

The Civic Coalition for Free and Fair Elections (CCFFE) hereby states that the recent elections for the position of the governor (bascan) of the ATU of Gagauzia were held with multiple violations

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coaliția civică pentru alegeri libere și corecte

Poziția CALC privind
alegerile Guvernatorului UTA Găgăuzia 2023

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STATEMENT

OPINION OF THE CIVIC COALITION FOR FREE AND FAIR ELECTIONS

REGARDING THE ELECTIONS OF THE GOVERNOR OF GAGAUZIA IN 2023

The Civic Coalition for Free and Fair Elections (CCFFE) acting in solidarity in order to contribute to the development of democracy in the Republic of Moldova by means of promoting free and fair elections in compliance with the standards of the ODIHR (OSCE), the Council of Europe, and its affiliated specialized institutions, hereby expresses the concern regarding the degradation of the electoral process and ignoring the basic legal principles for ensuring free and fair elections while electing the governor (bascan) of the Autonomous Territorial Unit of Gagauzia.

Proceeding from the fundamental principles of free and fair elections, as well as the role of open and honest competition among electoral competitors in ensuring citizens' conscious voting;

Emphasizing the need to ensure legality and legitimacy of political power in order to guarantee a governance based on voters' will within a regularly scheduled electoral process;

Considering the hierarchy of the legal framework, such as the constitutional provisions, the Law on the Special Legal Status of Gagauzia (Gagauz-Yeri), the Electoral Code of the Republic of Moldova, and the regional electoral legislation:

The Coalition hereby states that the recent elections for the position of the governor (bascan) of the ATU of Gagauzia were held with multiple violations of citizens' electoral rights, electoral competitors' rights to enjoy equal conditions during the electoral process, obligations regarding the activity of the Central Electoral Council of Gagauzia (CECG), as well as suggestions and recommendations by the Central Electoral Commission (CEC).

In addition, the Coalition expresses its regret that most electoral competitors who took part in the election for the position of the governor and reported numerous breaches of the legal provisions during the electoral campaign have preferred not to contest the irregularities on the basis of evidence, though they were taking place due to limited political interests to the detriment of the principles of the rule of law and uniform application of the standards for a free and fair electoral procedure.

The Coalition would like to remind the public opinion that it was exactly the public statement by the electoral contestants who had taken part in the previous polls for the post of the mayor, especially those held in March 2015, that served as a basis for eliminating the drawbacks in the electoral legislation on foreign citizens' involvement in the electoral campaign, providing certain concert services paid in a non-transparent way, financing from foreign sources, etc. Recently, in spite of amending the electoral legislation and adapting it to the suggestions made by ex-candidates who had been deprived of equal rights, the situation has repeated.

The findings referred to are based upon:

- the poor quality of the electoral lists compiled by the local public authorities in the ATUG, characterized by a very large share of approx. 10.7% of voters from the supplementary lists (which is almost 6 times larger than the share of voters from the supplementary lists at the 2020 presidential elections held at the ATUG polling stations). In this context, a reasonable suspicion arises that 37000 voters were intentionally excluded from the electoral lists (as compared to the number of voters from the State Register of Voters as of May 2, 2023) to ensure obtaining the 50% participation rate mandatory for the first round of voting at the regional elections in the ATUG;
- some breaches observed on the election day, such as the

presence of unauthorized persons within the distance of 100 meters from the polling stations and cases of organized transportation of voters;

- an evasive reaction of the Central Electoral Council of Gagauzia in the circumstances in which the Central Electoral Commission of the Republic of Moldova initiated 8 contraventional procedures on illegal financing of electoral competitors who had been receiving donations from natural persons exceeding the maximum level for donations in cash established by the legislation during the elections held in the ATU of Gagauzia;
- foreign citizens' involvement in the electoral campaign, which does not comply with the legal provisions, disguising expenses for undeclared concert services by means of "acts of friendship", etc.;
- the electoral campaign was characterized by massive distribution of fakes and speculations by the candidates and their trusted persons in order to manipulate voters, and the media outlets in the region failed to cover the campaign in a balanced way. The GRT public broadcasting media service provider demonstrated a generally unbalanced editorial behavior, and some collaborators of the public TV station were obviously involved in promoting some candidates contrary to professional deontology.

The evidence provided by the CECG and Comrat Court of Appeal while validating the election results did not convince the judges that the elections for the position of the governor of Gagauzia had been flawed. In the situation described above, the Coalition hereby addresses the authorities of the Republic of Moldova with the following suggestions in order to ensure uniform application of the legal provisions on ensuring citizens' and electoral competitors' electoral rights during any type of elections, including the regional ones, and referendums:

- completing Title V of the Electoral Code of the Republic of Moldova with an additional clause on supremacy of the provisions of the national electoral legislation over those of the regional electoral legislation, on citizens' and electoral competitors' electoral rights, electoral campaign financing, and inadmissibility of foreigners' involvement in the electoral process in the Republic of Moldova;
- unification of all the recommendations for the courts of initial jurisdiction and appeal on uniform application of the electoral legislation provisions regarding citizens' and electoral competitors' electoral rights, electoral campaign financing, and inadmissibility of foreign interference by the Supreme Court of Justice.

www.alegeliber.md – *The Civic Coalition for Free and Fair Elections is a permanent, voluntary entity, comprised of 39 public organizations from the Republic of Moldova, whose aim is to contribute to the development of democracy in the Republic of Moldova by promoting and implementing free and fair elections according to the standards of ODIHR (OSCE), the Council of Europe, and its specialized affiliated institutions.*