive reporting and enforcement.<sup>35</sup>

*Authorities are encouraged to resume the consideration of pending amendments to campaign finance provisions with a view to completing the legislative reforms and improving the regulatory framework for campaign finance.*

Campaigns can be funded by donations of individuals and legal entities, membership fees and income from businesses owned by the parties. The CEC's mandate and capacity to verify contestants' financial reports and to monitor campaign finance remain limited. This has reduced its ability to determine the origin of electoral finances and the overall transparency. The CEC established a ceiling for campaign spending at MDL 55 million per political party and electoral bloc, and at MDL 2 million per independent candidate.<sup>36</sup> Compared to the 2010 elections, the spending limit for political parties has doubled, while it remained the same for independent candidates. Overspending by more than five per cent or the use of undeclared or foreign funds should by law be sanctioned by the CEC with either a warning or a request addressed to a court for deregistration of the contestant.

*The criteria for establishing campaign spending limits need to be clearly defined. To account for inflation, limits could be based on a form of indexation rather than absolute amounts.*

Contestants were not legally required to open dedicated bank accounts for campaign income and expenses; however, all but one independent candidate did so. Those that did open accounts were

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<sup>33</sup> For example, two deputy prime ministers, two ministers, the Chisinau mayor and the Governor of Gagauzia withdrew as candidates and returned to their official duties. All but the Governor resumed their candidacies.

<sup>34</sup> See the 2013 OSCE/ODIHR and Venice Commission Joint Opinion on Draft Legislation of the Republic of Moldova Pertaining to Political Party and Election Campaign Financing at [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2013\)002-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)002-e).

<sup>35</sup> See the 2013 Council of Europe's Group of States against corruption (GRECO) Third Evaluation Round Compliance Report, available at [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2013\)2\\_Moldova\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2013)2_Moldova_EN.pdf).

<sup>36</sup> The exchange rate at the time of writing of this report was Moldovan Leu (MDL) 1 = EUR 0.05.

obliged to submit reports on income and expenditures to the CEC every two weeks<sup>37</sup> and to declare to nationwide media outlets all financial and other material support at the beginning of the election campaign and on a weekly basis thereafter.<sup>38</sup> The CEC's role was limited to verifying contestants' reports against their banks' transaction reports.<sup>39</sup> The CEC posted reports online in a timely manner. Monitoring of campaign financing by *Promo-LEX* contributed to the transparency of the campaign.

*To further enhance transparency, consideration could be given to introduce appropriate oversight mechanisms, which would allow the overseeing institution full and unimpeded access to all information regarding contestants' campaign-related resources.*

The CEC received financial reports from all contestants that opened bank accounts. The majority of them did not report on expenses for public events, transportation, labour costs, and communications.<sup>40</sup> Two contestants declared zero income and expenditures in their reports even though their campaign materials were visibly present.<sup>41</sup> According to the submitted financial reports, no contestants spent the maximum allowable amount of funds.<sup>42</sup> The CEC issued warnings to 10 contestants for not submitting their reports within the deadlines or in the required format. It also considered and issued decisions on two complaints against contestants for not reporting all of their campaign costs.<sup>43</sup> There were no other warnings issued even though there were complaints lodged with the CEC about the alleged use of state resources, non-declaration or overspending by some contestants. The CEC practice of using formal grounds for rejecting complaints and referring complaints to other institutions contributed to these important allegations not being addressed or punished.

Three complaints of alleged non-disclosure of funds and overspending were filed with the CEC after the final financial reports, and their merits were not considered. The CEC forwarded them to the Audio-Visual Co-ordination Council (CCA), the Prosecutor General Office, and tax and police authorities, and informed the OSCE/ODIHR EOM that it had no means to verify the evidence. The EOM was informed by the Prosecutor General's office that investigations were opened. These complaints were included for adjudication by the Constitutional Court before it approved the election results but their merits were not reviewed (see Complaints and Appeals section).

As per the CEC Regulation, the final financial reports were submitted by contestants on Friday (two days before election day), prior to the closing of the special election accounts at the end of the same day. Based on these reports, the CEC released its report on campaign finance, which could not have included any payments made later that day from these accounts.<sup>44</sup> This raised concerns that the CEC

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<sup>37</sup> The two-week reporting deadlines were different depending upon the initial date of registration.

<sup>38</sup> Media outlets do not have an obligation to publicize the financial data received from contestants. The OSCE/ODIHR EOM observed print media publishing two campaign finance reports.

<sup>39</sup> The CEC informed the OSCE/ODIHR EOM that it receives bank confirmations 24 hours after transactions on these accounts are made. The CEC can request from finance and tax authorities verification and investigation into amounts over MDL 100,000. As of 19 December, the CEC did not respond to the EOM's inquiry on whether it has made such requests.

<sup>40</sup> As of 6 December, 22 contestants reported expenses associated with advertising, only 6 included expenses for organizing public events; and only 6 included transportation costs.

<sup>41</sup> As of 6 December, Democracy at Home and Patriots of Moldova had not stated any income or expenses.

<sup>42</sup> As of 6 December, the parties that spent the largest amount of money were PLDM (67 per cent of the maximum amount allowed), PDM (63 per cent), and PSRM (24 per cent).

<sup>43</sup> The first was against PLDM, and was rejected due to lack of evidence and the unreasonable timing of the complaint; the second led to a warning against People's Christian Democratic Party for not reporting printing costs.

<sup>44</sup> On 28 November, at its regular 15:00 session, the CEC approved contestants' final reports two hours before close of business, during which contestants could still legally disburse and receive funds. Six contestants reported account activities effectuated on 28 November. On 29 November, the CEC issued a decision which confirmed that the reports complied with the legal requirements and adopted them as final. The timing of these decisions could not allow for the bank reports to be received and reviewed by CEC. The Election Code requires the CEC to prepare a final report summarizing all the financial information received, but does not provide a deadline.

did not review, evaluate and publicize complete campaign expenditures, undermining the effectiveness of the only oversight mechanism available to the CEC.<sup>45</sup>

*Consideration could be given to designating an independent body with means and resources to oversee campaign finance and to impose sanctions in cases of violations. Should this body remain to be the CEC, it should be vested with full oversight authority and responsibilities and should exercise them more determinedly. The reporting obligations should be made more detailed. Verification, oversight and enforcement mechanisms should be strengthened in line with previous OSCE/ODIHR and GRECO recommendations.*

## **X. MEDIA**

### **A. MEDIA ENVIRONMENT**

The media landscape is characterized by a considerable number of outlets, including 64 television channels (5 with nationwide coverage), 57 radio stations, some 400 print publications and numerous online media. Television is the most important source of information, especially outside of the capital. The public broadcaster, *Moldova 1*, is primarily financed from the state budget and remains one of the most viewed outlets.<sup>46</sup> While print media struggle with declining circulation, Internet penetration and readership of online media, including of political portals, is rapidly increasing.

Regrettably, important challenges concerning the independence, transparency and financial sustainability of the media persist. The OSCE Representative on Freedom of the Media in May 2014 welcomed proposed legislative efforts aimed to limit ownership concentration and to increase ownership transparency. However, the legislation has not been amended to date.<sup>47</sup>

Increasingly, significant ownership concentration of broadcast media and their association with political actors influence editorial freedom and result in self-censorship, impacting the access to impartial information. The General Media Group, a company associated with the PDM Deputy Chairperson, owns four out of five national channels<sup>48</sup> (except for *Moldova 1*) and appears to be connected to the *Casa Media* company, which is perceived by independent media specialists as dominating the advertising market.

*The Audio-Visual Code could be amended to increase ownership transparency and to limit ownership concentration.*

### **B. LEGAL FRAMEWORK**

The Constitution prohibits censorship and guarantees freedom of expression, principles further strengthened by the 2010 Law on the Freedom of Expression. The Audio-Visual Code regulates the activities of public and private broadcasters, as well as of the Audio-Visual Co-ordination Council

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<sup>45</sup> For example, PDM held a large public event on 26 and 27 November in Chisinau that was not reflected in their last financial report to the CEC. The OSCE/ODIHR EOM media monitoring showed that this campaign event, which featured the PDM leader and PDM's campaign slogan, was broadcast live and rebroadcast several times by *Prime TV*, the channel with highest viewership ratings.

<sup>46</sup> In addition, the broadcaster is financed from other sources, mainly advertising revenues, sponsorships and donations. There is no viewer fee for the public service broadcasters.

<sup>47</sup> See the 2014 Legal Analysis of the Draft Laws Amending and Complementing the Moldovan Audiovisual Code by the OSCE Representative on Freedom of the Media, available at: <http://www.osce.org/fom/118395>.

<sup>48</sup> *Prime TV*, *Publika TV*, *Canal 2*, and *Canal 3*.



(CCA), the regulatory body in the audio-visual field. The Law on Print Media provides the legal framework for print media.

Defamation was decriminalized in 2004, and in 2013, the Criminal Code was amended to create more adequate conditions for journalists with censorship and deliberate obstruction of media activity or intimidation for criticism made illegal. The 2000 Freedom of Information Act opens access to official information; yet, its implementation poses challenges, in particular at the local level.

The Election Code and the Audio-Visual Code outline the framework for media campaign conduct. In addition, on 30 September, the CEC adopted the Regulation on the Election Campaign Coverage by Mass Media, a set of requirements for the media detailing the legal media framework based on the concept prepared by the CCA, as stipulated by the law.

Broadcasters are legally obliged to cover elections in an accurate, balanced and impartial manner. Each contestant was entitled to five and ten minutes of free airtime on national television and radio, respectively. Contestants were also entitled to participate in debates that national broadcasters were obliged to organize free of charge. Additional paid airtime of up to two minutes a day per broadcaster could be purchased, with the prices not exceeding normal commercial advertising pricing.

On 19 September, the Center for Human Rights of Moldova submitted a complaint to the Constitutional Court challenging the Election Code provisions obliging private national broadcasters to organize debates and to provide free airtime to contestants. It stated that such obligations are inconsistent with the Code's principle that media have the right to disseminate information without interference from the authorities, as well as with the editorial independence recognized and guaranteed by the Audio-Visual Code. Most importantly, the complaint suggested that the obligations affect the constitutional freedom of expression and property rights of private broadcasters and run contrary to international human rights documents.<sup>49</sup> On 30 December, the Court rejected to consider the complaint on procedural grounds, having argued that the complainant lacked the mandate.<sup>50</sup>

*The obligations placed on nationwide private broadcasters to provide free airtime and to organize debates could be revisited. Consideration could be given as to whether such obligations meet the intended aim and whether, in light of freedom of expression and editorial independence, a broadcaster should not decide on the format of its own election-related programmes.*

### C. MEDIA MONITORING FINDINGS



On 27 October, the OSCE/ODIHR EOM commenced its media monitoring based on qualitative and quantitative analyses of 20 outlets.<sup>51</sup> Freedom of expression was respected during the observed period.

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<sup>49</sup> Article 4(2) of the Election Code states that “wherever disagreements appear between the conventions and treaties on fundamental human rights to which the Republic of Moldova is a party and its domestic laws, priority shall be given to international regulations”.

<sup>50</sup> Based on the 2014 Law on National Advocate, the Center for Human Rights consists of two ombudspersons. However, since the Parliament is yet to elect the new representatives, currently there are four ombudspersons, who were appointed and hold the mandate based on the previous law.

<sup>51</sup> The OSCE/ODIHR EOM monitored eight television channels, *Moldova 1* (public), *Gagauz TV* (public), *Accent TV*, *Jurnal TV*, *Prime TV*, *Pro TV Chisinau*, *Publika TV*, and *TV 7* (private); three radio stations, *Radio Moldova* (public), *Radio Noroc*, and *Vocea Basarabiei* (private); four newspapers, *Jurnal de Chisinau*, *Komsomolskaya Pravda*, *Moldova Suverana*, and *Timpul*; and five online media, *moldova.org*, *noi.md*, *omg.md*, *point.md*, and *unimedia.info*.

Media overall provided contestants with numerous formats and opportunities to convey messages to the electorate.<sup>52</sup>

The campaign was highly visible through various programmes, including free airtime provided by national broadcasters, which respected their legal obligations. However, campaign coverage of most media was partisan and affected by their respective political affiliations, which meant that voters could form an informed view only if they consulted several media sources.

Positively, a number of national and local broadcasters organized debates in various formats. Some broadcasters, including most popular television and radio stations,<sup>53</sup> expressed discontent with the Code's provision obliging nationwide private media to organize debates and to provide additional airtime free of charge. While all the broadcasters complied with the requirement, nationwide *Prime TV* and *Publika TV* aired their debates two weeks prior to election day, during one weekend, mostly in the morning and outside of primetime, thus only formally following the letter of the law.

Regrettably, the leaders of larger parties did not participate in any major debate. While it is the right of each contestant to choose his/her campaign strategy, not exposing top political representatives to open exchanges reduced the informational value of these debates. The lack of opportunity to address questions and comments to decision-makers, including the ruling coalition on its performance in office, contributed to the general absence of critical and analytical media reporting.

The OSCE/ODIHR EOM media monitoring showed that public broadcasters, television *Moldova 1*, *Radio Moldova* and regional *Gagauz TV* (GTR)<sup>54</sup>, as well as private *Pro TV Chisinau* covered the campaign in a balanced manner. Nevertheless, newscasts of public media were characterized by general absence of critical and analytical reporting.

*Moldova 1* devoted most of its political and election-related news coverage to PDM (some 12 per cent of mostly neutral and positive information) and to PLDM (10 per cent of similar tone). The next most covered parties were the PCRM and PL (8 per cent each, both presented mostly neutrally). The channel devoted 16 per cent of its political coverage, in a neutral and positive manner, to government activities. *Radio Moldova* informed about contestants in a similarly balanced way, with most coverage (8 per cent) given to PDM. Yet, it devoted significant coverage (29 per cent, mostly neutral and positive), to the government, represented predominantly by the Prime Minister Leanca, also PLDM candidate.

*To enhance a genuine public service mandate, including capacity for investigative and analytical reporting, more comprehensive steps should be taken to strengthen the financial and editorial independence of public broadcasters. Such steps could include the reduction of dependency on the state budget and more independent decision-making processes.*

*Prime TV* and *Publika TV* showed clear bias in favour of the PDM, both in amount of airtime and tone, devoting to it 36 per cent each of almost exclusively positive and neutral information. In addition, PDM campaign reports were often presented outside the special bloc dedicated to election coverage. Numerous news reports promoted the activities of the speaker of the parliament, also a PDM candidate. Moreover, in the last two weeks of the campaign, they widely covered the PDM deputy chairperson in his capacity as a founder of a charitable organization. Finally, on 26-28

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<sup>52</sup> Some contestants complained about prohibitive costs of paid advertisement of *Prime TV*, which was EUR 4,000/minute, without VAT. Only PDM, PLDM and the Party for the People and the Country (PPC) utilized this opportunity. Public *Moldova 1* offered paid airtime for EUR 150 EUR/minute – with 13 contestants purchasing it.

<sup>53</sup> *Prime TV* and *Radio Noroc*.

<sup>54</sup> At the same time, the GTR devoted significant attention to authorities, including the Governor of Gagauzia.

November, *Prime TV* during evening prime time aired live and rebroadcast a promotional concert which was organized by the PDM and featured international music stars.

*Accent TV* openly promoted the PP and its leader, devoting to it 29 per cent of largely neutral and positive coverage, while it showed strongly negative information about coalition parties. *Jurnal TV* adopted a critical editorial line; however, its news and author programmes criticized overwhelmingly the PDM, dedicating it 31 per cent of its political reporting.

The online and print media provided a plurality of views, yet reflected clear political preferences. Generally balanced coverage was offered in particular by *Unimedia* and *Noi*. However, the former showed a slight preference towards pro-European contestants, and the latter mostly presented PCRM. A number of web sources took political positions, for example the portal *Omega* in favour of the PP, or *Moldova Suverana* newspaper in favour of PLDM. Some print media, including most popular newspapers *Komsomolskaya Pravda* and *Timpul*, published several campaign materials without indication that it was paid election advertising, thus potentially misleading the reader.

*To promote genuinely diverse coverage, journalist associations, press councils, non-governmental organizations and media outlets could be encouraged to adopt self-regulatory measures for impartial news reporting and journalistic ethics and responsibilities.*

#### **D. MEDIA COMPLAINTS AND APPEALS**

The CCA is legally tasked to oversee broadcast media compliance with the law and potentially to impose sanctions on the media.<sup>55</sup> In addition, the CEC decides on media-related disputes between contestants. Courts are responsible for examining any complaints concerning print media and Internet. The OSCE/ODIHR EOM was not informed of any such complaints.

The CCA received 34 complaints submitted by contestants and other stakeholders, including 2 after election day. Most of the cases challenged the lack of balance and impartiality in coverage of various broadcasters, in particular of those belonging to the General Media Group. However, the CCA exercised its overseeing authority primarily through its media monitoring. It did not adjudicate most of the complaints as it considered their substance as being reviewed within the discussions of their media monitoring findings.

The CCA followed the election coverage of 13 television channels. However, it monitored only the main evening news programmes and no other politically relevant programmes.<sup>56</sup> The CCA held regular, weekly, public sessions to present its detailed media monitoring reports. Based on the findings of its first two monitoring reports, it first issued public warnings to 10 television channels and then sanctioned 7 with different levels of fine for their biased reporting, which was contrary to the legal requirement to ensure balance, impartiality and accuracy in news programmes. However, during its last pre-election session before election day, the CCA chose not to apply further, more severe sanctions, despite the findings of its fourth monitoring report that revealed repeated unbalanced coverage by some broadcasters, in particular by *Publika TV*, *Canal 2* and *Canal 3*.<sup>57</sup>

On 12 December, during a post-election session aimed at assessing the final week of the campaign, the CCA sanctioned 10 broadcasters; 7 with the maximum fine. Of these, four channels belonged to

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<sup>55</sup> The CCA is composed of nine members elected by the parliament.

<sup>56</sup> The CCA started monitoring on 20 October, 10 days after the start of the official campaign period.

<sup>57</sup> Article 38 of the Audio-Visual Code stipulates that sanctions (public warning, fine, withdrawal of the right to broadcast advertisement, suspension of the license, and revocation of the license) are applied gradually. The fines are limited by law and range between MDL 1,800 and 5,400.

the General Media Group and were previously sanctioned in the same manner at one of the earlier CCA sessions. A mechanism stipulated by the Audio-Visual Code requiring that sanctions be applied gradually, regardless of gravity of the violation, raises questions as to whether the incremental sanctioning mechanism ensures proportionality of sanctions to offenses committed. Failure of the CCA to apply sanctions in an adequate and consistent manner detracted from their overall value as a remedy, and questioned the independence of the overseeing authority.

*The CCA should exercise its duties in an adequate and effective manner in order to enforce appropriate implementation of the legislation. As previously recommended, the independence and the mandate of the CCA could be further strengthened to limit possibilities for political or other influence on its decision-making. Its membership should be diverse, including, in addition to nominees from political parties also media professionals, civil society or judicial bodies.*

*The Audio-Visual Code should be amended to enable a more appropriate and effective sanction mechanism, based on principles of proportionality and gravity of the violation with an aim to take more adequate and effective action.*

## **XI. PARTICIPATION OF NATIONAL MINORITIES**

According to the 2004 census, which includes the territory under the control of the Moldovan authorities, national minorities comprise more than 20 per cent of the population. They include Ukrainians (8.4 per cent), Russians (5.9 per cent), Gagauz (4.4 per cent), Bulgarians (1.9 per cent), and Roma (0.3 per cent).<sup>58</sup> While minorities often uphold their traditions and use their respective languages within their communities, they mostly communicate in Russian which is legally recognized as the language of inter-ethnic communication. Knowledge of the state language remains limited amongst parts of the national minority population.

The legal framework allows for the participation of national minorities in the elections on an equal basis. However, existing regional requirements for the establishment of political parties and the six per cent threshold for entering the parliament *de facto* pose challenges for the representation of regionally-based minorities and undermine their chances for political representation.<sup>59</sup> This issue was particularly raised by the representatives from Autonomous Territorial Unit of Gagauzia.<sup>60</sup> The authorities have not ensured any special measures to promote minority representation.

*Authorities could consider, upon consultation with national minority groups, the introduction of special mechanisms that would encourage greater participation and representation of minorities in public and political life.*

Most contestants claimed to have representatives of different ethnic groups in their candidate lists, thus reflecting the diverse composition of the society. However, this data was not provided to the OSCE/ODIHR EOM. The election administration also does not compile disaggregated data on

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<sup>58</sup> The results of the May 2014 census are not yet available.

<sup>59</sup> Freedom of association includes the freedom to establish political parties based on communal identities; see Article 7 of the Framework Convention on National Minorities (FCNM) at <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>; see Article 2 of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, which states: “[...persons belonging to minorities have the right to establish and maintain their own associations...]”.

<sup>60</sup> The Governor of Gagauzia informed the OSCE/ODIHR EOM that if no special measures (such as a lower threshold or a separate Gagauz constituency) are introduced, he would call upon the Peoples’ assembly to boycott the next parliamentary elections.

candidates' ethnicity to allow for minority-related analysis. A limited number of minority candidates were on the lists, but were mostly positioned low on the lists.

*Political parties could consider ways to identify minority representatives, particularly women, through dialogue with local communities. Political parties could promote nominations from national minorities on winnable positions on candidate lists and encourage their participation in party structures.*

Roma representatives have expressed concerns to the OSCE/ODIHR EOM that their community is continuously underrepresented in elected bodies. They reported that there were no Roma representatives as candidates.<sup>61</sup>

*Efforts should be made to promote better political representation of the Roma at all levels, including through voter education programmes specifically targeting the Roma community.*

## **XII. CITIZEN AND INTERNATIONAL OBSERVERS**

The Election Code provides for observation by international and citizen organizations, as well as representatives of contestants. The CEC accredited 3,192 citizen observers from 24 organizations and 816 international observers from 57 entities. *Promo-LEX* conducted a large-scale observation effort, with long and short-term observers, and parallel vote tabulation. It also issued a final election observation report, which includes a number of recommendations for electoral improvements.

## **XIII. COMPLAINTS AND APPEALS**

A voter or contestant can file a complaint about action, inaction and decisions of election commissions, contestants, and media. A complaint must be first considered by a higher electoral body, before being filed to the court, except for complaints related to the exercise of the right to vote or those lodged with PEBs on election day. All complaints must be filed within three days of the date of action, inaction or decision. A complaint against a PEB/DEC must be resolved by a higher electoral body within three days. Complaints against electoral contestants must be resolved within five days. Complaints against CEC decisions are filed with the Chisinau Court of Appeal and must be resolved within five days. All complaints must be decided before election day.

The CEC initially reported having considered 59 complaints, as of a week after elections.<sup>62</sup> All of the complaints alleged Election Code violations, and were filed by the contestants against other contestants. The CEC considered the majority of these, and overall took decisions in an open manner and following procedures. The remaining complaints were transferred to competent authorities generally in a timely manner.<sup>63</sup> The Election Code foresees only two possible sanctions available to the CEC - a warning (which in practice provides limited deterring effect) and a request for deregistration as a contestant. The latter extreme measure is applicable for campaign finance violations.

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<sup>61</sup> The OSCE Ministerial Council Decision 6/08, paragraph 7 encourages the “participating States to reinforce their efforts to promote effective participation by Roma and Sinti in public and political life”.

<sup>62</sup> Two weeks after elections the CEC website displayed 77 complaints.

<sup>63</sup> Short delays of up to two days were noted in at least seven instances. CEC also considered complaints on election day, among which three alleged none declaration or overspending of funds by one contestant.

The CEC maintains a registry of all communications received, including complaints and subsequent decisions, but the law does not require their publication. Decisions on complaints between contestants were posted online. However, the OSCE/ODIHR EOM was informed by the CEC that it reviewed complaints from voters or against election commissions not under the Election Code but pursuant to the Law on Petitions, which has much longer review deadlines, ranging from 15 days to 3 months. In some cases complaints were dealt with informally by the CEC via advice or requests for amicable resolution, contrary to the Election Code. The CEC did not publish information on complaints other than those from contestants. The OSCE/ODIHR EOM received copies of several complaints that were filed against actions of DEC's, but which were not dealt with by the CEC. This practice left non-contestant complaints without effective remedy, contrary to international obligations and paragraph 5.10 of the 1990 OSCE Copenhagen Document.<sup>64</sup>

*To ensure effective remedy, election commissions should consider and formally address all complaints in a timely manner. All complaints and appeals to the CEC, including those against action or inaction by election bodies, should be reviewed in compliance with the Election Code and considered as per the procedures established in CEC regulations.*

During the election period, the Chisinau Court of Appeal upheld 2 out of 18 appeals against CEC decisions, in open hearings. Sixteen judgments were appealed to the Supreme Court, which upheld thirteen of them.

The Supreme Court is the last instance for appeals, but does not review the facts of the cases as it only considers their legal basis. The Court's sessions are no longer public and none of the cases reviewed were heard in an open hearing, including when the Supreme Court was the first appeal instance. The lack of public hearings is not contributing to the overall confidence and public trust in an electoral process.<sup>65</sup> The Supreme Court has the prerogative to issue advisory decisions with interpretations of election legislation for the lower-level courts. Irrespective of the number of recent changes to the Election Code and the remaining legal ambiguities, last such decision was issued in 2010.

The Constitutional Court is not an appeal instance and does not review individual complaints; however, within its mandate it decided on several relevant cases during the election period. In April, it upheld the constitutionality of the Election Code amendments, which prohibited the use of ex-Soviet passports for voter identification. In November, the Court ruled as inadmissible complaints challenging the constitutionality of government's decisions on the allocation of polling stations.

The Constitutional Court is vested with authority to validate election results, but not before courts have made final rulings on complaints according to the legal procedures. There were no known cases pending in other courts after election day. The Election Code does not foresee post-election complaints deadlines, and the CEC does not accept any post-election complaints from contestants, being of the opinion that such complaints should be directed to the Constitutional Court.

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<sup>64</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen provides that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental human rights and ensure legal integrity." Also, see section II.3.3b of the 2002 Venice Commission Code of Good Electoral Practice which recommends that "procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals." See also Article 2 of the International Covenant on Civil and Political Rights (ICCPR) and Article 13 of the European Convention on Human Rights.

<sup>65</sup> Paragraph 12 of the 1990 OSCE Copenhagen Document provides that "proceedings may only be held in camera in the circumstances prescribed by law and consistent with obligations under international law and international commitments." Also, see paragraph 6 of the 1984 UNHRC General Comment No. 13 on Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "the publicity of hearings is an important safeguard in the interest of the individual and of society at large."

On 9 December, the Constitutional Court announced its decision to validate the legality of the elections, after hearing oral arguments from five contestants.<sup>66</sup> The Court decided that it has no competence to review merits of these complaints and that there were no violations of the Election Code that would affect the results. The lack of a clear definition of competences resulted in neither the CEC nor the Constitutional Court looking into the merits of post-election complaints and thus depriving the complainants of legal remedy.

*The Election Code should clearly set out the competences and procedures and provide the deadlines for decisions on post-election complaints, while ensuring that they do not delay the certification and the announcement of final results.*

During the campaign period the electoral dispute resolution mechanism was used robustly by contestants, but usually with the CEC and courts in Chisinau serving as adjudication bodies. The OSCE/ODIHR EOM was informed that very few complaints were filed with regional courts and noted that these courts had a varied understanding of their role in the election-related complaints process. The CEC's Continuing Education Center provided election training to judges but this outreach appeared to be limited.

Two key cases influenced the campaign and raised concerns over the perceived selective use of the justice system, the effect the decisions had on the choice available to voters, and the lack of effective legal remedies for the affected contestants.

One contestant, PP, was deregistered on the day before elections. On 26 November, the CEC, in an extraordinary session, issued a decision requesting the Chisinau Court of Appeal to deregister PP based on evidence submitted by the police showing that undeclared and foreign funds were used by PP for its campaign.<sup>67</sup> On 27 November, this request was heard and approved in an open hearing by the Chisinau Court of Appeal. On 29 November, the Supreme Court upheld this decision. Following the elections, PP representatives alleged selective prosecution of their activists, including home searches and criminal prosecutions. On 4 December, one PP member was arrested on charges of making death threats on social media against a member of the Prosecutor General's Office.

The second case related to the registration by the MoJ of the Communist Reformist Party (PCR) on 29 June, which the PCR has challenged on the grounds of the PCR using similar logos and brands. On 13 October, the PCR also appealed the CEC decision to register the PCR as an electoral contestant. This decision was upheld by the Chisinau Court of Appeal on 4 November and in a final instance by the Supreme Court on 13 November.

However, also on 4 November, the Court of Appeal issued a decision requiring the MoJ to suspend the registration of the PCR as a party. The MoJ did not enact this decision, but on 12 November requested the Court to provide clarification and reasoning for the decision. On 13 November, the Court responded that the request for clarification was unfounded and that its decision could be appealed to the Supreme Court within 15 days. On 27 November, the MoJ availed itself of this possibility and filed an appeal to the Supreme Court. Since this appeal was referring only to the Court of Appeal decision on a civil matter, the electoral deadlines did not apply and the appeal could be

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<sup>66</sup> These complaints alleged unequal treatment of voters abroad, unequal treatment of voters with ex-Soviet passports versus those with expired IDs, unconstitutionality of seat allocation, breaches of the Election Code, high number of invalid ballots, failure to prohibit alleged practice of hidden electoral blocs, non-respect of a judicial decision by the MoJ and selective application of the law, and illegal deregistration of a contestant.

<sup>67</sup> This session took place just an hour after an ordinary CEC session approved the regular financial reports of most electoral contestants, including that of PP.

decided within standard civil procedure time limits. The Supreme Court reviewed this appeal 45 days after the election and upheld the decision of the Court of Appeal.

The MoJ's rebuttal of the 4 November Court of Appeal's decision was quoted as one of the grounds for the CEC not to review the registration of the PCR as an electoral contestant. The ambiguity over the PCR's status created uncertainty as to whether the PCR would be included on the ballot.

*The election dispute resolution should be evaluated and improved in order to provide complainants with effective and timely remedy. Decisions related to the registration of parties and contestants should be taken prior to the start of campaign period.*

Additionally, following a decision on a PDM complaint against the Anti-Mafia People's Movement, the CEC prohibited contestants from holding campaign assemblies simultaneously at the same place and time. The CEC decision was overruled by the Chisinau Court of Appeal as being outside of its competence, but was upheld by the Supreme Court. This blanket restriction on simultaneous activities may be considered disproportionate.<sup>68</sup>

#### **XIV. ELECTION DAY**

Election day generally proceeded in an orderly manner, but considerable technical deficiencies were noted throughout voting and counting processes related to the functioning of the electronic processing of voters' data. Contestant and citizen group observers were present in almost all polling stations and tabulation centres.

The CEC introduced measures to ensure the integrity of the electoral process and the security of voters travelling from Transdnistria who could vote on supplementary voter lists in 26 polling stations. No major security issues were reported in these polling stations.

##### **A. OPENING AND VOTING**

Most polling stations opened on time and procedures were largely followed. Upon opening, the SAISE was operational in 95 per cent of precincts observed. However, later that morning, the system stopped functioning. According to the CEC, its server network went down due to an overload of requests from PEBs. The SAISE did not function during 59 per cent of the visits by the observers. As a result of this significant technical problem, voters' data was initially processed manually by PEBs, and then subsequently added to the electronic system. In the early afternoon, the CEC reported that SAISE functioning was restored, but observers noted that processing of voters remained at times slow.

*The voter data processing system at the PEB level could benefit from an off-line functionality test, which could ensure that already processed voters are entered into the central database immediately after the system is restored in case of malfunction.*

In a positive overall assessment of voting, the process was noted as good or very good in 96 per cent of observations. At the same time, 18 per cent of polling stations observed were overcrowded, which was mostly caused by the SAISE malfunctions, and the inadequate size and/or layout of polling stations. In over seven per cent of cases, observers noted an insufficient number of ballot boxes, and four per cent of ballot boxes were not properly sealed. Despite some previous efforts of election and

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<sup>68</sup> See paragraphs 122-124 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Freedom of Peaceful Assembly, Second Edition at <http://www.osce.org/odihr/73405>.



local administrations, 63 per cent of polling stations observed were not accessible to disabled voters. Observers reported having no clear view of voting procedures in six per cent of polling stations.

*Further attention needs to be paid to the allocation of adequate premises for voting, including for voters with disabilities, and to the distribution of sufficient amounts of election materials, including ballot boxes. Training of election officials should emphasize the importance of an adequate layout of polling stations.*

## **B. COUNTING AND TABULATION**

Despite explicit training provided to the PEBs on counting procedures, some PEBs were not following the stipulated order of procedures, which in most cases led to difficulties with the reconciliation of the results and completion of result protocols. The overall assessment of counting was less positive, with nine per cent of observed polling stations assessed as bad or very bad, mainly caused by PEB members lacking knowledge of procedures and/or their correct implementation. PEBs with problems in reconciling results in counting protocols were reported in more than 16 per cent of observations and over 20 per cent had difficulties entering the results into the SAISE.

Despite some restrictions experienced during counting, observers assessed the transparency of counts positively in 92 per cent of polling stations observed. However, results protocols were not posted for public scrutiny in more than 40 per cent of polling stations observed.

*The CEC could consider undertaking an audit of its training programme with a view to identifying ways of further improving training on counting procedures and the completion of result protocols.*

Due to multiple cases of SAISE malfunction, including during counting at PEB level, a number of DECAs had to execute the tabulation procedures manually, including entering the protocols of the PEB results into the system. Some DECAs appeared not to be fully ready for such a contingency scenario. The tabulation process was not well organized in 10 DECAs and was negatively assessed in almost 18 per cent of observations, mainly due to materials not being properly packed by PEBs, mistakes in PEB protocols, overcrowding and presence of unauthorized persons. According to observers, 15 DECAs deviated from the tabulation procedures, and one DEC closed down at 02:00 and resumed its work later in the morning. DECAs 1 and 25 had set up their premises in a way which limited transparency and negatively affected the orderly conduct of the tabulation process.

*The framework for the use of the SAISE could be further enhanced by the development of contingency plans in case of malfunction, including for the tabulation of results. Such plans should not only ensure the implementation of respective procedures, but also transparency of the process.*

## **C. PUBLICATION OF RESULTS**

The CEC announced preliminary results on 1 December at 11:00, with 83 per cent of PEB protocols having been entered into the SAISE. The PEB result protocols were published on the CEC website as they were entered into the SAISE. The preliminary turnout announced on 1 December was 55.86 per cent.

On 5 December, the CEC approved its Protocol on Election Results and submitted it to the Constitutional Court. On 9 December, the Constitutional Court validated the results. Final turnout was reported at 57.28 per cent (of which 53.46 per cent represented votes from women and 46.54 per cent

votes from men).<sup>69</sup> The number of invalid votes was 3.18 per cent, compared to 0.7 per cent during the 2010 parliamentary elections. The CEC offered two possible reasons for the increase: PP supporters invalidating their ballots and PEB's poor understanding of result protocol reconciliation procedures in relation to invalid and unused ballots.

## **XV. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Republic of Moldova and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations, in particular from the 2010 and 2011 Reports that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of Moldova to further improve the electoral process and to address the recommendations contained in this and previous reports.<sup>70</sup>

### **A. PRIORITY RECOMMENDATIONS**

1. The legal framework could benefit from a comprehensive review to eliminate inconsistencies and ambiguities, as well as the contradictions between the Election Code and other laws. Legislative reforms should be undertaken well in advance of elections, through open and inclusive consultations with all election stakeholders. These should be addressed in a context of broader issues such as rule of law and public confidence in the judicial system.
2. Consideration could be given to designating an independent body with means and resources to oversee campaign finance and to impose sanctions in cases of violations. Should this body remain to be the CEC, it should be vested with full oversight authority and responsibilities and should exercise them more determinedly. The reporting obligations should be made more detailed. Verification, oversight and enforcement mechanisms should be strengthened in line with previous OSCE/ODIHR and GRECO recommendations.
3. As a permanent body responsible for the overall conduct of elections, the CEC could anticipate and address more effectively the ambiguities or gaps in the law, as early as possible in the electoral process.
4. The SRV would benefit from a more comprehensive regulatory framework, which, among others, needs to include clear mechanisms of data exchange between the SRV and relevant state registries, particularly the Civil Registry and the Population Registry, and to provide for the possibility of public scrutiny of the system. The establishment of a national address register to support civil status and residency registration would contribute to increased accuracy of source data used for voter registration.
5. The Audio-Visual Code could be amended to increase ownership transparency and to limit ownership concentration.

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<sup>69</sup> According to the CEC, this increase in turnout figures by almost two per cent resulted from the deletion of duplicate voter records from the SRV, most of which appeared due to voters entered in the supplementary lists abroad, while they were included in the voter list at their place of residence in-country.

<sup>70</sup> According to the paragraph 24 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

6. Political parties could consider ways to identify minority representatives, particularly women, through dialogue with local communities. Political parties could promote nominations from national minorities on winnable positions on candidate lists and encourage their participation in party structures.
7. To ensure effective remedy, election commissions should consider and formally address all complaints in a timely manner. All complaints and appeals to the CEC, including those against action or inaction by election bodies, should be reviewed in compliance with the Election Code and considered as per the procedures established in CEC regulations.

## **B. OTHER RECOMMENDATIONS**

### **Legal Framework**

8. The legal framework should be amended with an aim to ensure the right to vote is fully protected in accordance with OSCE commitments and international obligations. Legal provisions that suspend legal capacity and grant guardianship should be reviewed. Limitations on the right to stand for office, including for military personnel, should be minimal.
9. Support signatures and registration requirements for independent candidates could be reviewed with a view to ensuring that such candidates have realistic opportunities of competing on a par with other contestants.

### **Election Administration**

10. As previously recommended, decisions on the locations for polling stations abroad should be taken transparently and based on clear and consistent criteria, which may include the number of citizens eligible to vote in a given country and/or location.

### **Voter Registration**

11. The reliability and the transparency of the SRV could be enhanced by the conduct of timely, full-scale testing before election day, post-election audits and introduction of provisions for observer access. Computer operators for the SRV should be trained well in advance of the next elections.
12. Legal contradictions between the Election Code and the Law on Personal Data Protection with regard to public display of voters' personal data in voter lists should be resolved. Until then, the CEC should ensure uniform implementation of procedures for public scrutiny of voter lists.
13. In line with good practice, consideration should be given to limiting the possibility for voters to register on election day to avoid the possibility of multiple registrations.

### **Candidate Registration**

14. In line with international obligations and practices aimed at promoting gender equality, greater efforts to include women on candidate lists, including in winnable positions, should be made by political parties.

15. A clear and detailed procedure for the collection, verification and validation of support signatures should be provided by law, ensuring consistency and legal certainty of the process. The prohibition for voters to sign in support of more than one candidate should be removed.

## **Campaign**

16. As previously recommended, the campaign period should begin on the same day for all electoral contestants to ensure a level playing field during the election campaign.
17. Consideration should be given to reducing the flexibility in adjusting party lists close to election day with a view to eliminating the possibilities for circumvention of provisions, thus preventing misuse of public office, providing voters with consistent candidate information and enabling them to make an informed choice.

## **Campaign Finance**

18. Authorities are encouraged to resume the consideration of pending amendments to campaign finance provisions with a view to completing the legislative reforms and improving the regulatory framework for campaign finance.
19. The criteria for establishing campaign spending limits need to be clearly defined. To account for inflation, limits could be based on a form of indexation rather than absolute amounts.
20. To further enhance transparency, consideration could be given to introduce appropriate oversight mechanisms, which would allow the overseeing institution full and unimpeded access to all information regarding contestants' campaign-related resources.

## **Media**

21. The obligations placed on nationwide private broadcasters to provide free airtime and to organize debates could be revisited. Consideration could be given as to whether such obligations meet the intended aim and whether, in light of freedom of expression and editorial independence, a broadcaster should not decide on the format of its own election-related programmes.
22. To enhance a genuine public service mandate, including capacity for investigative and analytical reporting, more comprehensive steps should be taken to strengthen the financial and editorial independence of public broadcasters. Such steps could include the reduction of dependency on the state budget and more independent decision-making processes.
23. To promote genuinely diverse coverage, journalist associations, press councils, non-governmental organizations and media outlets could be encouraged to adopt self-regulatory measures for impartial news reporting and journalistic ethics and responsibilities.
24. The CCA should exercise its duties in an adequate and effective manner in order to enforce appropriate implementation of the legislation. As previously recommended, the independence and the mandate of the CCA could be further strengthened to limit possibilities for political or other influence on its decision-making. Its membership should be diverse, including, in addition to nominees from political parties also media professionals, civil society or judicial bodies.

25. The Audio-Visual Code should be amended to enable a more appropriate and effective sanction mechanism, based on principles of proportionality and gravity of the violation with an aim to take more adequate and effective action.

### **Participation of National Minorities**

26. Authorities could consider, upon consultation with national minority groups, the introduction of special mechanisms that would encourage greater participation and representation of minorities in public and political life.
27. Efforts should be made to promote better political representation of the Roma at all levels, including through voter education programmes specifically targeting the Roma community.

### **Complaints and appeals**

28. The Election Code should clearly set out the competences and procedures and provide the deadlines for decisions on post-election complaints, while ensuring that they do not delay the certification and the announcement of final results.
29. The election dispute resolution should be evaluated and improved in order to provide complainants with effective and timely remedy. Decisions related to the registration of parties and contestants should be taken prior to the start of campaign period.

### **Election Day**

30. The voter data processing system at the PEB level could benefit from an off-line functionality test, which could ensure that already processed voters are entered into the central database immediately after the system is restored in case of malfunction.
31. Further attention needs to be paid to the allocation of adequate premises for voting, including for voters with disabilities, and to the distribution of sufficient amounts of election materials, including ballot boxes. Training of election officials should emphasize the importance of an adequate layout of polling stations.
32. The CEC could consider undertaking an audit of its training programme with a view to identifying ways of further improving training on counting procedures and the completion of result protocols.
33. The framework for the use of the SAISE could be further enhanced by the development of contingency plans in case of malfunction, including for the tabulation of results. Such plans should not only ensure the implementation of respective procedures, but also transparency of the process.

**ANNEX I: FINAL RESULTS<sup>71</sup>**

	Protocol	Number	Percentage	Mandates
a)	Number of voters included in the basic voters lists	2,800,827		
b)	Number of voters included in the supplementary lists	155,443		
c)	Number of voters who received ballots	1,649,489		
d)	Number of voters who participated in the voting process	1,649,402		
e)	Difference between the number of ballots received by voters and the number of voters who participated in the voting process	87		
f)	Number of ballots declared invalid	50,884		
g)	Number of expressed votes for every contender:			
	<b>Democratic Party of Moldova</b>	252,489	<b>15,80</b>	<b>19</b>
	Christian Democrat People's Party	11,782	0,74	
	Political Party "People's Force Party"	11,665	0,73	
	<b>Liberal Democratic Party of Moldova</b>	322,201	<b>20,16</b>	<b>23</b>
	Liberal Reformist Party	24,956	1,56	
	Political Party "Communist Reformist Party of Moldova"	78,716	4,92	
	Political Party Anti-Mafia Popular Movement	27,846	1,74	
	National Liberal Party	6,858	0,43	
	<b>Political Party "Party of Socialists of the Republic of Moldova"</b>	327,912	<b>20,51</b>	<b>25</b>
	"Moldova's Choice - Customs Union" Electoral Bloc	55,089	3,45	
	Political Party "Democracy at Home"	2,449	0,15	
	Political Party People's Party of the Republic of Moldova	12 110	0,76	
	<b>Party of Communists of the Republic of Moldova</b>	279,366	<b>17,48</b>	<b>21</b>
	<b>Liberal Party</b>	154,518	<b>9,67</b>	<b>13</b>
	Political Party "Rebirth" Party	4,158	0,26	
	Democratic Action Party	2,564	0,016	
	Political Party Ecologist Green Party	1 360	0,09	
	Oleg Cernei, independent candidate	2,781	0,17	
	Oleg Brega, independent candidate	14,085	0,88	
	Political Party "Moldova's Patriots"	1,498	0,09	
	Valeriu Plesca, independent candidate	991	0,06	
	Anatolie Doga, independent candidate	794	0,05	
	Political Party "Centrist Union of Moldova"	633	0,04	
	Political Party "For the People and the Country"	1,697	0,11	
h)	Total number of expressed valid votes	1,598,518	100	<b>101</b>
i)	Number of ballots printed	3,116,676		
j)	Number of unused and annulled ballots (including ballots completed wrong and annulled)	1,467,187		

<sup>71</sup> According to CEC Decisions 3,105 and 3,106 from 5 December 2014, available at: <http://cec.md/index.php?pag=news&id=1001&rid=12477&l=ro> and <http://cec.md/index.php?pag=news&id=1001&rid=12478&l=ro>.

## ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

### Short-Term Observers

#### OSCE Parliamentary Assembly

Arta	DADE	Albania	Head of Delegation
Emin	ONEN	Turkey	Special Co-ordinator
Blendi	KLOSI	Albania	MP
Hubert	FUCHS	Austria	MP
Dzhevdet	CHAKAROV	Bulgaria	MP
Atanas	MERDJANOV	Bulgaria	MP
Luchezar	IVANOV	Bulgaria	MP
Ghislain	MALTAIS	Canada	MP
Peter	STOFFER	Canada	MP
Harold Glenn	ALBRECHT	Canada	MP
Romana	JERKOVIC	Croatia	MP
Jan	HORNIK	Czech Republic	MP
Vaino	LINDE	Estonia	MP
Jaanus	TAMKIVI	Estonia	MP
Michel	VOISIN	France	MP
Jean-Paul	DUPRE	France	MP
Thomas	STRITZL	Germany	MP
Jurgen	KLIMKE	Germany	MP
Egon	JUTTNER	Germany	MP
Zoi	MAKRI	Greece	MP
Panagiotis	RIGAS	Greece	MP
Terens Spencer	QUICK	Greece	MP
Georgios	VAREMENOS	Greece	MP
Zsolt	CSENGER-ZALAN	Hungary	MP
Eric	BYRNE	Ireland	MP
Sergio	DIVINA	Italy	MP
Marietta	TIDEI	Italy	MP
Federico	FAUTTILLI	Italy	MP
Tomasz	GARBOWSKI	Poland	MP
Lukasz	KRUPA	Poland	MP
Henryk	SMOLARZ	Poland	MP
Barbara	BARTUS	Poland	MP
Paulo Miguel	SANTOS	Portugal	MP
Doina	SILISTRU	Romania	MP
Iulian Radu	SURUGIU	Romania	MP
Liudmila	KOZLOVA	Russian Federation	MP
Oganes	OGANYAN	Russian Federation	MP
Olga	ALIMOVA	Russian Federation	MP
Vesna	VERVEGA	Slovenia	MP
Klavdija	MARKEZ	Slovenia	MP
Enrique	CASTALLANA	Spain	MP
Isabel	POZUELO	Spain	MP
Margareta Elisabeth	CEDERFELT	Sweden	MP

Asa	COENRAADS	Sweden	MP
Kent	HARSTEDT	Sweden	MP
Katarina	KOHLER	Sweden	MP
Christian	HOLM	Sweden	MP
Margareta	KIENER NELLEN	Switzerland	MP
Andreas	BAKER	Denmark	OSCE PA International Secretariat
Astrid	LOURY	France	OSCE PA International Secretariat
Iryna	SABASHUK	Ukraine	OSCE PA International Secretariat
Arben	LOKA	Albania	Staff of Delegation
Milovan	PETKOVIC	Croatia	Staff of Delegation
Anne-Cecile	BLAUWBLOMME- DELCROIX	France	Staff of Delegation
Georgios	CHAMPOURIS	Greece	Staff of Delegation
Antonella	USIELLO	Italy	Staff of Delegation
Igors	AIZSTRAUTS	Latvia	Staff of Delegation
Anca	CONSTANTIN	Romania	Staff of Delegation
Andrei-Gabriel	POPA	Romania	Staff of Delegation
Sergey	KARSEKA	Russian Federation	Staff of Delegation
Petr	TSVETOV	Russian Federation	Staff of Delegation
Cenk	ILERI	Turkey	Staff of Delegation
Shelly	HAN	United States	US Helsinki Commission Staff

#### Parliamentary Assembly of the Council of Europe

Jean-Claude	MIGNON	France	Head of Delegation
Stefan	SCHENNACH	Austria	MP
Anne-Mari	VIROLAINEN	Finland	MP
Thierry	MARIANI	France	MP
David	BAKRADZE	Georgia	MP
Bernd	FABRITIUS	Germany	MP
Maria	GIANNAKAKI	Greece	MP
Luis Alberto	ORELLANA	Italy	MP
Paolo	CORSINI	Italy	MP
Emanuelis	ZINGERIS	Lithuania	MP
Marcel	OBERWEIS	Luxembourg	MP
Predrag	SEKULIC	Montenegro	MP
Ingebjorg	GODSKESEN	Norway	MP
Lise	CHRISTOFFERSEN	Norway	MP
Piotr	WACH	Poland	MP
Florin	IORDACHE	Romania	MP
Corneliu-Mugurel	COZMANCIUC	Romania	MP
Ionut-Marian	STROE	Romania	MP
Luc	RECORDON	Switzerland	MP
Andreas	GROSS	Switzerland	MP
Hans	FRANKEN	The Netherlands	MP
Reha	DENEMEC	Turkey	MP
Nazmi	GUR	Turkey	MP
Volodymyr	ARIEV	Ukraine	MP
Manuel	GONZALEZ OROPEZA	Mexico	Venice Commission
Alberto	GUEVARA CASTRO	Mexico	Venice Commission
Amaya	UBEDA DE TORRES	Spain	Venice Commission



Chemavon	CHAHBAZIAN	Armenia	Staff of Delegation
Gregoire	DEVICTOR	France	Staff of Delegation
Daniele	GASTL	France	Staff of Delegation
Anne	GODFREY	United Kingdom	Staff of Delegation

**European Parliament**

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## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).