

# **The pandemic reduces the number of party campaigning activities**

The Promo-LEX Association has launched the *Report on Monitoring the Financing of Political Parties in Semester I, 2020*. The report contains findings made by Promo-LEX monitors following the civic monitoring of political party funding.

## **Financial reporting of political parties to the CEC in semester I, 2020**

Five political parties (the POM, PSD, PUN, MSPRRM, PRM) submitted the semi-annual reports to the CEC with a delay, while the other nine parties (the MSPSN, PNOI, NOI, PUCM, PMUEM, PPM, PReg, PR, PSP) did not submit any reports as of August 26 this year. Thus, it can be concluded that 81% of the parties concerned have complied with the reporting standards in semester I, 2020.

## **State budget subsidies are the main source of political party revenues**

In the first semester of 2020, 24 out of 39 parties concerned indicated revenues in the amount of 22,287,418 lei and an initial balance of 49,485,626 lei as of January 1 this year. The reported expenses amounted to 24,270,754 lei, the final balance amounting to 47,502,290 lei as of June 30, 2020. The other 15 parties that submitted financial reports did not indicate any revenues or expenses.

Subsidies from the state budget are the main source of income for most of political parties (74%). Thus, 24 political parties received subsidies in the amount of 16,415,065 lei.

## **Campaigning through charity amidst the pandemic**

Activities of political parties in the first semester of 2020 have been marked by the COVID-19 pandemic, therefore, the number of large-scale public events and manifestations was reduced, and most of campaigning activities were directly related to charity actions in the pandemic context.

In this context, 19 political parties carried out 1,357 promotional activities, advertising events and political gatherings, donations of equipment in the pandemic context, door-to-door activities, etc. For comparison, in the same period of 2019, Promo-LEX monitors reported 1,518 campaigning activities and events carried out by 14 political parties.

## Public money used in political campaigning



According to the monitors, in at least 9 cases, the Political

Party of SOR (PPS) took credit for the inauguration of street lighting and road rehabilitation projects, carried out at public expense. Promo-LEX estimated expenses of at least 24,339,611 lei for the respective projects. At the same time, the PPS declares that it did not incur any expenses for the above projects. These estimates are solely for public information and have not been taken into account as unreported expenses.

### **Campaigning activities carried out under the auspices of an unregistered entity**

Five other political parties (Liberal Party, Romanian People's Party, Save the Bessarabia Union, Democracy at Home and National Liberal Party) under the aegis and symbolism of the Political Movement "UNIREA" (Unification)(MPU), carried out political campaigning activities. Hypothetically, the MPU incurred certain expenses. However, according to our data, there is no information on the financial activity of the MPU in the first semester of 2020.

### **Charity or image transfer?**

Charity foundations carried out numerous activities in the first semester of 2020. Thus, "Din Suflet" Charity Foundation, associated with the PSRM, along with "For Orhei" Association, associated with the PPS and "Renato Usatii" Foundation associated with the PN, carried out indirect campaigning activities in favor of the associated parties. The estimated expenses for these activities are at least 1,568,678 lei, money not reported by the parties.

### **Unreported expenses**

The Promo-LEX Association found that 18 political parties failed to report expenses amounting to 5,228,114 lei. On the other hand, expenses amounting to 696,799 lei were estimated in the case of the PRO-MOLDOVA Group (prior to its registration as a political party).

*Other expenses and staff costs* were the categories with the highest estimates. It should be noted that in the context of the pandemic, for the first time ever, the expenses reported to the CEC for public events and manifestations indicate values  higher than the estimates or, if there are discrepancies, they seem to be lower than in previous years.

The full report can be found [here](#).

*\* The report on Monitoring the financing of political parties in semester I, 2020 is prepared by the Promo-LEX Association under the “Democracy, Transparency and Accountability” Program funded by the United States Agency for International Development (USAID). The views expressed in the Report belong to the authors and do not necessarily reflect the views of the funders.*

*If there are discrepancies between the text in Romanian and its translation into another language, the provisions established by the text in Romanian shall prevail.*

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**Statement in support of  
Center for Promotion of  
Women’s Rights – Her Rights**

# Center

Promo-LEX Association, ADC Memorial (Russia), Centre for Social and Gender Research (Ukraine), Bir Duino Kyrgyzstan, FIDH and other organizations that have supported the [#AllJobs4AllWomen](#) campaign for the women's labor rights express their solidarity and support for the distinguished organization [Center for Promotion of Women's Rights – Her Rights Center](#) and its founder, Sasha Dikan, our colleague and comrade-in-arms.

We are well aware of the vital and important work this organization has done to protect women from domestic violence, stand up for their labor rights, and help women with children: In 2016, ADC Memorial and Her Rights Center released a [joint report](#) about discrimination against women and later together participated in actions aimed at overcoming discriminatory barriers in labor, led [a campaign](#) to revoke the “list of professions banned for women”, and cooperated on strategic legal defense.

Repressions against civil society in Belarus reached an unprecedented high in 2020: Wild accusations were also made against Her Rights Center and personally against Sasha Dikan, whose husband, Viktor Kuvshinov, was recently arrested and declared a political prisoner by human rights defenders.

Viktor Kuvshinov was accused of supporting the company where he worked – Pandadoc – and the human rights work of Her Rights Center, while Her Rights was charged with [allegedly helping](#) to organize women's protests this summer.

We are in full agreement with the following [statement](#) issued by Her Rights Center and can confirm their words:

*Politics is not the Center's line of work; in fact, participation in political processes is in direct contradiction to the professional and ethical principle of*

*human rights defense to maintain political neutrality and impartiality.*

*Over the time of its operation, the Center has helped over 1,500 women in difficult situations stand up for their rights. We work on gender discrimination, domestic violence, and labor and social discrimination.*

We have no doubt that the charge of “financing women’s marches” is utter nonsense: The protests were provoked by the government of Belarus itself, which violated the rights of its people. Meanwhile, Her Rights Center works to protect women from violence and discrimination – an important and, sadly, pressing concern.

**We demand an end to the persecution of Her Rights Center and freedom for political prisoners in Belarus!**

The original statement can be accessed [here](#)

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## **Promo-LEX Report: neither potential election candidates, nor voters are on equal footing**

*The Promo-LEX Observation Mission launched today the Second Report of the Observation Mission for the Elections of the President of the Republic of Moldova on 1 November 2020. This report contains the findings, conclusions and recommendations of the Mission, collected by observers from 26 August to 15 September 2020. The parties’ funding was observed during 2-11*

*September 2020, while the aspects of pre-registration were observed until the end of the procedure. Key observations include the uneven increase in the number of voters, unequal opportunities for potential election candidates and for categories of voters, unreported expenses amounting to at least MDL 735,021, and contestants taking credit for activities funded from public money.*



### **Pre-registration completion affected by neglecting the registration made after 11 September 2020**

The pre-registration of voters for voting in polling stations abroad and in the Transnistrian region ended on 16 September 2020. The total number of registrations (2018-2020) at the end of the procedure was 60,035, out of which 35,910 in the context of the presidential election. Most requests for prior registration during 2020 concerned: Italy – 12,067, Great Britain – 9,478, Germany – 6,423 and Russian Federation – 6,202.

With regard to the number of 202 PSs proposed by the CEC to be established abroad, Promo-LEX treats with suspicion the authority's initiative to increase their number, compared to 150 PSs planned under the CEC budget. This position is explained by the fact that the CEC already had preliminary information on the possible refusal of some states to open PSs outside the locations of diplomatic missions.

According to the law, pre-registration is one of the three criteria on the basis of which the polling stations are to be established. However, on 11 September 2020 already, five days before the pre-registration deadline, CEC sent to the Ministry of Foreign Affairs and European Integration proposals on the establishment of polling stations abroad. Despite the legal provisions on decision-making transparency and the renewed calls of the Civic Coalition for Free and Fair Elections, the public consultation of CEC proposals was not launched. The fact that a decision was made on the establishment of polling stations before the legal deadline and without taking into account all pre-registration applications could weaken the public trust in this procedure and arouse suspicions that the decision was politicised.

### **Unequal Opportunities for Election Candidates**

The view of Promo-LEX is that the existing legal framework does not contain precise and sufficient provisions to ensure equal opportunities for all contenders in the presidential election, especially as the incumbent president is running too for another term in office.

In contradiction with the unfounded and exaggerated interpretations of CEC, Promo-LEX believes that political parties, other socio-political organisations and electoral blocs that nominated candidates for the presidential elections also have the status of election candidate. We also believe that due to the lack of express legal provisions, political parties as legal entities may transfer on the 'Electoral Fund'

account funds up to 12 average salaries per economy in 2020. We also believe that the interpretations made by CEC at the previous elections, on the basis of which donations above the ceiling set for legal entities were accepted from political parties could be used for the Presidential elections as well. Otherwise, suspicious of inconsistent behavior of the institution could be raised. In this context, we reiterate the need for a strict and interpretation-free regulation of the status of a political party in terms of funding the election candidate nominated by the party.

### **Independent Candidates Supported by Political Parties**

By the time this report was published, 13 candidates were nominated, two of whom were registered: Renato Usatii (PN) and Andrei Nastase (PPPDA).

Promo-LEX emphasises that with regards to at least two nominated independent candidates – Igor Dodon and Alexandr Kalinin – the observers reported activities supported by political parties.

### **Taking Credit for Activities Funded from Public Money**

According to Promo-LEX Observers, during this period the initiative groups (IGs) carried out at least 158 signature collection activities.

The observers reported at least eight cases of taking credit for activities funded from public money. PSRM was concerned in four cases out of the eight, and PPS – in the other four.

Observers also spotted two cases where the image of foreign officials was used in association with the nominated candidates Maia Sandu (PAS) and Igor Dodon (IC).

Observation results also put the spotlight on the risk of using administrative resources by the head of state, who is also running in the presidential race.

## **Unreported Expenses Amounting to at Least MDL 735, 021 for Signature Collection**

The revenues and expenses reported to CEC between 2 and 11 September 2020 by the registered IGs amount to MDL 1,341,255. Donations in commodities and services (75%) were the main source of funding.

According to Promo-LEX observation, no IG reported expenses for signature collectors. What is more, nine IGs did not report all of the expenses incurred during this period, which amounted to at least MDL 735,021. The following nine IGs reported lower expenses than estimated by Promo-LEX OM: Violeta Ivanov IG (PPS) – MDL 261,758, Andrei Nastase IG (PPPDA) – MDL 172,196, Igor Dodon IG (IC) – MDL 168,819, Renato Usatii IG (PN) – MDL 52,123, Octavian Ticu IG (PUN) – MDL 34,266, Maia Sandu IG (PAS) – MDL 18,978, Andrian Candu IG (PRO-MOLDOVA) – MDL 14,269, Tudor Deliu IG (PLDM) – MDL 7,499, Dorin Chirtoaca IG (UNIREA Electoral Bloc) – MDL 5,113.

## **Complaints and appeals**

At least two electoral appeals were filed against CEC decisions in the Chisinau Court of Appeal during the reference period. Five notifications and petitions were submitted to CEC, three of them – by a party/electoral bloc and two – by a citizen. The issues tackled in the notifications included: signature collection amidst the pandemic; alleged use of administrative resources (for 2 actions); electioneering against legal provisions and handing-out of electoral advertising materials without dates.

According to the published information, three out of five notifications were either resolved or answered to. As for other two notifications, we find their resolution to be delayed, as no decision had been published within at least six days.

We remind that the Constitutional Court found in its Decision

No 34 of 13.12.2016:

- both electoral authorities and courts rejected a large number of complaints as outside their remit;
- faulty understanding by stakeholders of the process of electoral dispute resolution and failure to understand that both electoral bodies and courts should have reviewed the notified violations rather than reject them as outside their remit;
- due to the faulty enforcement of law by common law courts, the electoral stakeholders were literally deprived of an efficient judiciary control, and the Constitutional Court did not have the possibility to operate with the documents confirming the violations.

We thus draw the attention of the electoral authority and of courts on the need for and importance of efficient resolution of electoral disputes, avoiding superficial resolution or failures to resolve the notified violations. In addition, we draw the attention on the legal obligation of CEC to analyse electoral frauds, including the alleged ones, and to take preventive measures.

### **Failure of LPAs to Ensure a Transparent and Correct Electoral Process**

According to observers, only 41% of the 103 visited LPAs approved a decision on electoral posters and only 39% – a decision on offering premises for meetings with voters.

## Election campaign with cases of incitement to hatred and discrimination



As reported by monitors, at least two cases were identified where election candidates conveyed discriminatory messages or engaged in other forms of intolerance in the public area. All cases involve Renato Usatii (PN).

At least 9 cases were also reported of nominated candidates affected by hate speeches or incitement to discrimination. Thus, Igor Dodon (IC) was targeted in 4 such cases, Maia Sandu (PAS) – in 3 cases, and (PPPDA) and Renato Usatii (PN) – in one case each.

Hate and discriminatory messages built on the following criteria: disability, sex/gender, health status, age, professional activity and political affiliation.

*The Observation Mission for the Elections of the President of the Republic of Moldova on 1 November 2020 is conducted by Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) via the 'Democracy, Transparency and Accountability' Program and of the Good Governance Department of Soros Foundation Moldova under 'Monitoring the Presidential Elections of 1 November 2020' Project. 'Hate speech' component is supported by Justice and Human Rights Department of Soros Foundation Moldova under 'Consolidation of a platform for the development of activism*

*and education in the area of human rights in Moldova – stage IV' Project.*

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Find the full report [here](#).

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# **Promo-LEX Analysis: The impact of pre-registration on the establishment of polling stations abroad**

## **▪ Development of pre-registration, relative to 2019**

By 2019, as many as 24,017 pre-registrations had been made (without transnistrian region). On 7 September 2020, there were 28,821 pre-registrations recorded the system managed by CEC (without transnistrian region).[\[1\]](#) We hence notice that in

the context of Presidential elections of 1 November 2020, a maximum of **4,804 pre-registrations** have been made.

The top 10 states with the highest number of pre-registrations made in the past 12 months are presented in Table 1.[\[2\]](#) Thus, we note that the citizens of the Republic of Moldova who will be in the Russian Federation on the election day have proven to be the most active in the pre-registration process. The number of their pre-registrations **increased 3.5 times**. In the case of the other 9 countries, the number of pre-registrations grew no more than 1.5-1.1 times compared to 2019.

*Table 1*

<i>No</i>	<i>State</i>	<i>2019</i>	<i>July 2020</i>	<i>August 2020</i>	<i>7 September 2020</i>	<i>Development</i>	<i>Share 2019/2020</i>
1	Russian Federation	571	605	743	1998	1427	3.5
2	Denmark	205	218	277	310	105	1.5
3	Germany	2194	2243	2389	2624	430	1.2
4	United Kingdom	3504	3569	3734	4093	589	1.2
5	Canada	965	1014	1066	1092	127	1.1
6	France	1968	2017	2075	2223	255	1.1
7	Romania	2904	2981	3089	3259	355	1.1
8	Italy	5244	5330	5483	5885	641	1.1
9	Ireland	1394	1426	1469	1 554	160	1.1
10	USA	1720	1759	1812	1858	138	1.1

***▪ The impact of pre-registrations made in 2020 on the establishment of polling stations abroad***

According to the information provided by CEC, all active (not cancelled by voters) preliminary statements, made between 2018 – 2020, will be taken into account in order to establish abroad PSs.[\[3\]](#) In the opinion of Promo-LEX, this decision can undermine the accuracy and objectivity of the analysis for the 3 criteria on the basis of which the PS are established abroad.[\[4\]](#) In the context of the Presidential election of 1 November 2020, Promo-LEX analysed the establishment of PS abroad on the basis of both the total number of pre-

registrations and pre-registrations made during 2020 (see Table 1).

Thus, we find that in case of PS strictly based on the pre-registrations made during 2020, more PS will be established in Russian Federation (+8 PS) and Denmark (+1 PS). On the other hand, in case of establishment of PS according to all active pre-registrations (submitted between 2018-2020), more PS will be established in Belgium (+1 PS), Canada (+1 PS), Italy (+3 PS), Romania (+2 PS) and USA (+2 PS).

*Table 1*

<i>No</i>	<i>State</i>	<i>No PS according to pre-registrations of 2020</i>	<i>No PS according to pre-registrations of 2018-2020</i>	<i>States having difference in PS number</i>
1	Belgium	2	3	1
2	Canada	4	5	1
3	Czech Republic	2	2	
4	Denmark	1	0	-1
5	Russian Federation	31	23	-8
6	France	7	7	
7	Germany	8	8	
8	Greece	2	2	
9	Ireland	4	4	
10	Israel	3	3	
11	Italy	27	30	3
12	United Kingdom	10	10	
13	Poland	3	3	
14	Portugal	2	2	
15	Netherlands	2	2	
16	Romania	9	11	2
17	Spain	4	4	
18	USA	6	8	2
19	Turkey	3	3	
20	Ukraine	3	3	

21	Austria, Azerbaijan, Belarus, Bulgaria, China, Cyprus, Croatia, Switzerland, United Arab Emirates, Estonia, Japan, Latvia, Lithuania, Norway, Qatar, Sweden and Hungary	by 1 PS (17)	by 1 PS (17)	
<b>Total</b>		<b>150</b>	<b>150</b>	

\* Overall, CEC has planned the establishment of 150 PSs abroad.[\[5\]](#) At the first stage, the PS opened mandatory within the diplomatic and consular missions of the Republic of Moldova were excluded from the number of 150 PS. At the second stage, 110 outstanding PS were distributed according to the data of the three criteria set out by the law, including the only variable criterion which can be determined by voters – pre-registration.

**In conclusion**, Promo-LEX outlines the important role of the pre-registration procedure as a criterion for polling stations establishment.

Similarly, we underline that pre-registration is the only criterion which can still be modified/influenced by voters, and currently only the **dynamic of the pre-registration process can still influence the number of PS established in each state individually** (statistical data on the other indicators being already final). Subsequently, we call to all voters abroad to make use of this instrument until the deadline set by law – 16 September 2020 included.

According to Promo-LEX estimates, using the active pre-registration data of 2018-2020 results in opening more polling stations in the following states: Belgium (+1 PS), Canada (+1 PS), Italy (+3 PS), Romania (+2 PS) and USA (+2 PS).

According to Promo-LEX estimates, using the active pre-registrations made in 2020 only results in opening more polling stations in the following states: Russian Federation (+8 PS) and Denmark (+1 PS).

The full analysis can be accessed [here](#).

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[1] The figure [of 28,821 pre-registrations](#) includes all preliminary statements made from 2018 to 7 September 2020.

[2] Since the last pre-registrations, made in the context of the new parliamentary elections in October 20, 2019.

[3] [CEC Letter](#) No CEC 8/2592 of 17 August 2020.

[4] [Report 1](#) on the Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020.

[5] [CEC Decision](#) No 3146 of 3 December 2019 approving the Budget of the Central Electoral Commission for 2020.

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# **Promo- LEX publicly launches the Observation Mission for the Presidential Elections to be held on November 1, 2020 in the Republic of Moldova**

The Promo-LEX Association publicly launched, on August 26, 2020, the Observation Mission (OM) for the Presidential Elections of November 1, 2020. The Mission presented its first Report on the monitoring of the pre-election period (21 May – 25 August 2020).



Promo-LEX monitors found that the current pre-election period is characterized by an evident impact of the pandemic

on the efficiency of the governmental policies and such socio-political trends as frequent change of political affiliation, especially within parliamentary parties, and return of geopolitical issues to electoral agenda.

**Promo-LEX recommends to the CEC to take a pro-active stand and to settle, within the limits of its competence, the referrals, the Constitutional Court sent to it in the presidential elections of 2016.**

Four years after the confirmation of election results and the validation of the mandate of President of the Republic of Moldova in 2016, the Parliament, in the opinion of Promo-LEX, managed to fully settle one and to partially resolve two of a total of six referrals of the Constitutional Court.

We consider that by virtue of the powers granted to it by the legal framework, the CEC in its capacity of a body responsible for the organization of elections and issuance of mandatory normative acts, can partially settle, within the limits of its own competence, the referrals of the Constitutional Court. Technical solutions can be issued with regard to such issues as: organized transportation of voters in the context of suspicions of electoral frauds, involvement of religious

denominations in election campaigns, examination of appeals after the election day.

### **The number of voters in the Republic of Moldova continues to increase**

Although since 1999, the Republic of Moldova has been registering a negative rate of natural increase of population (RNI), the number of voters in the State Register of Voters (SRV) continues to increase, albeit at a slower rate compared to the previous years. According to the SRV, as of August 1, 2020, the number of voters was 3,286,304, which is by 410 more compared to the same period in 2019.

The increase in the total number of voters is mainly due to the growth of the number of voters with no domicile or residence and of those registered in the Transnistrian region, given that the number of voters in the other ATUs of the Republic of Moldova, as a whole, is declining.

### **Some parties nominated their candidates ahead of time, while others took credit for activities carried out at public expense**

The Promo-LEX OM has found that, the PPPDA, PAS, PUN and MPU performed activities that can be qualified as early nomination of candidates. Additionally, the observers reported political campaigns with a potential electoral impact in the case of at least five political players – PRO Moldova, the PN, PAS, PUN, MPU, while in the case of the current President and two parties – the PSRM and the PPS – activities that can be qualified as taking credit for actions performed at public expense have been reported.

### **Pre-registration of voters affected by the lack of explicit regulations**

With regard to the manner the CEC managed the pre-registration procedure, Promo-LEX OM considers that the importance and

value of the procedure is greatly affected by the lack of certainty that all prior registrations submitted will be taken into account. We emphasize that the difference in numbers of prior registrations submitted in the previous elections by voters from the Transnistrian region and those from abroad, undermines the objectivity and veracity of the data. Moreover, the lack of explicit regulation of pre-registrations in paper format, including collective claims, also affects the pre-registration procedure.

### **Promo-LEX warns about the need to adjust the normative framework for election campaign funding**

In the context of presidential elections, the Observation Mission also emphasizes the need to adjust some aspects of the normative framework of the CEC to the changes made in electoral legislation. We also note that Initiative Groups (IGs) do not appear in the Criminal and Contravention Codes as subjects to sanction, as well as the need to harmonize the sanctions described in the Contravention Code with those of the Criminal Code, in accordance with the guidelines of the Venice Commission.

It should be mentioned that at the request of Promo-LEX, the CEC issued accreditations for the first 69 national observers.

The Observation Mission also monitors the phenomenon of hate speech present in the discourses of electoral competitors.

The OM identified, based on the monitored sources of information, cases of hate speech, the subjects who use hate speech in their electoral messages and those who are affected by this type of discourse.

In the context of Presidential Elections of November 1, 2020, the Promo-LEX Association will carry out a voter information and voter education campaign to raise the awareness of Moldovan citizens entitled to vote. The campaign will include 25 debates broadcast by TV and radio stations; creation and

dissemination of a video spot; an online apolitical information and voter mobilization campaign, as well as grants for projects to promote participation in elections.

*The Observation Mission for the Presidential Elections of November 1, 2020 in the Republic of Moldova is carried out by the Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) through the “Democracy, Transparency and Accountability” Program. The “hate speech” component is supported by the Department of Justice and Human Rights under Soros-Moldova Foundation through the “Strengthening a Platform for the Development of Human Rights Activism and Education in the Republic of Moldova – stage III” Project.*

The full report can be accessed [here](#).

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**OPINION of the Promo-LEX Association on the disregard of public consultations on the organization of elections**

# **in the pandemic by the National Extraordinary Public Health Commission**

Considering that the Central Electoral Commission proposed for public consultations the Instruction on preventing the spread of COVID-19 infection during the electoral period, approved by the National Extraordinary Public Health Commission (NEPHC), the Promo-LEX Association comes with the following findings:

- 1. The National Extraordinary Public Health Commission disregarded the process of public consultations, initiated by the Central Electoral Commission, thus violating the legal provisions.***

According to the information posted on the website of the CEC[\[1\]](#) on 06.08.2020, the CEC invited the stakeholders to submit, by August 15, 2020, comments and proposals for the Instruction on preventing the spread of COVID-19 infection during the electoral period. We remind the reader that according to the Law on Transparency in the Decision-making Process, *the timeframe for submitting recommendations on draft decisions is at of least 10 working days from the date of the announcement of the decision or from the date of the announcement of the public consultation.*

Starting from legal provisions, as well as in the spirit of good faith, on August 14, 2020, Promo-LEX sent its technical recommendations to improve the Instruction.

On the other hand, the CEC asked the National Extraordinary Public Health Commission to provide an advisory opinion in accordance with its competence and, on 17.08.2020, the CEC already published the Instruction on preventing the spread of COVID-19 infection during the electoral period, which had

been approved by the NEPHC on 12.08. 2020.

***Finally, the Instruction was approved 4 days before the end of the public consultations***, whereas the CEC informed the public about that fact immediately after the expiration of the term. In this way, the NEPHC disregarded the process of public consultations initiated by the CEC, as well as the opinions sent to the CEC by stakeholders, thus creating conditions for excluding stakeholders from the decision-making process.

- 1. The NEPHC has arrogated excessive powers by approving an Instruction whose implementation terms are statutory, mainly, outside the public health emergency period.***

Although the public health emergency was declared and ***extended only until August 31, 2020***, the NEPHC assumed excessive responsibilities by approving the Instruction, which provided for the implementation of special measures outside the public health emergency period. In this context, we remind the reader that according to the Program for the organization and conduct of the presidential elections of November 1, 2020, most activities are to take place after August 31, 2020.

Mention should be made of the fact that all the specific rights and competences granted by ***Law*** to the authority in charge of managing and surveilling public health (art. 58-62), are related exclusively to the period for which the state of emergency was established, in this case, 31.08.2020. The specific rights and competences also include creation of special conditions for the activity, life and travel for natural and legal persons (art. 58 para. (5)).

To restore the rule of law, we consider it appropriate for the NEPHC to undertake the following actions:

12. to abrogate the NEPHC Decision no. 24 of 12.08.2020;
13. to examine, within its competence, the risks and issues identified by the stakeholders that submitted to the CEC

comments and proposals, and

14. to endorse the draft Instruction within the limits of the powers granted to it by law.

In addition, the Instruction does not address only issues related to the prevention of COVID-19, it also deals with the free exercise of the right to elect and be elected. Therefore, we consider that the Instruction must be approved by the authority competent to organize and hold elections.

- 1. According to Promo-LEX, the provisions of the Instruction are likely to create confusion, and sometimes may even disrupt the election procedures.**

Promo-LEX emphasizes that NEPHC seems to be the institution that is mostly concerned, can and should express its opinion on preventive measures in cases of potential danger of transmitting contagious diseases. The preventive measures established by the NEPHC must be clear, predictable and devoid of any interpretation. However, Promo-LEX emphasizes the following defective aspects of the approved Instruction:

**– Conditioning of the right to vote by the availability of protective equipment (point 1.1.)** Promo-LEX insists that the right to vote cannot be conditioned by the availability of protective equipment upon voters' arrival to the polling station. **We consider that entry into the polling station can be conditioned, only if electoral bodies or other public authorities provide voters, free of charge, with the protective equipment required by the NEPHC (especially the disadvantaged categories, who do not have the resources to purchase it).** Consequently, the NEPHC, the Government and electoral bodies must ensure that the mandatory protective equipment requested must be made available free of charge to those voters who do not own it. Or, they must provide for alternative mechanisms to exercise the right to vote by those who do not own that equipment, such as voting at one's domicile or voting on additional lists within the polling

station but outside its seat.

– **The list of mandatory protective equipment required for different electoral actors is not exhaustive (point 2.4. (only masks and gloves) and point 3.7. (masks, gloves, face shields, etc.)).** Considering the obligation imposed on the subjects involved in the electoral process, including under the sanction of prohibiting the access of the authorized persons to attend the electoral process, we recommend providing an equivocal and reasonable list of minimum protective equipment that each subject involved in the electoral process must have. It is also necessary to establish the periodicity of its change, considering that the subjects will permanently be in the polling station. If there is a list of equipment requested by the NEPHC, the Instruction must clearly state what the reaction of the electoral authority will be in the absence of any piece of equipment from the list, for example, the person has a mask and gloves, but does not have a face shield, or one has a face shield and gloves, but does not have a mask.

– **Providing explicit solutions to avoid situations, where the premises of the polling station can accommodate a limited number of observers / media representatives/ representatives with consultative vote, respecting the distance of one meter. Respectively, the evaluation of polling stations (PS) and ensuring that all PS meet the criteria necessary to prevent the spread of COVID- 19 on election day is mandatory.** In case it is identified that some headquarters of the PS do not meet the necessary criteria, it is recommended to identify alternative seats and inform the public about the change of the seat of the polling stations.

– **Ensuring the right to vote for persons who are in self-isolation,** or those who, according to the epidemiological files, are in quarantine at their domicile, outside the radius of the polling station, to which they are assigned according to their domicile / residence.

– **Providing a list of requirements that electoral competitors must comply with when requesting from public authorities / institutions spaces for meetings with voters** (e.g. time limit for which the premises are granted, limit for the number of participants respecting the social distance, provision of protective equipment, etc.). The conditions to be met could be included in the decision / contract or provision issued by the public authority or institution, when permission is granted.

**In conclusion,**

– We condemn the fact that the NEPHC disregarded the legal provisions on the conduct of public consultations.

– We draw the attention of the NEPHC to the fact that it has exceeded its powers, given that the state of public health emergency has been declared only until August 31, 2020 and we emphasize the lack of clarity regarding its further extension and the period of such extension.

– We find that the provisions of the Instruction are, in some places, too broad and at the same time, do not cover many problematic aspects that may affect the quality of the electoral process.

At the same time, considering the need to restore the rule of law and taking into account the competences and area of responsibility of the public authorities concerned, **Promo-LEX recommends:**

**the National Extraordinary Public Health Commission:**

– providing clarity with regard to the probability and necessity of extending the period of public health emergency, so that there are no uncertainties about the measures applied for different stages of electoral process;

– abrogating the NEPHC Decision no. 24 of 12.08.2020;

– examining, within its competence, the risks and issues highlighted by the stakeholders, who submitted comments and proposals to the CEC;

– endorsing the draft Instruction within the limits of the

powers granted to it by law.

**the Central Electoral Commission:**

- completing the process of public consultations;
  - examining the recommendations and submitting to the NEPHC the synthesis of their examination;
  - approving the instruction on preventing the spread of COVID-19 infection.
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[\[1\] Press release](#). The Central Electoral Commission is concerned with the organization and conduct of elections in the wake of the pandemic caused by COVID-19.

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## **Promo-LEX Report: the CEC and CICDE failed to accomplish all the activities foreseen in their 2016-2019 Strategic Plans**

Promo-LEX announced, today in a press conference, the findings of the Final Evaluation Report on the implementation of the Strategic Plans of the Central Electoral Commission (CEC) and the Center for Continuous Electoral Training (CICDE) for 2016 – 2019. Following the evaluation, it was found that in the implementation of the planned actions, both the CEC and the CICDE have registered a certain degree of progress, as well as

several shortcomings.

Thus, according to Promo-LEX, of the 34 actions foreseen by the CEC in the Strategic Plan for 2016-2019, only 13 (38%) have been fully accomplished, 19 (56%) – partially accomplished, and 2 (6%) remained unfulfilled.

The most significant results have been achieved in carrying out a feasibility study on the introduction of e-voting, which found that the existing technical conditions favor the introduction of this voting system. Additionally, in the reference period, the CEC carried out several voter information campaigns, aimed at various target groups (women, people with disabilities, citizens residing abroad, etc.). Thus, the largest information campaigns were organized in the context of the parliamentary elections of February 24, 2019.

On the other hand, failures have been registered in the implementation of the pilot project on the use of e-voting system in the parliamentary elections of 2019 and in the creation of a new subdivision within the CEC responsible for the supervision and control of party and election campaign funding. Moreover, the CEC delayed such activities as: *implementation of the “Financial Control” module, planned for 2017, increasing the accessibility of polling stations for people with disabilities, implementation of various tools to enhance the communication with the diaspora, developing practical guidelines and methodological guidance on solving electoral disputes in courts.*

In the case of the CICDE, Promo-LEX finds that, of the total of 58 activities planned for 2016-2019, the authority managed to accomplish only 24 (42%), 14 (24%) being partially fulfilled and 17 (29%) remaining unfulfilled. At the same time, 3 (5%) of the planned activities had been ambiguously worded, which made it difficult to understand what the

expected results are.

In this respect, the public institution has obtained significant results in the implementation of a complex training program intended for electoral officials and other target groups, as well as in establishing partnerships with national and international institutions. Also, voter information and educational campaigns for various target groups have been carried out. In addition, there has been made an analysis and a systematic review of developed training modules, etc.

On the other hand, the Evaluation Report on the implementation of the CICDE Strategic Plan for 2016-2019 reveals some deficiencies. Thus, the weakest results have been achieved in *conducting a study to identify voters' interests, attitudes, opinions and preferences, developing a new and specific program for training of trainers, which would include all training courses developed by the institution, creation of a permanent network of professional trainers, etc.*

At the same time, the CICDE failed to ensure continuous communication with electoral officials, local government officials, trainers and partners. Moreover, the institution did not carry out a market survey to identify potential international markets for the provision of training services, and no research was made into the participation of people with disabilities in the electoral process, etc.

Following the evaluation of the activities carried out by the CEC and CICDE in the period of 2016- 2019, the Promo-LEX Association presents in the Report a number of recommendations addressed to the electoral authority to ensure the implementation of the objectives set out in the Strategic Plans.

The full report can be accessed [here](#).

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# Statement by the National Platform of the Eastern Partnership Civil Society Forum Regarding the Presidential Elections of 9 August 2020 and Political Situation in Belarus

The Moldovan National Platform of the Eastern Partnership Civil Society Forum [express its solidarity with the Belarusian National Platform](#) regarding the Presidential elections of 9 August 2020 and political situation in Belarus. We are also sharing the concerns expressed by the [European Union, U.S. Department of State, OSCE/ODIHR, Venice Commission](#) and some countries. We are deeply concerned on the multiple incidents of excessive use of force and violence of the law-enforcement bodies against Belarusians protesters, including on women and minors and condemn the reprisals and arbitrary detention of political opposition and peaceful protesters. We urge the Belarusian government to stop all acts of violence and the persecution of protesters, to respect the right to freedom of

peaceful assembly, freedom of expression and of the press and to release all unfairly detained and all political prisoners. We also would like to remind the Belarusian authorities its international obligations under the main human rights treaties such as UN Convention Against Torture, International Covenant on Civil and Political Rights, International Covenant on the Economic, Social and Cultural Rights and UN Convention on the Rights of the Child.

[According to the Belarusian National Platform,](#) Presidential Elections in Belarus on 9 August 2020 have been accompanied by massive violations of human rights and can by no means be regarded as free, transparent and democratic. During the whole electoral process, the state government has been deliberately hindering the free expression of will by citizens which included prosecution against alternative candidates and their team members; (cyber)bullying and repressions towards bloggers, journalists, activists and ordinary citizens; massive manipulations and fraud during the voting process. [According to the Belarusian NGOs,](#) the electoral process at all of its stages did not comply with a number of basic international standards for democratic and fair elections and was accompanied by numerous violations of these principles and requirements of national legislation.

The Central Election Commission of Belarus claims that more than 80% of voices were given for Aleksandr LUKASHENKO which has provoked fair outrage from citizens. On the evening of 9 August 2020 thousands of people went out on the streets of their cities. The Belarusian authorities deployed disproportionate and unacceptable violence against peaceful protesters. This inadequate and violent reaction of the security and police agencies is therefore the cause for the escalation of the violence. According to the Belarusian National Platform, about thousands of arrested, dozens of injured and few death cases among protesters have been registered.

We strongly condemn the statement made by the President of the Republic of Moldova, on behalf of the Moldovan people. On [10 August 2020](#), Mr. Igor DODON, congratulated Mr. Aleksandr LUKASHENKO of being elected as President of Belarus. The Moldovan President rushed to express his congratulations ignoring severe concerns about compliance with electoral standards and repressions of the peaceful protests. We consider this statement represents neither the majority of the Moldovans nor of the signatories of this statement. The people of the Republic of Moldova, in solidarity with the Belarusians, respect the highest standards and fairness of the electoral process and the right to peaceful protest.

[According to the Independent Journalism Center](#) from Moldova, the media affiliated to the president's Dodon Socialist Party, did not reflect accurately the violence and police disproportionate interventions against protesters in Belarus.

**The Moldovan National Platform of the Eastern Partnership Civil Society Forum [expresses its solidarity with the Belarusian National Platform](#) and Belarusian people and in accordance with the principles of democracy, rule of law and peaceful assembly** urging the authorities of Belarus to:

immediately stop the escalation of violence on the streets;

immediately stop the excessive use of force and violence against protesters;

release immediately and unconditionally all arrested protesters and all political prisoners; acknowledge the Presidential elections not eligible due to massive law violations;

start negotiations with the teams of alternative candidates, opposition parties and civil society organisations about new Presidential elections being controlled by Belarusian society and international organisations;

ensure fundamental legal safeguards for those apprehended and arrested, including access to medical care and lawyer from the very outset of the deprivation of liberty;

to create an independent public commission based on the international good practices to continue investigations into the events followed after the presidential elections to conduct a thorough and independent investigation into all committed incidents and bring all those responsible to justice and provide redress and rehabilitation to the victims.

*[Moldovan National Platform](#) of the Eastern Partnership Civic Society Forum was created in 2011 and currently has 85 member organizations, 6 of these members being umbrella-organizations for other 255 organizations. Its mission is to contribute to the European integration process and advocate for democracy in the Republic of Moldova. The National Platform actively contributes to the advocacy process and monitors the implementation of the Association Agreement between the EU and the Republic of Moldova and other relevant documents that refer to the Eastern Partnership and the relationship between the EU and the Republic of Moldova.*

For pdf version of Declaration please click [here](#)

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**15 years of detention for  
abduction and torturing of a  
couple from Florești**

# district, committed by employees of the transnistrian militia

On 5 August 2020, by the [judgement of Soroca Court \(Center office\)](#), a former collaborator of the transnistrian militia was sentenced to 15 years in prison for the crimes of home invasion, abduction and torture of two residents of Florești district. The court admitted the civil action in its entirety and ordered the collection of 20 000 Euro for non-pecuniary damage for the benefit of the two victims. This sentence may be appealed to the Bălți Court of Appeal within 15 days.

We remind you that on the night of 8-9 April 2015, employees of the transnistrian militia abducted a couple from their house, citizens of the Republic of Moldova. They were dragged at night, on the paved road in the village, put in a boat and transported to the left bank of Nistru to the 'militia commissariat from Camenca city'. There, the victims were brutally beaten, placed in pre-trial detention and accused of stealing two rabbits.

The ill-treatment lasted for 3 days. On 12 April 2015, due to the intervention of constitutional authorities, the two inhabitants of Florești district had the opportunity to return home. The forensic examination, performed after the release of the victims established numerous physical traumas on their bodies, at the same time psycho-emotional consequences were found, as a result of the pressure the victims were subjected to during the illegal detention. In addition, the two victims had to pass a rehabilitation course at 'Memory' Rehabilitation Center for the Victims of Torture, which also released an expert review report in this regard that was taken as evidence in the criminal case.

Until January 2020, the criminal case filed by the constitutional authorities of the Republic of Moldova was suspended because the accused evaded criminal prosecution. In January 2020, the criminal case was resumed once the constitutional authorities managed to detain one of the accused. On 20 March 2020, the criminal case was registered in the court and examined on the merits, with the motivated sentence pronounced on 5 August 2020.

According to the lawyer of the Promo-LEX Association, Pavel Cazacu: 'Unfortunately, out of the large number of cases of abduction, ill-treatment and torture committed by representatives of law enforcement agencies in the transnistrian region, this case is among the few, or even the first, to be examined by the court'. In other cases, victims of abuse cannot find justice because the perpetrators are either not identified or evade prosecution. Promo LEX Association drew attention to the cases in which groups of the transnistrian militia employees move freely through the localities on the right bank of the Nistru river for so-called investigations of crime. This case also proves that the constitutional authorities have leverages and opportunities to complete the criminal investigation and can prosecute perpetrators regardless of where they are located. 'The case was thoroughly documented and the prosecution's evidence was effectively administered'.

In this context, Promo-LEX Association repeatedly urges the constitutional authorities to make every effort and diligence to fulfil their positive obligations to bring to justice those who commit illegalities regardless of where they are committed on the territory of the Republic of Moldova.

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# **OPINION of the Promo -LEX Association on the draft law no. 298 of 06.07.2020 for the modification of some normative acts (Tax Code no. 1163/1997 and the Code of Criminal Procedure of the Republic of Moldova)**

Pursuant to Law no. 239-XVI of November 13, 2008 on transparency in the decision-making process and the Regulation of the Parliament approved by Law no. 7979-XIII of April 2, 1996, **the Promo-LEX Association** expresses its interest in participating in the public consultation of the draft law amending certain acts (the Tax Code and the Code of Criminal Procedure of the RM) (registered in the Parliament under no. 298 of 06.07.2020[\[1\]](#)).

Respectively, the Promo-LEX Association, as an interested party, addresses the Committees notified on the merits, namely, the Committee on Economy, Budget and Finance and the Committee on Legal Affairs, Appointments and Immunities, as well as the Committee on National Security, Defense and Public Order requesting to examine the findings, conclusions and recommendations made by the Association with regard to the draft Law no. 298 of 06.07.2020 and outlined in this Opinion.

The full opinion can be accessed [here](#).

# OPINION

of the  
**Promo -LEX Association**

on the draft law no. 298 of 06.07.2020 for  
the modification of some normative acts  
(Tax Code no. 1163/1997 and the Code of  
Criminal Procedure of the  
Republic of Moldova)

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[1] <https://bit.ly/2ZxCMqY>