

Promo-LEX Association asks the Central Election Commission to abandon the changes proposed to the regulatory framework, which will substantially complicate the process of accrediting national, and especially international, observers

On April 27, 2018, the CEC submitted for public consultations the draft decision "On amending and complementing clause 7 of the Regulation on the Status of Observers and the Procedure for their Accreditation, approved by the Decision of the Central Election Commission no. 332 of October 24, 2006".

Promo-LEX Association considers the completions proposed to clause 9 of the Regulation, along with the introduction of a new Annex and a complement to the existing one as unnecessary, irrelevant and abusive to the work of observers, which seem to have the task of creating artificial obstacles to the accreditation of national, but mainly international, observers.

Obliging potential observers to sign personally the list submitted for accreditation is an unnecessary initiative that creates artificial normative barriers

According to the CEC, the person requesting accreditation is to sign the list personally, thus accepting the processing of

personal data that concerns it. Promo-LEX warns that according to the legislation, the consent of personal data subject is not required in the cases, where processing is required for tasks of public interest, or ones resulting from the exercise the powers of public authority, vested in the operator or third party, to whom the data are provided.

In the case of observers' accreditation, both circumstances are present, thus giving the operator the right not to require a personal signature on the list of accept of personal data processing. In the opinion of Promo-LEX, election monitoring is a task of public interest, and on the other hand, only the CEC and lower election bodies are public authorities that have the legal prerogative to accredit observers, a responsibility granted under art. 68 of the Electoral Code.

The completions proposed will bureaucratize and substantially delay the process of accrediting of national and, especially international, observers.

We note that this new task may be virtually impossible to realize for international election observation missions. For instance, to monitor the presidential elections, the CEC accredited over 560 international observers from more than 50 international actors. We specify that the problem becomes extremely serious for public associations and election contenders that will accredit a large number of observers. For example, in the case of Promo-LEX Association, more than 2 500 national observers were accredited in the presidential elections of 2016.

CEC's coercion of public associations and election contenders to indicate the domicile of accredited persons is totally irrelevant and even abusive

Promo-LEX Association points out that the observer's domicile is absolutely irrelevant in the exercise of its election monitoring rights. We remind you that neither the norms of the

Electoral Code, nor those of the Regulation on the Status of Observers and the Procedure for their Accreditation limit the activity of observers by requirements regarding their domicile, residence or, on the contrary, their absence. By intending to introduce this requirement, the CEC, in a discretionary and artificial manner, proposes new criteria that could hinder the free activity of observers in future elections.

Completions proposed by the CEC contradict the spirit of the Venice Commission Standards on Election Monitoring

Promo-LEX Association reminds you that according to the Code of Good Practice in Electoral Matters, national and international observers should be given the greatest opportunity to participate in election monitoring. Furthermore, election observation plays an important role as it provides evidence of adequate or inadequate organization and course of the election process.

CEC reiterates its intentions to complicate the observers' accreditation procedure

We remind you that in August 2016, the Commission took into account the recommendations of Promo-LEX and did not amend its Regulation. It seems at least strange that, in the context of the parliamentary elections to be held on the basis of a new electoral system, the CEC reverts to its proposals, which had already been rejected once.

According to the Association, the decisions adopted by the CEC with regard to bureaucratization and hindering of observers' accreditation will further constitute an indicator of the attitude of the electoral authority regarding the activity of the observers.

[Promo-LEX Opinion with regard to the content of the CEC draft decision "on amending and complementing clause 7 of the Status of Observers and the Procedure for their Accreditation"](#).

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