



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Moldova, Early Parliamentary Elections, 11 July 2021

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 11 July early parliamentary elections were well administered, competitive and fundamental freedoms were largely respected. While lower-level commissions enjoyed trust, key decisions of the Central Election Commission brought into question its impartiality. Candidates had ample opportunities to campaign and voters were provided a wide range of alternatives. The lack of effective campaign finance oversight left potential breaches unaddressed. Numerous televised debates allowed voters to be informed of contestants' policies, but the majority of monitored news outlets displayed bias. The legal framework does not adequately regulate electoral dispute resolution, and the handling of electoral complaints further highlighted the importance of strengthening judicial independence. Election day was calm, transparent and the process was assessed overwhelmingly positively despite isolated cases of overcrowding and non-adherence to procedures.

The legal framework is generally conducive for the conduct of democratic elections. The parliament's 101 members were elected under a proportional representation system, which was reintroduced more than one year prior to its application and following an inclusive consultation process, in line with international good practice. Some key aspects of the electoral framework were also revised, including the lowering of thresholds for parties and blocs and strengthening the gender quota for candidate lists by introducing a placement requirement, in line with previous ODIHR and the Venice Commission recommendations. While some previous ODIHR and Venice Commission's recommendations were addressed in recent amendments, further improvements are needed in particular to the legal framework on the complaints and appeals process and campaign finance oversight.

The technical preparations for these early elections were managed efficiently, respecting the legal deadlines. Despite the concern that the budget requested by the Central Election Commission (CEC) for these elections was only partly granted by the government, this did not appear to affect the overall operation of the election administration. The election administration enjoyed trust of the election stakeholders in their technical abilities. Decisions regarding the number of polling stations to be established abroad and for voters residing in localities on the left bank of the Nistru river (Transnistria) as well as the issue of voter transportation raised questions about impartiality of the CEC. In deciding on these matters, CEC members appeared to follow partisan lines, diminishing the neutrality and collegiality of the commission. The CEC's inclusive registration of local and international observers enhanced the transparency of the electoral process.

The centralized voter register is maintained and updated by the CEC, based on data extracted from the state population register. Citizens over the age of 18 are eligible to vote. The deprivation of right to vote by a court decision for those with mental disabilities is inconsistent with international standards. The legal framework ensures the transparency and accessibility of voter lists, and voters had sufficient opportunity to request corrections of their details and submit complaints on inaccuracies in the lists. While the majority of interlocutors were content with the transparency and accuracy of the voter register, the long-standing problem of deceased people on the voter lists remained.

Citizens could stand as candidates on party/bloc lists as well as independently. In an inclusive process, the CEC registered candidate lists of 20 parties and two blocs, and one independent candidate. Seven

new parties have been formed since the 2019 elections, five of which contested the elections for the first time. All registered lists complied with the legal gender quota for 40 per cent of each gender and placement requirements. Some 47 per cent of the 1,791 candidates registered are women. Eight parties nominated more women than men, although only four party lists were led by women. Candidates from national minorities were included in the electoral lists of some parties and blocs, and led at least two party lists. The wide field of contestants provided voters with a broad range of political alternatives.

Contestants were able to campaign effectively and fundamental freedoms were largely respected. In a deeply polarized environment the main campaign themes included economy and regional development, tackling corruption, social and welfare provisions, and judicial reform. Controversies over CEC decisions on the number and location of polling stations abroad and for voters from Transnistria became part of the campaign discourse. Issues pertinent to national minorities, such as language policy, were not high on the agenda of the larger parties. Concerns about vote-buying and the use of economic incentives by some parties to create political loyalty impacted public confidence in the integrity of elections. Although not election campaigning as defined by the law, President Sandu was highly visible.

Campaign finance regulations provide for transparency of campaign contributions and expenditures, but their lax enforcement and inadequate investigation of potential breaches undermined the aims of the regulatory framework. The CEC is responsible for campaign finance oversight, but in practice this activity is limited. Campaign donation limits and bans on certain funding sources contribute to a more level playing field; however, persistent concerns about prohibited third-party donations and foreign funding were raised, including by the CEC. While the legal framework has been strengthened in recent years, more is needed to enhance campaign finance oversight to ensure greater transparency and accountability.

A high number of broadcast and online media outlets operate in a limited advertising market. The party affiliation of major media outlets reduces political pluralism, influences the agenda of public discourse, and weakens the watchdog function of media. Numerous debates on nationwide broadcasters provided opportunity for all parties to present policies and offered voters information on the contestants. However, the Audiovisual Council did not adequately enforce provisions on impartial coverage during the campaign. The ODIHR EOM monitoring showed that two of the monitored TV stations, including the Public National Broadcaster, provided rather balanced coverage of the campaign in its news programmes while three others displayed bias in favour or against certain contestants.

Before election day, the CEC received some 20 complaints; 23 appeals were lodged with the courts against 14 CEC decisions. Expedited timelines for the handling of complaints and appeals are in line with international good practice and the handling of election disputes by the Chisinau Court of Appeal was transparent. However, an overly formalistic approach resulted in many cases being denied admissibility. Changes to some key judicial appointments during the election period further challenged the constitutional guarantee of judicial independence. The manner in which the CEC and courts applied and interpreted the laws led, at times, to unsound and conflicting decisions, raising questions about the political neutrality of the courts and undermining the effective resolution of election disputes, contrary to OSCE commitments and other international standards.

Election day was calm and orderly and managed in a transparent manner. The opening, and voting processes in polling stations observed were assessed overwhelmingly positively and procedures were largely followed. In some instances, ballot secrecy was compromised due to overcrowding and the inadequate layout of polling stations. Unfortunately, only a third of polling stations visited were accessible for the independent participation of persons with disabilities. Several instances of transportation of voters to polling stations were noted by the IEOM observers and a few voters were seen taking photos of their marked ballot papers, which could be indicative of attempts at undue influence on voters. The CEC reported turnout information in real time and started posting preliminary results one

hour after the closing of the polls, which enhanced transparency. Preliminary turnout was reported at 48.4 per cent. While the overall conduct of counting was assessed positively by the IEOM, in some instances the election officials omitted important procedural steps. The tabulation process was assessed as orderly despite some inadequate premises that posed a challenge for the commissions' work and for observation.

PRELIMINARY FINDINGS

Background

Following the February 2019 parliamentary elections, the parliament was comprised of the Party of Socialists of Moldova (PSRM), the ACUM ("Now") bloc (comprised of the alliance of the Action and Solidarity Party (PAS) and the Party Platform Dignity and Truth (PPDA)), the Democratic Party of Moldova (PDM), and the Şor Party.¹ The new parliament had difficulty establishing the majority necessary to secure a vote of confidence in a new government.

Ms. Maia Sandu was elected President in the second round of the November 2020 election, defeating then incumbent President Igor Dodon. Before and after her election, Ms. Sandu repeatedly stated that she would seek early parliamentary elections as soon as possible. Prime Minister Chicu resigned in December 2020.²

According to the Constitution, the president nominates a prime minister after consultations with parliamentary factions. The president may dissolve parliament if it declines to approve a new government at least twice. In a process that was controversial and involved multiple challenges to the Constitutional Court, President Sandu's two nominees for prime minister were not approved by the parliamentary majority.³

On 31 March 2021 parliament declared a state of emergency citing the pandemic situation. It also voted to rescind the parliament's August 2019 appointment of the Constitutional Court judge and current President and appoint her replacement, both votes were subsequently ruled unconstitutional. On 15 April, the Constitutional Court ruled that the President was entitled to dissolve parliament. On 28 April, the Constitutional Court annulled the state of emergency, which had prevented the dissolution of parliament. President Sandu then dissolved parliament and called for early elections on 11 July.

Electoral System and Legal Framework

The legal framework is generally conducive for the conduct of democratic elections. It is comprised of the 1994 Constitution, 1997 Election Code (most recently amended in July 2020), and other relevant legislation, supplemented by CEC regulations and decisions.⁴ In August 2019, the parliamentary electoral system was changed from a mixed system that had been introduced for the 2019 parliamentary elections back to a fully proportional one. The return to a fully proportional system addressed concerns previously raised by ODIHR and the Venice Commission with respect to the use of a mixed system in the Moldovan

¹ The PSRM won 35 seats; PDM (30); ACUM (26; 15 to PAS and 11 to PPDA), Şor Party (7), and 3 independents. By the dissolution of parliament, 18 MPs left the PDM parliamentary faction, with seven MPs setting up a new party, Pro-Moldova; seven forming a parliamentary faction 'Pentru (For) Moldova', two joining the Şor faction and two sitting as unaffiliated MPs.

² The current interim government is led by Aureliu Ciocoi, Minister of Foreign Affairs and European Integration.

³ The President consulted with parliamentary parties and nominated two candidates who did not get the support of the parliamentary majority.

⁴ Other applicable laws include the 2007 Law on Political Parties, 2008 Law on Assemblies, 2018 Audiovisual Media Services Code, 2002 Criminal Code, 2008 Code on Administrative Offences, and 2018 Administrative Code. Some 30 CEC regulations cover a broad range of matters under CEC jurisdiction.

context.⁵ The system was changed more than one year prior to its applicability following an inclusive consultation process, in line with international good practice.⁶ At the same time, frequent changes of the key elements of the electoral system undermine the stability of the electoral legal framework and process, a core feature of democratic systems.⁷

The parliament's 101 members (MPs) are elected for four-year terms by proportional representation from closed candidate lists or as independents. At the same time that the electoral system reverted, key aspects of the system were also revised, including the lowering of thresholds for parties and blocs to 5 and 7 per cent of valid votes cast, respectively, in line with a previous ODIHR recommendation.⁸ The threshold for independents to win a seat is 2 per cent of valid votes cast. The overall 40 per cent gender quota for candidate lists, first applied in the 2019 parliamentary elections, was strengthened by introducing a placement requirement that at least 4 out of every 10 candidates on the lists must be of the same gender, which also addressed a previous ODIHR recommendation. A minimum turnout requirement of one-third of registered voters was also re-introduced.⁹

Other significant amendments since the last parliamentary elections, mainly adopted in August 2019, include the repeal of a ban on donations from foreign incomes of Moldovan citizens, the lowering of donation limits for individuals and legal entities, the establishment of a campaign fund limit (see *Campaign Finance* Section), and the re-introduction of a campaign silence period. Some of these changes addressed previous ODIHR and the Venice Commission recommendations. However, other recommendations to improve the legal framework remain outstanding, including on the prevention of misuse of administrative resources, campaign finance oversight, and the complaints and appeals process.¹⁰ Further draft amendments have been pending in parliament since June 2020.¹¹

Election Administration

The elections were administered by the CEC, 37 District Electoral Councils (DEC), and 2,150 Precinct Electoral Bureaus (PEB), including 150 PEBs abroad.¹² The CEC is a permanent body which has nine

⁵ The change back to a fully proportional system addressed a concern raised *inter alia* in the [2017 Joint Opinion](#) by the Council of Europe's European Commission for Democracy through Law ("Venice Commission") and ODIHR that due to Moldova's context, a mixed system offered a higher risk "as election stakeholders in single-member constituencies could be vulnerable to undue influence and manipulation by well-resourced local businesspeople."

⁶ In October 2019, three MPs referred to the Constitutional Court the question which election system would apply to the next elections if they were called early. Referring to the [Code of Good Practice in Electoral Matters](#), on 7 May 2020, the Court held that in order to ensure the stability of the electoral law, "if there will be any early elections after the amendments to the electoral system, this system should be implemented at least one year after the adoption of the changes."

⁷ See, for example, [Venice Commission's Opinion on the Electoral Law of the Canton of Ticino](#): "Stability of electoral law is not demanded by constitutional or international law. However, in the established democracies, major changes in this respect are few, guarding against any risk of the system being manipulated for purposes of electoral aim, and bearing witness to the maturity of democracy." See also [2021 Urgent Joint Opinion of ODIHR and the Venice Commission on the revised amendments to the Election Code of Georgia](#).

⁸ For the 2019 parliamentary elections, the thresholds were 6 and 8 per cent, respectively. The amendments also reintroduced the *D'Hondt* formula for allocation of parliamentary seats, previously used until 2010.

⁹ The turnout requirement does not apply to repeat elections.

¹⁰ See [previous ODIHR election reports on Moldova](#).

¹¹ The draft was assessed by a 2020 [Urgent Joint Opinion](#) of the ODIHR and Venice Commission, which noted some improvements for prevention of the misuse of administrative resources and strengthening the election dispute resolution process. However, it raised concerns with provisions aimed at restricting campaigning and prohibiting "hate speech". See also [the 2017 ODIHR and Venice Commission Joint Opinion on the legal framework governing the funding of political parties and electoral campaigns](#).

¹² In total, the CEC established 38 electoral districts, including one with a DEC in Chisinau for voting abroad. As previously, voting did not take place in the localities, which are not under the control of the constitutional authorities of the Republic of Moldova. To administer polling for registered voters from these localities, the CEC established 41 polling stations and a designated DEC located in Chisinau.

members, one nominated by the president and the rest by the parliamentary factions. The DEC and PEB are temporary bodies established for each election.¹³ Women were well-represented at the election administration, except the CEC, which is composed entirely of men. Out of 36 DEC, 19 were chaired by women and women comprised the majority of PEB members.

The technical preparations for these elections were managed efficiently, respecting the legal deadlines. The DEC and PEB were formed on time and provided with sufficient resources and logistical support from the authorities. On 3 June, the National Extraordinary Commission for Public Health adopted COVID-19 prevention measures for the electoral period and the CEC distributed the necessary equipment and materials to the PEBs. While the budget requested by the CEC for these elections was only partly granted by the government before the elections, this did not appear to affect the overall operation of the election administration.¹⁴

The CEC sessions were open to observers and media and streamed online, and later uploaded to its YouTube channel.¹⁵ The meetings were announced in advance and most of the minutes and decisions were published on the CEC's website in a timely manner, enhancing transparency. The DEC were generally competent and well-prepared. However, DEC sessions observed by the ODIHR EOM were at times formalistic and not announced in advance. DEC are not required by law to publish their decisions, limiting transparency, but observers may request copies of decisions and some decisions were posted at DEC premises. The PEBs were established on time, however, ODIHR observers noted that PEB premises were often closed and members were not always present during the office hours, limiting access of voters.¹⁶

In general, the election stakeholders expressed confidence in the technical abilities and efficiency of election administration. At the same time, the impartiality of the CEC was undermined by decisions adopted with regard to establishing polling stations (PS) abroad and for voters residing on left bank of the Nistru river (Transnistria) as well as its decision not to prohibit with the potential transportation of voters on election day.¹⁷ In deciding these matters, CEC members appeared to follow partisan lines, diminishing the neutrality and collegiality of the commission. The CEC's decision of 5 June to establish 139 PS abroad was followed by public protests and statements from the government and civil society, criticizing the low number of PS and the CEC's application of the legal criteria.¹⁸ These decisions also

¹³ DEC consist of 7 to 11 members. Local councils and courts nominate two DEC members each. The DEC establish PEBs which consist of 5 to 11 members, including 3 nominated by local councils. Each parliamentary party has the right to nominate one member to each DEC and PEB.

¹⁴ On 30 April, the CEC estimated the budget for early elections in the amount of 125 million MDL (1 EURO is approximately 21.5 Moldovan Lei, MDL). On 12 May, the Ministry of Finance allocated 70 million MDL, with the remaining budget pending further review. On 7 July, the approval of additional 22.4 million MDL to the CEC was postponed due to lack of quorum at the session of the government.

¹⁵ Some CEC members joined sessions remotely.

¹⁶ Observed by the ODIHR EOM in Chisinau, Criuleni, Dubăsari, Causeni, Anenii Noi, Stefan Voda, Cahul, Leova, Nisporeni, Orhei, Singerei, and Sorooca. By law, voters may submit requests for mobile voting, for absentee voting certificates, and check their personal data in the voter lists at the PEBs from 21 June until 10 July.

¹⁷ On 5 June, the CEC established, among others, one PS in Corjova (Dubasari) and two PSs in Bender. The Security and Intelligence Service of Moldova (SIS) warned against potential risks of interference and fraud at these PSs. On 15 June, the CEC revised its decision and cancelled the establishment of these three PSs, based on the security assessment by the Police Inspectorate. Prior to the revision of the decision, the PPDA and Alliance for the Union of Romanians (AUR) challenged it in court, and additionally argued unsuccessfully for the number of PSs for voters from Transnistria to be lowered.

¹⁸ The CEC's decision on the number of PS abroad is to be taken based on the Ministry of Foreign Affairs and European Integration (MFAEI) proposal as well as voter turnout in the last election in a given country; number of voters who pre-registered to vote there; and data on Moldovan citizens residing in a foreign country obtained by the MFAEI. While the voter turnout in the 2020 presidential election was higher than in previous elections, and the number of pre-registrations for voting abroad increased compared to 2020, the number of PS established for these elections was initially the same as in 2020. The MFAEI initially proposed to the CEC opening 191 PS in 38 countries, doubling the number of PS in places where around 5,000 voters voted in 2020.

generated tensions among the CEC members.¹⁹ On 8 June, the CEC revised its decision and increased the number of PS abroad to 146. Following legal challenges by seven political parties, the Chisinau Court of Appeal annulled the CEC's decision of 8 June, ordering it to revise the number of PS abroad, taking into account the Ministry for Foreign Affairs and European Integration (MFAEI) opinion. Subsequently, on 23 June the CEC increased the number of PS to 150.²⁰

The CEC and its Centre for Continuous Electoral Training (CICDE) offered extensive training online and in-person for DEC members and PEB members.²¹ The training of PEC members observed by the ODIHR EOM was overall interactive and efficient. The voter information campaign organized by the CICDE was comprehensive and inclusive, addressing, among other issues, accessibility of polling for voters with disabilities, vote-buying, and epidemiological measures. It featured podcasts, videos, TV spots and social media posts in the state language and Russian, with sign language interpretation.

To enhance accessibility of the process for voters with disabilities, the CEC equipped all polling stations with special voting booths, magnifying lenses and tactile ballots, a guide for voters in sign language, and an audio guide.

Voter Registration

The voter registration system is passive and based on data extracted from the state population register maintained by the Public Services Agency. The centralized State Register of Voters (SRV) is maintained and updated by the CEC. Every citizen over the age of 18 by election day is eligible to vote, except those deprived of the right to vote by a court decision.²² Deprivation of the right to vote on the basis of a mental disability is inconsistent with international obligations and standards.²³

As of 21 June, the SRV included 3,282,837 voters. Of these, 2,786,446 voters with registered residence or domicile are included in the main voter lists. Voters without domicile and residence, including those living abroad and voters residing in Transnistria, are not included in the main voter lists and can be added to additional voter lists on the election day.²⁴ There is no register for voters abroad and polling stations are established on the basis of turnout from the last election, the pre-registration of voters and MFAEI data.²⁵

The legal framework ensures the transparency and accessibility of voter lists, with public display of voter lists at the PEBs as well as availability of the lists in a searchable and downloadable format online. Voters had sufficient opportunity to request corrections of their details and submit complaints on inaccuracies in voter lists to the PEBs until the day before election day. From 21 June to 10 July, voter lists were

¹⁹ On 8 June the CEC Chairperson lodged a police report alleging that he had received physical threats from some colleagues in connection with the initial decision on PS abroad.

²⁰ Additional polling stations were established in Germany (2), the United Kingdom, and the United States. This decision of the CEC was unsuccessfully challenged by several parties in the courts.

²¹ The training was provided for PEB leadership and the first-time members. The remaining PEB members were supposed to be trained by those who attended training.

²² Under the Civil Procedure Code, a court may deprive a person of the right to vote based on several grounds, in the context of guardianship proceedings.

²³ According to Articles 12 and 29 of the [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), "State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life" and ensure their "right and opportunity [...] to vote and be elected". Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#) states that "a person's decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election".

²⁴ According to the CEC, some 237,300 voters are registered without domicile or residence and some 258,600 voters reside in Transnistria.

²⁵ Optional online pre-registration for voters residing in Transnistria and abroad was available throughout the year, to inform the decision-making on PS for such voters. According to the CEC, the pre-registration was open until 26 May; 99,908 voters abroad and 256 voters from Transnistria used this opportunity.

available for public scrutiny upon request at most polling stations visited by the ODIHR EOM, but not always displayed, as prescribed by the law; however, few voters were seen checking the voter lists at the PEBs visited by the ODIHR EOM.

The majority of ODIHR IEOM interlocutors were content with the level of transparency and accuracy of the voter register. While proper safeguards appear to be in place to prevent voter identity fraud, the law does not provide for an automatic removal of data on deceased people from the voter register, therefore the long-standing problem of deceased people on the voter lists remained.²⁶

Candidate Registration

Eligible voters have the right to be elected, with the exception of active military personnel, prisoners serving their sentence in the penitentiary system, persons whose active criminal records include crimes committed intentionally, and persons deprived of the right to hold positions of responsibility by a final court decision. Citizens can stand as candidates on party/bloc lists as well as independently. The nomination of candidates lasted from 12 May until 11 June. Independent candidates must collect signatures from voters to support their nomination.²⁷

In an inclusive process, the CEC registered all 20 parties and two blocs²⁸ that submitted candidate lists and one of the two independent candidates that applied.²⁹ Seven new parties have been formed since the 2019 parliamentary elections, five of which contested the elections for the first time. An unsuccessful legal challenge to the registration of the Alliance for the Union of Romanians (AUR) candidate list was made, alleging that the party's list was a hidden bloc.³⁰ Position on the ballot is determined in an objective manner by the order in which contestants register, with a lottery held if more than one contestant is registered on the same day. In the run-up to the elections, some parties sought to change their name or symbol to those similar to extant parties in Moldova or abroad.³¹

All registered lists complied with the legal gender quota and placement requirements. Approximately 47 per cent of the 1,791 candidates registered are women. Eight parties nominated more women than men, but only four lists were led by women.³² The wide field of contestants provided voters with a broad range of political alternatives.

²⁶ The death certificate should be submitted by the relatives of the deceased to the relevant authorities. The Public Services Agency informed the ODIHR EOM about plans for regulatory changes to provide for communication of the death certificate directly to the Agency by the competent authorities.

²⁷ Male candidates should submit between 2,000 and 2,500 signatures, while for female candidates the minimum is 1,000 signatures. Contrary to previous ODIHR recommendations and international good practice, voters could sign in support of only one candidate.

²⁸ The PSRM formed an electoral bloc with the Party of Communists of Moldova (PCRM) – the Electoral Bloc of Communists and Socialists (BeCS). The Bloc Renato Usatîi (BeRU) is composed of “Our Party” (PN) and Patria Party (PP).

²⁹ One candidate was registered after the CEC verified 2,001 valid supporting signatures. Another applicant submitted only 1,870 supporting signatures (out of which 1,470 were deemed valid) and was not registered. He challenged the decision in court, unsuccessfully arguing that the requirement for male candidates to collect more signatures than for female candidates was unconstitutional.

³⁰ The candidate list of the Alliance for the Union of Romanians (AUR) contained the names of two persons who are listed on the website of the Public Service Agency's as chairpersons of other parties.

³¹ In light of this, Our Party informed the ODIHR EOM that it had formed a bloc so that it could change its name to distinguish itself more clearly from another party, despite the higher requirement for blocs to enter parliament.

³² Women who led the lists were Victoria Grosu-Vremeş (AUR); Olga Afanas (Green Party); Mariana Durleşteanu (Law and Justice Party), and Svetlana Chesari (New Historical Options Party).

Campaign

Contestants have legal guarantees for campaigning on an equal basis and candidates enjoy certain legal protections.³³ Candidates holding specific high-level public positions must step down from their posts.³⁴ It is prohibited to campaign for election prior to candidate registration, contrary to international standards on freedom of expression.³⁵ The law prohibits competitors from offering money or free-of-charge goods to voters, including humanitarian aid or other charity actions. The misuse of public goods and the corruption of voters are subject to criminal penalties. However, despite previous ODIHR and Venice Commission's recommendations, the law does not sufficiently regulate the prohibition of the misuse of administrative resources to ensure clarity and adequate scope, including with respect to involvement of public servants and officials.

Despite certain limitations on gatherings and other campaign activities resulting from public health COVID-19 measures, contestants were able to campaign effectively and were visible throughout most of the country.³⁶ Most campaigning was conducted through traditional and online media, social networks, leafleting, campaign stands in public areas, door-to-door canvassing, gatherings, and billboard advertisements. However, overall, election campaigning as observed by the ODIHR EOM was tepid. In general, men were more visible than women as speakers at campaign events. Most outdoor campaign venues were accessible for persons with disabilities.

The main campaign themes included economy and regional development, tackling corruption, social and welfare provision, and judicial reform. Other than for the two parties advocating the unification of Moldova with Romania, geopolitical orientation was not a major campaign topic. Controversies over CEC decisions on the number and location of polling stations abroad and for voters from Transnistria became part of the campaign discourse.

The ODIHR EOM observed that fundamental freedoms of assembly, expression, and movement were largely respected. With some exceptions, local government authorities complied with their legal obligations to provide space to display campaign materials and treated contestants equally in their access to public spaces and buildings to conduct campaigning.³⁷

The campaign atmosphere was, in general, calm despite a few isolated incidents.³⁸ At times, campaign rhetoric involved sharp criticism, personal insults and intolerant language that intensified at the end of

³³ Candidates cannot be unilaterally dismissed or transferred from their full-time job and are protected from certain actions by law enforcement, without consent of the CEC, except for flagrant offences.

³⁴ This applies among others to deputy prime-ministers, ministers and other members of government, head of central public of authorities, as well as certain local officials.

³⁵ See Article 19(2) of the [International Covenant on Civil and Political Rights \(ICCPR\)](#) and Article 10 of the [European Convention on Human Rights](#).

³⁶ Limitations curtailed the number of attendees for indoor events and the number of campaigners engaging in street and door-to-door canvassing. BeCS, PAS, Șor, BeRU, PDM, PPDA and AUR all held over 100 gatherings during the campaign period. The ODIHR EOM observed 46 campaign events throughout the country.

³⁷ For example, in Dubăsari, PAS alleged differential treatment in communes governed by the PSRM; specifically that PAS was denied access to educational institutions to campaign (to present the party's education policy), while BeCS was not refused such access. In Bălți, governed by a candidate for BeRU, PDM, PPDA, and AUR complained of unequal access to public companies to campaign. In Orhei, the city council cited a previous block booking of public space between 4 February and 31 December to deny parties' requests to hold campaign events in central areas of the town, although subsequently the parties ignored the de facto ban on campaigning and erected campaign stands.

³⁸ AUR campaign activists and some members of the Romanian Parliament were prevented from entering the areas on the left bank of Nistru not controlled by the Moldovan authorities. According to the General Inspectorate of Police, as at 28 June, it received complaints and investigated 4 cases of local public authorities impeding campaign events; 19 cases regarding campaign materials, mostly related to unauthorised display; 5 cases of damage or theft of electoral campaign materials and 27 regarding other violations in the electoral process including 2 cases of hooliganism and

the campaign and was, in particular, directed at women and minorities. However, no instances that would clearly constitute incitement to discrimination, hostility or violence under international standards were noted by the ODIHR EOM.³⁹ During the pre-election period, ODIHR EOM received several allegations of pressure on mayors by law-enforcement and public-integrity agencies.⁴⁰ On 16 June, the President called on political parties and state agencies to not put pressure on mayors.

The ODIHR EOM observed that many local officials were active in campaigning, largely within limits set by law. However, some serving mayors, other local officials and local institutions lent support to contestants using local government resources.⁴¹ In some districts, ODIHR EOM received credible allegations that civil servants, public sector workers, and other citizens were pressured to attend campaign events.⁴² These activities were at odds with OSCE commitments and international standards and not sufficiently addressed.⁴³ In a few districts ODIHR EOM interlocutors perceived that retention of employment, including in the civil service and public sector, was linked to party affiliation.⁴⁴

President Sandu undertook a wide range of activities in Moldova and abroad, through which she called on voters to deliver a stable parliamentary majority, encouraged participation of voters abroad. Several complaints, including on her criticism of political rivals were filed.⁴⁵

The ODIHR EOM received allegations concerning the offering of inducements to voters by a few parties, and suspicions that vote buying targeting voters resident in the Transnistria may occur. In particular, the mutual promotion of the Șor Party and the more than 30 Merișor shops, that are affiliated with this party, led to a frequently aired concern that economic incentives were being used to create political loyalty to the party.⁴⁶ Any offering of inducements to voters is against international standards as it erodes public confidence in the integrity of elections.⁴⁷

6 cases of minor hooliganism. Some cases were closed, in others sanctions were imposed and some are still under investigation.

³⁹ See Article 20.2 of the ICCPR. The 2013 Rabat Plan of Action, an initiative of the UN High Commissioner for Human Rights, suggests a high threshold for defining restrictions on freedom of expression, incitement to hatred, and for the application of Article 20.2.

⁴⁰ The Congress of Moldovan Local Authorities (CALM) issued statements on 31 May and 16 June reporting that investigations have been launched against elected local officials in several districts based on the complaint of a PSRM MP.

⁴¹ For example, in Taraclia district, the mayor of Comgaz attended a PSRM event and presented a public service award to a PSRM candidate. In Glodeni District, the mayor of Balti attended a number of events organised by local authorities to mark local anniversaries during which he campaigned. In Aneni Noi several elected local officials stood as candidates and were campaigning, while still seen continuing their official duties

⁴² For example, in Briceni, PAS alleged that a school director mobilised colleagues to attend a PSRM event for fear of losing her job. In Cimișlia district, the PDCM alleged that PAS representative in the district who is also the director of a local company, was putting pressure on his employees to vote for PAS.

⁴³ Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides for “a clear separation between State and political parties”. See Also Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#). [See also ODIHR and the Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes.](#)

⁴⁴ ODIHR EOM received reports on such cases in Chișinău and Nisporeni, Edineț, Strașeni, Briceni and Orhei districts but no related complaints were filed. In Cimișlia, the ODIHR EOM received allegations that an employer was pressuring employees concerning their electoral choices.

⁴⁵ Several related complaints were lodged with the CEC by BeCS, PACE, and private individuals. Election campaigning is defined by the Election Code as calling on voters to vote for particular contestants. Article 10 of the Law on Public Dignitaries provides that during the exercise of their duties, public dignitaries should abstain from supporting political parties. On 3 July, the CEC sent a letter to the President and PAS that draws attention to the fact that the President should not get involved in the election campaigning.

⁴⁶ Merișor enterprise has some 30 shops throughout the country and is listed by the party as one of its projects. Additional mobile shops appeared during the election period. The shops offer discounted goods to the population.

⁴⁷ The allegations of offering inducements were made most frequently against the Șor Party. At the campaign event in Riscani observed by the ODIHR EOM on 3 July, Igor Dodon (BeCS) promised presents to the voters. According to [General Comment 25 on ICCPR](#) article 25, para 19 “Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”

National Minorities

According to the 2014 census, about a quarter of the Moldovan population identified themselves as belonging to a national minority, with Ukrainians (6.6 per cent), Gagauz (4.6 per cent), Russians (4.1 per cent), Bulgarians (1.9 per cent) and Roma (0.3 per cent) being the most numerous.⁴⁸ Some minority communities are geographically concentrated, while others, such as Ukrainians, Russians, and Roma, reside in various parts of the country.⁴⁹ With the exception of Roma, minorities are predominantly Russian-speaking. Candidates from national minorities were included in the electoral lists of some parties and blocs, and led at least two party lists. At the same time, there is no conscious strategy or special measures to promote national minority participation, including the youth.⁵⁰

Issues pertinent to national minorities, such as language policy, were not high on the agenda of the larger parties. Many ODIHR EOM interlocutors indicated that geopolitical orientation and economic issues were seen to be of greater importance by minority communities than ethnic or linguistic identity.⁵¹ The ODIHR EOM observed campaign events also in the localities where national minorities are present in significant numbers or are a majority. Both the state language and Russian were used in these campaign events, with the choice often corresponding to the preferences of the audience. Ballots were printed in these two languages, taking into account the needs of the PEBs.⁵²

Campaign Finance

Campaigns are financed from public and private sources. Parties/blocs can use their public subventions and any contestant can receive a limited interest-free state loan, written off based on votes received.⁵³ Individuals and legal entities can donate up to a limit, with certain donation sources banned, including donations from foreign and third-party sources.⁵⁴ In-kind contributions up to the limit are permitted, though the valuation method is not regulated. Contestants' own contributions are unlimited within the effective spending limit, which amounts to 21 million MDL for parties/blocs and 110,000 MDL for independents.⁵⁵ All donations and expenses must be transacted through a dedicated bank account (campaign fund), and donors' identities and current employment are to be declared.⁵⁶ While campaign

⁴⁸ The census did not cover the territories not controlled by the Moldovan constitutional authorities.

⁴⁹ In the Autonomous Unit of Gagauzia, the Gagauz make over 80 per cent of the population.

⁵⁰ The [1999 OSCE HCNM Lund recommendations on the Effective Participation of National Minorities in Public Life](#) advise that “[i]deally, parties should be open and should cut across narrow ethnic issues; thus, mainstream parties should seek to include members of minorities to reduce the need or desire for ethnic parties” (p. 24).

⁵¹ “Unionist” party campaigners were received with hostility in Gagauzia. “Pro-Russian” Roma communities in the north of the country did not welcome a Roma candidate from PAS.

⁵² For example, in Gagauzia, 94.6 per cent of ballots were printed in Russian, 5.4 per cent in the state language, and none in the Gagauz language. Around 91 per cent of ballots for Taraclia, which has sizable Bulgarian communities, were printed in Russian. In two communes of the Criuleni district, the PEBs requested more ballots in Russian language than in the state language.

⁵³ Parties and blocs receive annual funding based on past election performance and the number of women and youth elected. Up to a total of 0.1 per cent of the state budget is provided to parties/blocs, with 20,707,070 MDL allocated for 2021. The maximum for the state loan was 50,000 MDL for parties/blocs and 10,000 MDL for independents. No contestant took out such a loan.

⁵⁴ Individuals could donate up to six average monthly salaries, 52,300 MDL, up to half in cash, while Moldovans with foreign income can donate half the limit. Legal entities could donate up to 104,600 MDL. Public servants are subject to stricter donation limits. Anonymous and foreign citizen donations, as well as donations from public, non-commercial, charitable, trade-union, religious, and foreign organizations are prohibited.

⁵⁵ The spending limit for independent candidates to campaign nationwide remained the same as it was for independent candidates in majoritarian districts prior to the change to a proportional electoral system.

⁵⁶ All contestants opened campaign accounts, except for the independent candidate, Green Party, party “Moldova's Patriots”, and political party “Hope”; only the latter declared its intention not to accumulate or spend any money.

donation limits and bans on certain funding sources contributed to a more level playing field, potential third-party donations and foreign funding were of concern.⁵⁷

The CEC is responsible for campaign finance oversight. Contestants' weekly campaign finance reports to the CEC were generally filed on time, in a standard detailed template, which were posted online by the CEC within the 48 hour deadline, contributing to the voters' ability to make an informed choice.⁵⁸ The law requires the final accumulated report to be submitted two days before election day. The CEC checks the campaign finance reports against contestants' bank records and verifies compliance with donation limits.⁵⁹ According to the CEC, it does not have authority to examine primary documents, conduct field monitoring, or investigate potential violations, which it may refer to law-enforcement agencies.⁶⁰ The resulting lack of proper oversight diminished the accountability in campaign finance.

The CEC identified various violations through its desk reviews, including late submissions, incomplete or improperly filled out reports, and donations from prohibited sources.⁶¹ However, the CEC did not refer the matters for imposition of fines by the courts, as provided by law.⁶² Rather, contestants were instructed to change their reports to correspond with the bank documents or transfer illegal donations to the state budget, and some warnings were issued. Contestants were allowed to keep donations from donors with incorrectly reported ID numbers. The lack of enforcement of the regulations undermined the effectiveness of the campaign finance regulations. On 18 June, the Security and Intelligence Service (SIS) requested the CEC to take action to address suspected foreign support of the AUR party's campaign.⁶³

Some ODIHR EOM interlocutors, including the CEC, raised concerns about the potentially widespread use of illegal donations from persons acting on behalf of third parties.⁶⁴ The CEC identified many donors that did not have declared income from the past three years that corresponded to the amount of their donations.⁶⁵ However, these potential violations were not further investigated by the CEC, nor did it seek assistance from law enforcement, undermining the effectiveness of campaign oversight.⁶⁶ In addition, a civil society organization that monitors campaign financing noted apparent discrepancies in actual and reported spending of some parties, for instance, in campaign materials and billboard advertising.

While the legal framework for campaign finance has been improved in recent years, some previous recommendations by ODIHR, Venice Commission and the Council of Europe's Group of State's against

⁵⁷ See the 2017 ODIHR and Venice Commission Joint Opinion on the legal framework governing the funding of political parties and electoral campaigns.

⁵⁸ According to the campaign finance reports submitted by 2 July, in total the contestants had spent approximately 30.5 million MDL. The highest spending was reported by BeRU, PAS, Șor, and BeCS. PAS and BeRU relied heavily on donations, while BeCS relied primarily on the party's own resources.

⁵⁹ The banks are required to submit the records of campaign fund accounts to the CEC on a regular basis.

⁶⁰ On 28 May, the Supreme Security Council, an advisory body under the President of Moldova, issued a recommendation to the CEC to set up an inter-agency working group to identify the risks and detect and investigate actions of illegal financing of electoral contenders. The recommendation was not taken up.

⁶¹ The CEC found that PAS, PPDA, and the Party of Development and Consolidation of Moldova had received donations from unauthorised sources.

⁶² The Administrative Offences Code and Criminal Code establish penalties for various campaign finance offences.

⁶³ The AUR party protested this initiative and accused the SIS of attempting to remove it from the electoral race.

⁶⁴ Namely, that wealthy donors distribute their funds to citizens to donate to a party, thereby circumventing the donation limits.

⁶⁵ For instance, the CEC informed the ODIHR EOM that 89 out of 300 initial donors to one party had reported zero declared income. At the 25 June CEC session, it was announced that in the third week of reporting, BeRU had received 94,000 MDL from donors without declared income, Law and Justice Party –76,000 MDL, Party "Build Europe At Home" – 52, 000 MDL, PAS – 28, 850 MDL, and SOR – 28,000 MDL. The law establishes sanctions for parties that receive donations from prohibited or third-party sources but does not provide for sanction of the donors.

⁶⁶ The CEC summons tax records for the past three years of all donors to determine whether the donor has sufficient income in relation to the donation amount. It reports the findings in its post-election report to parliament.

Corruption remain unaddressed, most notably to regulate third-party financing and strengthen campaign finance oversight to ensure greater transparency and accountability. The rules in place provide for transparency of campaign funding and expenditures, but their lax enforcement and inadequate investigation of potential breaches undermined the aims of the regulatory framework.

Media

A high number of broadcasters and a growing number of online media outlets are active in the country, while the circulation of print media is decreasing.⁶⁷ A lack of revenues in an insufficient advertising market undermines the sustainability of media outlets and results in dependence on financing by political and economic interests. According to ODIHR EOM interlocutors, at least seven TV stations with nationwide coverage are controlled by political parties.⁶⁸ Furthermore, interference into the advertising market and irregularities in audience measurement undermine the level playing field for media outlets.⁶⁹ The party affiliation of major media outlets reduces political pluralism, influences the agenda of public debate and undermines the watchdog function of media. The interference into editorial autonomy results in self-censorship of journalists and renders self-regulation ineffective. Independent news production and investigative journalism significantly rely on international funding.

The Constitution guarantees freedom of expression. The 2010 Law on Freedom of Expression *inter alia* allows for civil defamation lawsuits, in line with international standards.⁷⁰ Media outlets frequently face civil defamation suits, at times claiming exorbitant damages.⁷¹ While courts generally decide in favor of media outlets, defamation suits exert pressure on journalists in particular during ongoing investigations.⁷² Several journalists reported to the ODIHR EOM significant issues with access to public information, which particularly hampers investigative reporting. In addition, courts display an uneven implementation of the 2000 Law on Access to Information.⁷³

The 2018 Audiovisual Media Services Code aligns broadcasting standards with the EU Audiovisual Media Services Directive. The Code *inter alia* sets content provisions on impartiality and balance in news

⁶⁷ The Audiovisual Council, the broadcast regulator, has licensed 56 television stations, including 13 with nation-wide coverage, and 62 radio stations.

⁶⁸ Former PDM leader Vladimir Plahotniuc is widely believed to be the beneficial owner of *Prime TV*, *Publika TV*, *Canal2* and *Canal3*; PSRM leader Igor Dodon – of *Primul in Moldova* and *NTV*; Ilan Șor – of *TV6*.

⁶⁹ Following a complaint by four TV stations, the Competition Council, on 4 August 2020, decided to fine the advertising sales house *Casa Media*, associated with Vladimir Plahotniuc, for favouring politically-controlled media outlets. In 2019, the *Independent Media House* was founded with support of international donors in order to subsidize advertising placed in “independent” media outlets. Several ODIHR EOM interlocutors reported significant discrepancies between the “official” audience share rates generated by the TV MR MLD agency and alternative data on TV consumption. TV MR MLD confirmed that they provide audience share rates since 2004. The 2018 Audiovisual Media Service Code stipulates a tender for audience measurement to be conducted by the Audiovisual Council every five years.

⁷⁰ See Paragraph 47 of the [2011 CCPR General Comment No.34 to the ICCPR](#). However, the Code on Administrative Offences still contains defamation provisions, including on “insult”, contrary to international standards. During the campaign two cases of alleged violations of Article 69.1 “Insult” were reported to the police.

⁷¹ Between 12 May and 24 June 2021, four defamation claims were initiated against *Jurnal TV*, including by PCRM leader Vladimir Voronin who requested an apology and damages in the amount of 300,000 MDL following the TV’s alleged “association in images and words of [Mr. Voronin] with people of homosexual orientation” and “verbal insult”.

⁷² On 17 June 2021, an investigative reporting NGO, RISE Moldova, was informed that Ilan Șor filed a defamation suit following a [Facebook post](#) by RISE alleging Ilan Șor’s involvement in organized drug trafficking. In a previous defamation case, the Chișinău Court of Appeals overturned a first instance decision against RISE following intervention by the ECtHR in March 2019.

⁷³ In March 2018, the Supreme Court upheld a court decision granting RISE Moldova access to information on a number of criminal investigations. However, the ruling did not set a precedent.

and information programmes. However, a quantitative and qualitative monitoring of news coverage is conducted only during election campaigns.⁷⁴

The Election Code, supplemented by a CEC regulation, requires fair, accountable, balanced and impartial media coverage of contestants' campaigns. However, the law does not define such coverage, leaving it to the discretion of the Audiovisual Council. Contestants are to be granted access to political advertising under equal conditions. Broadcasters with nation-wide coverage have to provide free airtime for political advertising and are required to organize debates or may rebroadcast debates organized by the national public broadcaster. Some 48 debates were held, providing a fair opportunity for the contesting parties to present their platforms and debate each other.

The Audiovisual Council presented its monitoring report covering 12 – 25 June 2021 on 30 June and published it two days later.⁷⁵ The Council examined a monitoring report by an NGO and two complaints on discriminatory speech by the same NGO. Two complaints on biased campaign coverage were filed by a citizen on 29 June. All complaints were rejected. In the same meeting, two public warnings were issued to the *10 TV* channel for biased coverage and disregarding provisions for viewers with special needs. The same broadcaster was fined for not publishing its rules on campaign coverage.

ODIHR EOM monitoring revealed that public *Moldova 1* was rather balanced in its coverage of the major contestants' campaigns by providing 8, 15, 22 and 10 per cent of news coverage to AUR, BeCS, PAS and PPDA respectively.⁷⁶ Other contestants received less than 5 per cent coverage. Prime TV devoted to AUR, BeCS, BeRU, PAS, PPDA and SOR 13, 11, 7, 19, 23 and 13 per cent respectively. The tone on both TV stations was predominantly neutral or positive. NTV displayed an explicit bias in favor of BeCS and against PAS in both the amount of coverage and tone by devoting 41 per cent to BeCS and 24 per cent to PAS; 70 per cent of the BeCS coverage was in a positive tone, while 69 per cent of the coverage devoted to PAS was in a negative tone. Both Jurnal TV and PRO TV showed favor of PAS. On Jurnal TV 14 per cent of coverage was devoted PAS, comparing to 12 per cent to BeCS; 31 per cent of the BeCS coverage was in negative tone, while 35 per cent of PAS coverage in positive tone. PRO TV devoted 15 and 18 per cent of coverage to BeCS and PAS respectively, while BeCS was covered in 37 per cent negatively and PAS in 19 per cent positively.

Complaints and Appeals

The actions, inactions and decisions of election bodies can be challenged to the higher-level election body, with further appeal to court. The Chisinau Court of Appeal (CCA) has jurisdiction over complaints against CEC decisions. The process for lodging complaints against actions of electoral contestants remains unclear.⁷⁷ The Supreme Court is the last instance in election cases and can issue advisory opinions on the interpretation of election legislation. The Constitutional Court hears cases on the constitutionality of legislative and executive acts and validates the election results. The legal processes for resolution of post-election complaints and appeals and for the validation of the results by the Constitutional Court are not sufficiently elaborated.⁷⁸

⁷⁴ The Audiovisual Council informed the ODIHR EOM of a significant lack of adequate equipment and human resources.

⁷⁵ Although the obligation for impartial media coverage covers the entire electoral period, the Audiovisual Council started monitoring only by the end of the candidate registration process on 11 June.

⁷⁶ On 10 June, the ODIHR EOM started the monitoring of five TV stations *Moldova 1*, Jurnal TV, Prime TV, Pro TV and NTV and four online media outlets *kp.md*, *newsmaker.md*, *point.md* and *zdg.md*.

⁷⁷ Article 71(1) of the Election Code provides that such complaints are to be lodged directly to the courts. However, the Administrative Code empowers courts to review only complaints against administrative acts.

⁷⁸ See 2020 [Urgent Joint Opinion](#) of the ODIHR and Venice Commission.

Public trust in the judiciary is low and some ODIHR IEOM interlocutors voiced mistrust in the courts.⁷⁹ Changes in some key judicial appointments during the election period further challenged the constitutional guarantee of judicial independence, potentially affecting the handling of electoral disputes.⁸⁰ The Constitutional Court and Chisinau Court of Appeal face ongoing political pressures for their election related rulings.⁸¹

The submission and adjudication of electoral complaints and appeals are subject to expedited timelines, in line with international good practice.⁸² The CEC's online complaints registry provided a level of transparency, but the CEC generally did not handle complaints in public sessions, challenging transparency and collegiality of decision-making.⁸³ Court hearings are open to the public, except for proceedings at the Supreme Court and admissibility hearings at the Constitutional Court, which is not fully in line with international standards.⁸⁴ Some court cases were finalized beyond the legal deadline due to procedural hurdles, including numerous requests for recusal of judges accused of political bias.⁸⁵ Court decisions were generally posted in a timely manner.

Some 20 complaints were lodged with the CEC before the election day. The classification of complaints as either notifications under the Administrative Code or complaints under the Election Code was done in an apparently arbitrary manner.⁸⁶ Most complaints related to the campaign, such as negative campaign rhetoric and allegations of misuse of a public position, including several claims relating to the President, as well as against mayors and councilors.; a few were against DEC decisions. Many complaints were denied admissibility based on various grounds, with three appealed to court.⁸⁷ Some were forwarded to other authorities, including those without relevant jurisdiction.⁸⁸

The CCA received 23 appeals challenging 14 CEC decisions.⁸⁹ As previously noted by ODIHR, the lack of harmonization between the Election Code and subsequently-adopted Administrative Code results in

⁷⁹ According to a [2019 public opinion poll](#) conducted by the NGO Legal Resources Centre of Moldova, seven per cent of the participants expressed trust in the judicial system.

⁸⁰ On 28 May, President Sandu revoked the appointment of the CCA President made by former President Dodon in September 2020 and on 7 June, the Supreme Council of Magistracy (SCM) designated one of the CCA vice-presidents as acting president of the CCA. On 10 June, in a long-pending case, the Constitutional Court ruled unconstitutional the increase of SCM members on grounds of irregular parliamentary procedure, which resulted in the revocation of four members' appointments. On 15 June, the SCM acting president was replaced and the new SCM composition appointed a new acting president of the CCA.

⁸¹ On 15 April, former President Dodon publicly stated that the Constitutional Court "abused state power for political interests, violating constitutional norms." Since 20 May, the President of the Constitutional Court has been under investigation by the National Integrity Authority for an alleged conflict of interest, for participating in overturning parliament's 23 April decision to revoke her judicial appointment.

⁸² Election bodies have three days and courts have five days to resolve election-related complaints; the Supreme Court has three days. The general 30-day deadline for administrative complaints applies for the CEC to consider campaign finance complaints.

⁸³ In practice, claimants received letters signed by the CEC President or Vice-President in response to their complaints.

⁸⁴ [General Comment 32](#) to the ICCPR states that "the publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large."

⁸⁵ In the proceedings of three court cases, 14 requests for recusal of judges were lodged; a few judges recused. In one case the initial appeal was lodged to the CCA on 7 June and was decided on 8 July.

⁸⁶ The CEC maintains two online registries – one for complaints and one for notifications. Notifications under the Administrative Code are subject to the general administrative review process, including a 30-day response deadline.

⁸⁷ In one case, the CEC denied consideration of a complaint by an electoral contestant against another contestant, on grounds it was to be lodged in court. On appeal, the court held that the CEC had jurisdiction over the matter.

⁸⁸ For example, several complaints on campaign rhetoric were forwarded by the CEC to the Council for Preventing and Eliminating Discrimination and Ensuring Equality, which issued a consultative opinion that the matters did not fall under its jurisdiction.

⁸⁹ The cases mainly concerned issues related to the number of polling stations to be established abroad and for Transnistrian voters, candidate and party registration, and the CEC's denial of admissibility of complaints.

an incoherent legal framework for the handling of election-related complaints.⁹⁰ Consequently, election disputes in the courts were bogged down in arguments on the applicable law in relation to admissibility of the cases.⁹¹ Four referrals to the Constitutional Court for annulment of several Election Code provisions, sought by participants as a means to clarify rules on admissibility, were deemed inadmissible. Despite these legal inconsistencies and an apparent need, the CCA did not request the Supreme Court to provide an advisory opinion on the applicable administrative law.

Most cases were deemed inadmissible by the CCA on formalistic grounds, contrary to international good practice.⁹² Almost all such rulings were appealed to the Supreme Court, which overturned three of the inadmissibility decisions.⁹³ The manner in which these courts applied and interpreted the Election Code and Administrative Code led to various unsound and conflicting inadmissibility decisions.⁹⁴ This undermined the efficient and effective resolution of election disputes, contrary to OSCE commitments and other international standards.⁹⁵ Of those cases given substantive consideration, a few were satisfied but some court rulings were inconsistent or incoherently reasoned, raising questions about political neutrality of courts.⁹⁶ This included the 8 July CCA ruling overturning the CEC's decision to establish 41 PS for voters from Transnistria.⁹⁷

Citizen and International Observers

Citizen and international observers, as well as representatives of the contestants are entitled to observe the electoral process, including in polling stations abroad.⁹⁸ Civil society organizations and international organizations may accredit an unlimited number of observers, while contestants may accredit one observer for each polling station. Candidate proxies may also be accredited as observers.

The CEC, together with other authorities enabled unhindered observation for international observers despite the COVID-19 related challenges. By 8 July, the CEC accredited 1800 citizen observers and 642 international observers. The inclusive registration of observers in general enhanced the transparency of the electoral process. However, no data was made public on DEC's accreditation of party observers.

⁹⁰ For example, the Election Code provides that cases can be submitted to the court without prior administrative review by the electoral body; the Administrative Code requires claimants to seek prior review of individual administrative acts before going to court.

⁹¹ In court cases lodged against CEC decisions, the CEC's legal representatives consistently put forward arguments in support of denying admissibility.

⁹² Paragraph II.3.3b of the [Venice Commission's Code of Good Practice in Electoral Matters](#) provides that "the procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals."

⁹³ A CCA judge who had denied admissibility in one case refused to sit on the substantive examination of the matter on grounds that she disagreed with the Supreme Court's decision that overturned the CCA's inadmissibility ruling.

⁹⁴ For instance, the CCA ruled that a candidate deemed ineligible by the CEC and his nominating party did not have legal standing to challenge the decision due to lack of affected right. A political party that challenged the legality of the registration of another party was deemed not to have legal standing due to lack of affected right. The CEC's decision on the number of polling stations for voters in Transnistria was deemed an individual act and thus inadmissible without prior review by the CEC, while in a case against the decision on the number of polling stations abroad, the court deemed it a normative act and thus subject to judicial control without prior administrative review.

⁹⁵ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". See also Article 13 of the [European Convention on Human Rights](#) and Article 2.3 of the [ICCPR](#).

⁹⁶ The CCA's 17 June ruling, overturning the CEC's decision to establish 146 PS abroad and its 27 June ruling upholding the CEC's subsequent decision to establish 150 PS abroad provided incompatible reasoning with respect to the CEC's application of the legal criteria and consideration of the MFAEI's consultative opinion.

⁹⁷ The judgment was issued two days before election day and one month after the appeal was lodged, essentially ordering the CEC to set up no more than 12 PS. On 10 July the Supreme Court overturned this decision.

⁹⁸ Moldovan citizens living abroad as well as representatives of international and civil society organizations may be accredited to observe the out-of-country voting.

Election Day

Election day was calm and orderly. The CEC reported turnout in real time, disaggregated by age and gender, and regularly held media updates. Preliminary turnout was reported at 48.4 per cent.

The opening of polling stations was assessed positively in all but 1 of the 114 observations. The negative assessment was related to inadequate knowledge of the procedures by PEB members and interference by party observers. IEOM observers also reported small delays in the opening of 15 polling stations.

The voting process was evaluated positively by the IEOM observers in 99 per cent of 1,253 observations. Procedures were largely followed and the process managed well by the PEBs in almost all polling stations observed. The few negative assessments were linked to the interference in the work of PEBs by candidate representatives or citizen observers (in 12 cases) and non-compliance with COVID regulations.

The voter identification and electronic verification was efficient, with only few isolated technical issues. The layout of polling stations was adequate to conduct polling in 97 per cent of observations. However, overcrowding was reported in 5 per cent of observations, resulting from limited space inside PS and, at times, poor queue control. This, in some instances led to secrecy of the vote not being ensured (33 observations). Group voting was noted in 26 cases. On some occasions observers reported that video cameras were not focused on the ballot box and covered a wider area within PS. Although ballot secrecy was not compromised, people who voted could be identified in the footage potentially exposing voters to undue influence. IEOM observers noted that only around a third of polling stations (32 per cent) were accessible for independent access by people with disabilities inconsistent with international standards. Party observers were present in nearly all PS observed, and citizen observers were noted in half of the polling stations, both enhancing the transparency of the process.

Allegations of vote-buying, especially targeting voters residing in Transnistria, were made by several political actors during the day and reported in the media, potentially diminishing public confidence in the process. While not prohibited, IEOM observers noted several instances of transportation of voters to polling stations. Further, in several cases voters were seen taking photos of their marked ballot papers, which could be indicative of attempts at undue influence on voters.

The overall conduct of the count was assessed positively by the IEOM in all but 4 of the 100 observations. The negative assessments related primarily to the PEB's omitting procedural steps, such as not establishing the number of issued ballots by counting the signatures in the voter lists (11 cases) and not counting the total number of ballots found in stationary ballot box before separating them by the contestant (22 cases). In one third of the observed counts the validity of contested ballots was not decided by a vote of PEB members. A number of polling stations were overcrowded and in three observations observers did not have a clear view of the process. While candidate and citizen observers received copies of the results protocols in nearly all PS observed, the results were not displayed publicly, as required by law, in 45 of observed counts.

PEBs reported preliminary results directly through the SAISE system and the CEC began posting preliminary results live on its website one hour after the closing of the polls, further enhancing transparency. The tabulation process was assessed by the IEOM observers as generally efficient, transparent and competently managed. However, inadequate premises and small rooms for data entry created challenges for receipt of materials and tabulation.

According to the police, 236 reports were lodged concerning election day issues, including 21 reports of campaign material posting, 25 reports of campaigning on election day, one report of damage to election materials, 60 reports regarding organized transportation of voters, 15 reports of suspected vote-buying,

14 reports of voters photographing ballots, 3 reports on impeding the exercise of the right to vote, 3 reports of multiple voting, and 69 cases of minor hooliganism and altercations.

The CEC posted on its website that it had received seven election-day-related complaints, including two complaints on campaigning on election day, one complaint regarding organized transportation of Transnistrian voters and three complaints related to irregularities in voting procedures. The last three complaints on voting irregularities were forwarded to the DEC's for their consideration and the others - to the police.

***The English version of this report is the only official document.
An unofficial translation is available in the state language and Russian.***

MISSION INFORMATION & ACKNOWLEDGEMENTS

Chisinau, 12 July, 2021 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of Council of Europe (PACE), and the European Parliament (EP). The assessment was made to determine whether the election complied with OSCE commitments, Council of Europe's and other international obligations and standards for democratic elections and with national legislation.

Mr. Ditmir Bushati (Albania) was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. Ms. Pia Kauma (Finland) headed the OSCE PA delegation. Mr. Stefan Schennach (Austria) headed the PACE delegation. Mr. David McAllister (Germany) headed the EP delegation. Mr. Tamas Meszerics (Hungary) is the Head of the ODIHR EOM, deployed from 2 June. Each of the institutions involved in this International Election Observation Mission has endorsed the 2005 Declaration of Principles for International Election Observation.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its next Standing Committee meeting in October-November 2021.. The PACE will present its report during its part-session in September 2021 in Strasbourg. The EP will present its report at the meeting of its Committee on Foreign Affairs on 14 July 2021.

The ODIHR EOM includes 15 experts in the capital and 28 long-term observers deployed throughout the country. On election day, 313 observers from 41 countries were deployed, including 221 long-term and short-term observers deployed by ODIHR, as well as a 59-member delegation from the OSCE PA, a 22-member delegation from the PACE, and an 11-member delegation from the EP. Opening was observed in 115 polling stations and voting was observed in 1,154 polling stations across the country. Counting was observed in 100 polling stations, and the tabulation in 34 DECs.

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

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