

Promo-LEX finds a precarious situation in observing the working hours by electoral officials, failure to declare all the campaign expenses and involvement of foreign persons in electoral activities

Promo-LEX found new cases of misuse of administrative resources, as well as discriminatory messages generated by some electoral competitors. In this poll, female and independent candidates are in the minority again and undeclared financial resources are continuously used.

The Promo-LEX Observation Mission presented today, September 26, 2019, the Monitoring Report No. 3 for the general local elections and the new parliamentary elections of October 20, 2019. The report contains findings, conclusions and recommendations of the Mission for the monitored period (4- 24 September), the main observations include undermining the transparency of electoral campaign financing and cases of electoral gift offered by electoral competitors.



Misuse of administrative resources and involvement of foreign persons in electoral activities

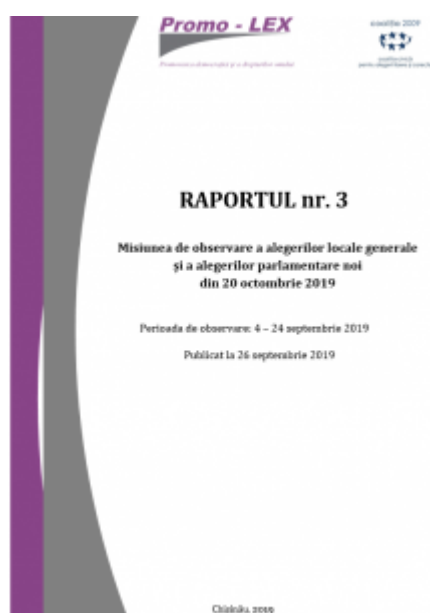
The Promo-LEX OM ascertained that compared to the previous reporting period, the number of activities to promote designated/ registered candidates increased by about four times, reaching a total of 158. Of these, 99 were carried out by the PSRM, 19 – by the PPS and 9 – by ACUM Bloc, etc. The most used types of activities were: distribution of informative materials and meetings with citizens.

There were reported at least 4 cases that can be qualified as offering of goods during the electoral period, of which three – in the context of general local elections and one – in that of the new parliamentary elections. Of these, the PN was targeted in two cases, the PPR – in one case, and the PUN in one case.

Misuse of administrative resources is also increasing in number, at least 5 cases being identified, 4 cases – the PSRM,

1 – the PPR. At the same time, candidates are continuously promoting themselves by claiming the merits for the projects implemented on public money, at least 8 cases of this kind being identified (7 – the PSRM, 1 – the PLDM).

Additionally, observers reported 4 cases, where the image of personalities from abroad were used to promote the candidates, all of them targeting the Romanian politician Traian Basescu and the PUN.



The Observation Mission ascertains actions that undermine the transparency of electoral campaign financing

In the period of 6- 20 September, 2019, the total volume of revenues declared by 7 competitors registered for the general local elections reached 9,910 132 lei and the amount of expenses reported by 5 of them – 2,487 103 lei; the final balance being – 7,423 029 lei. The major share of declared expenses falls for advertising – 74%, promotional materials – 12%, expenses for meetings and events – 8%, the use of transportation- 4%; other expenses – 2%.

Promo-LEX warns of situations that undermine the transparency of the financing of electoral campaign, such as the transfer of 5,59 million lei from the current account of the PSRM to the electoral one, without indicating who de facto made the contribution, or donations ranging from 5 to 15 thousand lei from some pensioners made in favor of the PPS and the PN.

We emphasize that 12 electoral competitors failed to fully reflect the expenses incurred in the period of 6-20 September, 2019, in particular: the PPS, PSRM, PDM, PN, USB, MSPFN, PUN, MPSN, MPA, PCRM, ACUM Bloc, PSE. Moreover, we find that electoral expenses are covered by means derived outside the electoral fund account by the PCRM, ACUM, MSPF, MPA, PSE. The total estimated unreported amount is at least 1,016,303 lei.

Differentiated approach to competitors during the registration process, which violates the principle of equal opportunities

The Promo-LEX OM informs the public of the cases qualified by the Mission as registration of competitors contrary to the legislation in force. In addition, we are witnessing differentiated approaches, which go against the principle of equal opportunities, with regard to competitors that committed the same type of infringement, some being registered, and others not, provided that the legislation does not provide for sanctioning those already registered. We refer to two aspects: registration of competitors who did not respect the gender quota (at least 30 cases – DEC II, 195 – DEC I) and registration of candidates based on designation minutes adopted before the legal term set (at least 6 cases registered).

In this poll, female and independent candidates are in the minority again

About 94% of the 2,430 files submitted for the mayoral offices are persons nominated by 23 parties / electoral blocs, and only 6% are independent candidates. Most candidates were nominated by the PSRM (611), the PDM (435) and ACUM Bloc (367).

Similarly, only 26% (632) of the 2430 candidates nominated for mayoral offices are women. For example, out of the 29 candidates nominated in the municipalities of Balti and Chisinau, there is only one woman (Chisinau).

The Promo-LEX OM warns against the registration of councilors contrary to the legislation in force with regard to gender quota. We found at least 30 cases in 21 DEC's II and at least 195 cases in DEC's I, in which the lists of councilor candidates were registered even if they did not comply with the provisions on gender quota.

Headquarters of DEC's I closed during working hours and PSs from abroad constituted in the absence of information on the distribution mechanism

The Promo-LEX OM urges the CEC and DEC's to take a more active role in resolving appeals and notifications, including the five appeals and 3 applications / notifications submitted with reference to the general local elections.

We emphasize that in 22% of DEC I, visited by Promo-LEX observers, their headquarters were closed during the working hours. In 53% of DEC's I, information on their membership was not publicly displayed and in 26% of DEC's I, the work schedule was not displayed. As for the accessibility of DEC's I headquarters, we certify that 56% of these are inaccessible, and 25% are partially accessible.

1,969 PSs have been set up for the organization and conduct of the general local elections of October 20, 2019. In the case of SMC no. 48 and 50, the Promo-LEX OM agrees with the decision of the authorities to establish a number of PSs comparable with that of the parliamentary elections of February 24, 2019, but it disapproves of the lack of information on the mechanism of distribution of PSs by states and settlements, as well as of the absence of statistical data that were at the basis of the decision.

Cases of hate speech and discrimination in electoral campaign

Based on the information reported by the monitors, we identified at least five cases in which electoral competitors generated discriminatory messages or other forms of

intolerance in the public space, of which: the PL – two cases, and ACUM, the PN and the PLDM one each.

On the other hand, the competitor targeted in hate speech is – the PPS candidate.

Analyzing the situation in terms of criteria underlying hate speech, we noticed that in two cases, gender prejudices and stereotypes were used, and in other two – prejudices related to people's ethnicity. Additionally, we identified a case involving intolerance to LGBT people and to people with mental disabilities, in one situation, incitement to violence was registered.

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

The Observation Mission of October 20, 2019 General Local Elections 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.

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**Statement of the Promo-LEX
Association made at the 2019
Annual Human Dimension**

Implementation Meeting, OSCE/ODIHR with reference to follow-up on the implementation of recommendations in the context of the forthcoming general local and new parliamentary elections in Moldova

Ladies and Gentlemen, Excellences,

My name is Nicolae Panfil and I represent Promo-LEX Association – the largest domestic election observation organization from the Republic of Moldova. I would like to inform distinguished audience about some of the positive electoral developments in my country, but also to draw your attention to the less positive ones.

The newly elected Parliament returned to the proportional electoral system and addressed several international recommendations. On certain other issues, previous recommendations have been also partially addressed, including on lowering ceilings for donations, introducing ceilings for cash donations, allowing financing from diaspora, out-of-country voting and enhancing women's participation. Still, many inconsistencies remain unaddressed.

On October 20, 2019 the Republic of Moldova will hold general local elections concurrently with the new parliamentary

elections in 4 single member constituencies. In this context, Promo-LEX is particularly worried about the following issues:

1. First, it should be reminded that the Moldovan Parliament had a very weak response to the Constitutional Court's request on closing the legal gaps identified in the course of 2016 Presidential elections, especially with regard to the sanctioning of religious cults involved in electoral campaigns, incrimination of the electoral corruption of voters, liability of broadcasters in electoral campaigns and better regulation of the procedure for contesting elections.
2. Second, I would like to emphasize the fact that election campaigns in Moldova are suffocated by the misuse of administrative resources. Promo-LEX has documented a widespread of this form of manipulation during the past elections. The current campaign for the election of local authorities is not an exception. The problem exists due to the lack of an explicit regulation of this phenomena in the national legislation.
3. Another problem is the lack of an effective mechanisms to monitor the political financing of parties and candidates. For four years already the state budget is financing the activity of political parties in Moldova and the Central Electoral Commission is still not able to ensure an efficient control of the way the money is spent. Previously, OSCE/ODIHR, Venice Commission and GRECO have recommended that a body with adequate capacity, technical expertise and independence should be empowered for such oversight. Should the CEC remain the competent oversight body, it should be given sufficient authority and resources to conduct effective campaign finance oversight.
4. Next, although the newly elected parliament has addressed the recommendation to allow Moldovan citizens living abroad to finance the electoral campaigns of the candidates, for the new Parliamentary elections that

will take place on October 20, 2019 in 4 single member constituencies, one of which is located abroad, funding from citizens based abroad is still not allowed. They can however support the election campaigns of the candidates running for the general local elections organized on the same day.

5. Speaking about the upcoming local elections, about 7% of the total number of voters (224250 people), who have neither a domicile nor a residence^[1], following the experience from the past elections, as well as based on the amended legal provisions, risk not being able to
6. Further, Promo-LEX is concerned about the quality of the voters' Our Election Observation Mission found that the management of the State Registry of Population and the State Registry of Voters is being conducted in a very weak manner. Despite the negative population growth over the last two decades and the massive migration of the population abroad, we are witnessing a permanent increase in the number of voters. On the other side, the number of mandates for local councilors assigned for the general local elections of October 20, 2019 was reduced in strict correspondence with the number of inhabitants, against the backdrop of a continued increase in the number of voters.
7. And the last issue – the legal provisions that apply for the registration of candidates running for the mayor's office are very inequitable. For instance, the independent candidates running for the position of mayor of Chisinau need to collect 10,000 signatures for the registration, unlike those designated by political parties – who do not need to collect signatures at all. For the record – a political party may be registered in Moldova if it gathers 4000 members. In comparison, in order to run for an MP office, a person needs to collect a maximum of 1000 signatures (and a maximum 500 signatures in the case of women).

In conclusion, Promo-LEX call the Moldovan authorities to find solutions and to ensure a broad social and political consensus for the remedy of the deficiencies mentioned above, thus guaranteeing an appropriate legal framework and socio-political environment for the conduct of free, fair and democratic elections.

Also, Promo-LEX addresses the representatives of the participating states and other international stakeholders with the recommendation to monitor the efforts made by the Moldovan authorities aimed at guaranteeing free, fair and democratic elections.

[1] <https://bit.ly/2kEcjGu>, <https://bit.ly/2m9y01K>

The ECHR issued a ruling in the case of inhuman treatment for raising the flag of the Republic of Moldova in Corjova

Recently, the European Court of Human Rights issued 8 rulings on 17 cases, out of which 15 were represented by lawyers of the Promo-LEX Association. Information on other causes such as Iovcev and others v. Moldova and Russia can be found [here](#), Negruta v. Moldova and Russia [here](#).



One of the cases relates to the complaint addressed to the ECHR by Valeriu Mitul and Iurie Cotofan (see the case of [Mitul and Cotofan v. Moldova and Russia, no. 33446/11](#)). The case targets the abusive actions of the Transnistrian militia on March 2, 2011, when the Mayor of

the village of Corjova – Valeriu Mitul and a village councilor – Iurie Cotofan, were arrested on the grounds that they had participated in a rally organized to commemorate the victims of the 1992 war.

The two officials were arrested after the commemoration service, when they left the church of the village of Corjova and headed to the cemetery to lay flowers. As they were carrying the flag of the Republic of Moldova, they were approached by about 30 Transnistrian militia officers, who applied special measures and detained the applicants. On the same day, the so-called judge of the “Dubasari court” sentenced the applicants to 7 days in custody for refusal to obey the orders of the militia and daring to raise the flag of the Republic of Moldova in Corjova, Dubasari district.



The applicants were intentionally held in degrading conditions in the basement of the militia unit in Dubasari. They were refused any meetings with their lawyers and receipt of any

stuffs from their relatives. They were held for 3 days in moist cells with mold odor, without heating, sleeping on metal beds. The officials were released after 3 days of detention in the basement of militia unit. Following the detention, both applicants were hospitalized as their general health condition worsened. Subsequently, the applicant Valeriu Mitul was diagnosed with heart failure and underwent two surgeries.

The court found the violation of art. 3, 5 par. 1, 13 of the Convention by the Russian Federation. The court ordered the payment of 9,000 Euros as moral damages to each applicant, and 1,800 Euros as costs and expenses.

At the same time, the ECHR issued other decisions recognizing the violation of the right not to be subjected to torture and inhuman and degrading treatment, as well as the right to freedom and security in *Berzan and others v. Moldova and Russia no. 56618/08 (10 cases were connected)*, *Untilov v. Moldova and Russia, no. 80882/13*, *Babchin v. Moldova and Russia, no. 55698/14*, *Matcenco v. Moldova and Russia 10094/10*. ***In total, the ECHR ordered the collection of moral damages in the amount of 272,200 Euros.***

The applicants were represented by legal experts and lawyers of the Promo-LEX Association.

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Moldova and Russia condemned in two Transnistrian cases following the transmission of people to the criminal investigation bodies of the Transnistrian region



On September 17, 2019, the European Court of Human Rights issued two rulings recognizing the Republic of Moldova and the Russian Federation guilty of violating the right not to be subjected to torture and inhuman treatment, as well as the right

to freedom and security.

These cases raise the issue of collaboration between the law enforcement bodies under the constitutional authorities of the RM and representatives of the secessionist bodies, who have no right to examine cases and impose criminal penalties. Earlier, the Court found this issue in *Braga v. Moldova and the Russian Federation*, no. 76957/01. Recently the constitutional authorities have assisted with the arrest of an official from the Transnistrian region, who was subsequently transmitted to the secessionist administration.

In the case of *Negruta v. Moldova and Russia*, no. 3445/13, the applicant was detained on June 14, 2011 in Rezina by the Center for Combating Economic Crimes and Corruption (CCECC) and subsequently transmitted to the representatives of Transnistrian militia in a criminal case initiated by them.

The applicant was charged and convicted by the so-called criminal prosecution bodies of the Transnistrian region. The applicant was transferred to prison no. 1 from Hlinaia, where he was held in inhuman and degrading conditions. He was released from detention on 27.10.2014. The Court concluded that the Moldovan authorities, who had to control the situation at the time of the applicant's arrest, did not prevent his detention by the so-called "PMR" authorities, who subsequently convicted and placed him in inhuman and degrading conditions. The Court found the violation of art. 3, 5 par. 1, 13 of the Convention by both states – the Republic of Moldova and the Russian Federation. At the same time, it found the violation of art. 1 of Additional Protocol to the Convention, in the "confiscation" of the means of transport belonging to the applicant by the so-called courts. The Court ordered the collection of 15,000 Euros as moral damages, of which 5,600 from the Republic of Moldova and 9,400 from the Russian Federation, as well as the amount of 1,900 Euros as representation costs, of which 700 Euros from the Republic of Moldova and 1,200 Euros from the account of the Russian Federation.

In *Filin v. Moldova and Russia*, no. 48841/11, the applicant was detained in his apartment in Chisinau, where he lived on 25.03.2009. According to the applicant, the detention was carried out by officers who claimed to belong to the Ciocana Police Inspectorate, but they did not present any confirmatory document in this regard. Half an hour after his arrest, the applicant called his wife and informed her that he was in the custody of the militia of Dubasari, controlled by the secessionist administration. On 21.10.2009, the applicant was convicted to 8 years of imprisonment by "the court of Dubasari District", he was released on 17.03.2015. The applicant was detained in the prison of Hlinaia in inhuman and degrading conditions. In the case of *Filin*, the Court considered that it cannot be fully ascertained that the applicant was arrested by the police officers, but it is beyond any doubt that the

applicant was in the custody of the so-called Transnistrian militia. The Court noted that the Moldovan Government did not provide a unequivocal explanation with regard to how Transnistrian militia officers were able to cross several control posts. Consequently, the Court found that the Government did not make sufficient efforts to prevent the applicant's transfer to the detention facilities in the Transnistrian region. The Court found the violation of art. art. 3, 5 par. 1, 13 of the Convention by both states – the Republic of Moldova and the Russian Federation. The Court ordered the collection of the sum of 20,000 Euros as moral damages, of which 8,000 is to be paid by the Republic of Moldova and 12,000 by the Russian Federation, as well as of the amounts of 2,000 as representation costs of which 800 Euros from the account of the Republic of Moldova and 1,200 Euros from the account of the Russian Federation.

The applicants were represented by lawyers and legal experts of the Promo-LEX Association.

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The ECHR finds violation of the right to education by the Russian Federation in a new case of schools in

Transnistria

Today, September 17, 2019, the European Court of Human Rights has published 8 rulings on 17 cases concerning human rights violations in the Transnistrian region. In 15 of the 17 cases, the applicants are represented by the Promo-LEX lawyers. A summary of the Court's rulings will be published shortly.

The first ruling refers to the case of Iovcev and 13 others, against the Republic of Moldova and the Russian Federation.

The High Court found that the **Government of the Russian Federation** violated art. 2 of Protocol 1, the right to education; art. 8 of the Convention, the right to respect for private and family life, art. 5 para. 1 the right to freedom and security. More details in this respect can be found [here](#).

Thus, the Court ordered the collection of the amount of 126,000 Euros as moral damages and 5,000 Euros as costs and representation expenses from the account of the Russian Federation.

The applicants are teachers, employees, students and parents of four schools in the Transnistrian region that teach using the Latin script, namely: Lucian Blaga Theoretical Lyceum in Tiraspol; Mihai Eminescu Theoretical Lyceum in Dubasari; Stefan cel Mare Theoretical Lyceum in Grigoriopol and the secondary school in Corjova, Dubasari District.

Although the ruling of the ECHR on the case of [Catan and others was issued in October 2012](#), the situation of schools using the Latin script in the Transnistrian region has not improved. Moreover, the local administration continued to put administrative and financial pressure on the institutions and the psychological harassment of the teachers and students never stopped.

We remind the reader that, in February 2014, the headmaster of

Lucian Blaga Theoretical Lyceum of Tiraspol, Ion Iovcev, the accountant and the driver of the educational institution were stopped by the Transnistrian militia and subsequently deprived of liberty. They were accused of money smuggling. They tried to pass through the so-called customs post, having on them a large amount of money (the salaries of the teachers of Lucian Blaga Theoretical Lyceum of Tiraspol).

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**OPINIE | Asociația Promo-LEX
își manifestă interesul față
de participarea la procesul
de consultare publică inițiat
de Biroul Relații cu Diaspora
privind amplasarea geografică
și numerică a secțiilor de**

**votare intenționate a fi
deschise în circumscripția
uninominală nr. 50 pentru
desfășurarea alegerilor
parlamentare noi din 20
octombrie 2019**

Nr. 198 din 13 septembrie 2019

Expediat prin poștă electronică

**Biroului Relații cu Diaspora
Cancelaria de Stat
Guvernul Republicii Moldova**

Asociația Promo-LEX, în temeiul Legii nr. 239-XVI din 13 noiembrie 2008 privind transparența în procesul decizional și a Hotărârii Guvernului nr. 967 din 9 august 2016 cu privire la mecanismul de consultare publică cu societatea civilă în procesul decizional, își manifestă interesul față de participarea la procesul de consultare publică inițiat de Biroul Relații cu Diaspora (BRD) privind amplasarea geografică și numerică a secțiilor de votare intenționate a fi deschise în circumscripția uninominală (CU) nr. 50 pentru desfășurarea alegerilor parlamentare noi din 20 octombrie 2019.

Respectiv, Promo-LEX, se adresează BRD cu solicitarea de a fi examinate constatările, concluziile și recomandările Misiunii vizavi de proiectele hotărârilor înaintate pentru consultare publică, din cadrul prezentei Opinii.

CONSTATĂRI ȘI RECOMANDĂRI:

Privind procedura de consultare publică

Asociația Promo-LEX *salută acțiunea BRD de a supune consultării publice* numărul și amplasarea secțiilor de votare preconizate a fi constituite în CU nr. 50. Este o noutate pentru procesul electoral când o subdiviziune a Guvernului, care este responsabil potrivit legislației electorale "vechi"¹ de propunerea secțiilor de votare peste hotare, a inițiat procedura consultării publice pe subiectul dat.

În același timp, atragem atenția asupra faptului că *invitația de participare la consultare publică este adresată doar reprezentanților diasporei*, excluzând în mod nejustificat alte categorii de părți interesate ce ar putea livra expertiză pe subiecte electorale. În pofida faptului că Asociația Promo-LEX nu este parte a diasporei, fiind o asociație națională cu experiență vastă de observare a alegerilor, considerăm judicios de a răspunde apelului lansat și a veni cu recomandările de rigoare.

De asemenea, atenționăm BDR asupra *lipsei termenului limită pentru prezentarea recomandărilor*. Art. 12 alin. (2) din Legea nr. 239-XVI stipulează că termenul de prezentare a recomandărilor asupra proiectelor de decizii va constitui cel puțin 10 zile lucrătoare de la data mediatizării anunțului privind organizarea consultărilor publice. Anunțul a fost plasat pe 10 septembrie 2019, respectiv termenul limită ar fi 24 septembrie 2019. Însă potrivit Programului calendaristic pentru realizarea acțiunilor de organizare și desfășurare a alegerilor parlamentare noi din data de 20 octombrie 2019² data limită de

¹ Amintim că în Legea de modificare a Codului electoral au fost incluse și dispoziții tranzitorii. Conform acestora, în cazul în care mandatul unui deputat ales într-o circumscripție uninominală se declară vacant cu cel puțin 180 de zile până la expirarea mandatului Parlamentului de legislatură a X-a, se vor organiza alegeri parlamentare parțiale, care se vor desfășura în conformitate cu legislația în vigoare până la data adoptării prezentei legi, cu excepția raporturilor juridice privind: a) obligativitatea prezentării certificatelor de integritate; b) agitația electorală; c) documentele de identificare a alegătorului, care vor fi reglementate de legislația în vigoare, aplicată în mod corespunzător.

² Programul calendaristic pentru realizarea acțiunilor de organizare și desfășurare a alegerilor parlamentare noi din data de 20 octombrie 2019 <http://bit.ly/2lOieNF>

Young people from Moldova talk about the experience of being an observer at school elections and debates in Oslo

“Norway is the most democratic country in the world” – this is the conclusion of three young representatives of the Promo-LEX Association, who on 2-7 September 2019, paid a study visit to Oslo, Norway to observe elections and debates held in schools.



Observing the electoral campaigns conducted in Norwegian schools, Maria Toma was deeply impressed by the involvement of the Norwegian youth in decision-making processes. “Schools host political debates of young party representatives who

present their electoral program to students. After only a few days, students had the opportunity to participate in the elections organized in the school and to cast their votes in favor of one or another party. It is interesting to note that they do not admit any irregularities in Norway, people are responsible and punctual, and the values on which the society is built are trust and integrity,” says Maria Toma, a participant in the PromoTE program.



The experience gained in Norway by the local coordinator of the “Come to Vote!” campaign, Cristian Dolința, will be more than useful: “... I have noticed the desire of the delegates to create a better country and to work for the benefit of the citizens. The main thing that determines Norwegian MPs to make changes is that they are part of the society, they use the public transportation and they encounter the same daily problems that simple citizens do.”



Catalin Lupascu, a Promo-LEX short-term observer, is impressed by the energy and drive of the young citizens in Norway “... they are interested in politics and deeply concerned with what the authorities do, they are strong environmentalists and have many initiatives. Their values and interests differ to a great extent from those of the Moldovan youth. In the Republic of Moldova, young people are not so much concerned about the

environment, they are less interested in electoral processes, in defending their rights or freedoms in the cases, where they are clearly violated. I believe that only the influx of values from the West, the exchange of experiences, studies in international programs will change the youth of the Republic of Moldova and will give them inspiration and interest for a better life.”



The study tour was made at the initiative of the human rights organization, Norwegian Helsinki Committee. Thus, several young students from Azerbaijan, Moldova and Ukraine had the opportunity to observe the school elections and debates in Oslo, before the municipal elections held in Oslo on September 9, 2019.

Promo-LEX Observation Mission: Recent legislative changes create substantial ambiguities for participants in the electoral process

The Promo-LEX Observation Mission presented today, September 5, 2019, [the Second Report on the Monitoring of the General Local Elections and the New Parliamentary Elections of October 20, 2019](#). The Report contains monitoring results covering the period of 15 August – 3 September 2019.



Introducing amendments to the Electoral Code during the electoral period has a negative impact on the correctness and predictability of electoral process

The Promo-LEX Observation Mission is concerned about the modification of some legislative acts, by Law no. 113/2019, which has been made during the electoral period. The changes deal with such fundamental aspects as: electoral campaigning, financing of electoral campaigns, designation and registration of competitors, etc. It should be mentioned that the organization of electoral process is burdensome and accompanied by uncertainties, given that the amendments of the Electoral Code entered into force 15 days after the beginning of the electoral period for the new parliamentary elections and only 2 days before the beginning of the electoral period for general local elections.

In addition, certain provisions, including on the financing of electoral campaigns, will be applied differently to the two elections to be held on October 20, 2019, the new parliamentary elections taking place predominantly under the old electoral law, and the general ones based on the new legislation.

The modification of the legislation on the financing of electoral campaign requires the CEC to publish the place of work of the donors indicated in the financial reports

The new legal provisions regulate in detail the quality of donor of persons holding high positions, civil servants, including those with a special status, or those employed in public organizations, by expressly limiting the donated amounts. In this respect, Promo-LEX draws the attention of the CEC to the fact that the donor's workplace should be made public in the financial reports, since only in this way, the citizens and investigative journalists will be able to monitor the amounts donated by the civil servants. And only in this way, given the current circumstances, the legal rules can be implemented.

We reiterate that, in the opinion of Promo-LEX, the CEC must make accessible to the public respective data from the reports

on the financing of electoral campaigns, reports of initiative groups and those of political parties.

Increasing number of activities with electoral tinge, continued misuse of administrative resources

In the context of *the new Parliamentary Elections*, the Promo-LEX OM noticed the increased activism of potential MP candidates in single member constituencies, with 41 initiative groups being registered. Of them, 68% of the candidates are nominated by political parties and an electoral bloc. Only two subjects with the right to designate candidates – ACUM Electoral Bloc and the PLR – have candidates for all 4 constituencies.

In the monitored period, there have been identified at least 40 cases that can be qualified as electoral activities: the PSRM (25), the PN (6), ACUM Electoral Bloc (5), the PDM (2), the PPS (1) and the PCRM (1). Additionally, there are at least 10 cases that can be qualified as misuse of administrative resources (8 – the PSRM, 1 – the PDM, 1 – a potential candidate that is currently unaffiliated).

The Promo-LEX OM also found at least 4 situations that can be qualified as involvement of the President of the Republic of Moldova, Igor Dodon, in promoting the PSRM and its potential candidates for the general local elections.

Also, during the monitored period, there were reported at least 3 events that have a potential electoral impact and can be referred to as image transfer, organized with the involvement of foundations/ organizations associated with political parties: 2 cases by *“Renato Usatii” Foundation* and 1 by *“For Orhei” Public Association*.

Also, in the context of local elections, the Promo-LEX OM has identified at least 14 cases that can be qualified as early designation of candidates: 9 cases – the USB and 5 cases – ACUM Bloc (PPPDA / PAS). Contextually, the Promo-LEX MO

reiterates its position regarding the need to extend the period for designation of candidates in the case of local elections, which is shorter compared to the parliamentary and presidential elections.

Restricting the right to vote of citizens who do not have a place of domicile or residence

Paradoxically, although the CEC approved the reduction of councilor mandates in some second and first level local councils due to the decreasing population in the respective regions, we continue to witness an increase in the number of voters registered in the State Registry of Voters, especially those without a place of domicile or residence.

Also, the Promo-LEX OM points out that the probability of restricting the constitutional right to elect in the local and parliamentary elections of October 20, 2019 of voters who do not have a domicile or residence (their number exceeds 200 thousand) is real.

Reduced accessibility to the premises of level II DEC's and lack of public information affects the confidence of population

With reference to the *General Local Elections of October 20, 2019*, we have repeatedly found that level II DEC in Bender had not been established. Of the 35 DEC's II opened, only 66% displayed data on the membership of DEC II and only 71% displayed their working hours in visible places at their headquarters.

We attest to a relatively balanced situation in terms of gender balance within the DEC II. However, women holding the position of president of DEC II, are in the minority, accounting for 40%. Offices of only 7 DEC's II (20%) can be considered accessible under the conditions provided by the CEC normative acts.

In order to organize *the new Parliamentary Elections*, the CEC constituted, in legal terms, all the four DEC's in Single Member Constituencies, at the same time, the Promo-LEX OM found that at the formation of the DEC's in these constituencies, not all the subjects holding the right to appoint members designated members to the DEC's.

The Promo-LEX Association will carry out a Campaign for information, electoral education and apolitical mobilization of the citizens of the Republic of Moldova entitled to vote under the heading "I vote for ...". It will include: "door-to-door" information activities, carried out in 70 settlements with the involvement of 34 coordinators and over 200 volunteers; 10 public electoral debates in 10 rural and urban settlements; TV and Radio debates; creation and dissemination of 2 video spots; an online campaign for information and apolitical mobilization of voters, etc.

The full version of Report No. 2 can be accessed [here](#).

The Observation Mission of October 20, 2019 General Local Elections 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.

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The ECHR issued a ruling on 6 cases brought against Moldova and Russia incriminating human rights violations in the Transnistrian region. The amount of damages is 130,550 Euros.

Today, September 3, 2019, the European Court of Human Rights has released its ruling on 6 cases related to human rights violations in the Transnistrian region. The cases are: Besleaga and Bevziuc (Application no. 29182/14), Ursu (25197/11), Boltenco (Application no. 28972/13), Petis and others (Application no. 6151/12), Samatova (Application no. 8064/11), Dobrovitskaia (41660/10). All the above cases were filed against the Government of the Russian Federation and that of the Republic of Moldova and were represented by Promo LEX.

The Court found violation of several articles of the European Convention for Human Rights, namely art. 3 inhuman and degrading conditions of detention, art. 5 the right to freedom and security, art. 6 the right to a fair trial, art. 13 of the Convention, the right to an effective remedy and art. 2 of Protocol No. 4 freedom of movement.

Thus, the High Court ordered the collection of 121,550 Euros as moral damages and 9,000 Euros as costs and representation expenses.

We remind the reader the essence of the cases. **Vitalii Besleaga and Serghei Bevziuc**, co-founders of "Varnita Unicum",

a company for the production and sale of therapeutic mineral water, got in the limelight following their abduction on November 15, 2013, by the officers of the so-called “committee of investigation of the PMR”, being subjected to physical violence. Details of the case can be found [here](#).

On November 4, 2014, the so-called Supreme Court of Tiraspol ordered the release of the businessmen, however immediately after their release from the penitentiary of Hlinaia, they were abducted and transported into an unknown direction by armed persons wearing masks, who arrived on cars without registration numbers. Vitalii Beşleaga and Serghei Bevziuc were released on December 1, 2014.

Alexandru Ursu, a police lieutenant and a district operative officer of the Hagimus police station, Causeni District, was detained in the period between July 2009 – November 2012 in the penitentiary of Hlinaia, Transnistrian region. He was abducted on July 21, 2009 by Tiraspol militia representatives and accused of forgery and counterfeiting of documents and scams in the purchase of a real estate facility on the territory of Transnistrian region.

In the case of **Boltenco**, the applicant was detained in 2005 for alleged accusations of “theft in the workplace”. His health condition aggravated because of the conditions in which he was detained, as well as due to the lack of medical assistance. The applicant had a heart attack, which was not properly treated. He had been detained for 8 years and was released in December 2014.

Ivan Samatov was forcibly enrolled into the “army” of the Transnistrian region in 2005, where he underwent inhuman and degrading treatment and was forced to perform various tasks in favor of army officers. Due to continuous ill-treatment, Ivan left the military unit. He was subsequently caught by the militia and returned to the same military unit, where the ill-treatment continued. For “desertion”, the applicant was

sentenced to 5 years of imprisonment.

In **Petiș and others**, the applicants were arrested by militiamen and held in detention in the period between 27- 31 August 2009.

Elena Dobrovitcaia was abducted by the representatives of Bender militia in June 2010 and held hostage because her mother Zinaida Ciuhnenco had not kept the appointment made by an investigating officer. She was released a few days after the case was made public.

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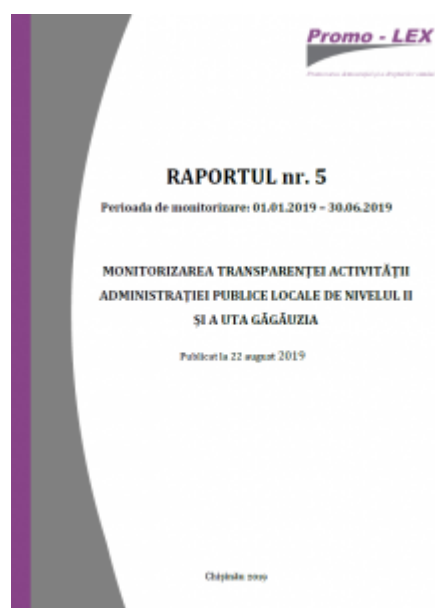
Conclusions of the Promo-LEX Report on monitoring the transparency of activity of level-two local public authorities during the first half of 2019

Local authorities are an important link of the national decision-making process, while the transparency of the local decision-making process and access to official information are essential in ensuring the efficiency of the decision-making, legality and legitimacy of the involved authorities.

Starting from this premise, the Promo-LEX Association

presented the fifth report on monitoring the transparency of activity of level-two local public authorities and ATU Gagauzia, based on the findings reported by the monitors, who surveyed the activity of the actors involved in the decision-making process during 01.01.2019 – 30.06.2019.

During the period covered by the Report no. 5 the conclusion on the insufficiency of compliance with the legal provisions related to transparency of decision-making process by level-two LPAs remains valid.



Less transparent LPA authorities' websites in the final term of office

According to the report, communication preferences between LPAs and stakeholders in the decision-making process largely remained the same, the most used source of communication being the website. Even so, in the first semester of 2019, Promo-LEX finds a decrease in the level of compliance of the contents of the LPA authorities' websites in terms of transparent decision-making with the applicable legal provisions.

Thus, if in the second semester of 2018, 91% of the monitored LPAs published their decisions and related materials, then in the first semester of 2019 – only 83% did this. In the case of announcements on public consultations – if 83% of the LPAs published them in the second semester of 2018, then in the first semester of 2019 – only 54% of the LPAs managed to

publish them. No changes have been made to the requirements concerning the publication of internal rules (34% of all LPAs) and the annual reports on decision-making transparency (51%).

Situation that can be explained, by the unstable and full of uncertainties political context created in the first part of 2019 following the parliamentary elections and due to the final term of office of the local public administration.

The analysis of the outcomes per LPA, proved that the authorities from Riscani district, Balti municipality, Criuleni and Falesti districts are doing best in complying with the LPA website content requirements on decision-making transparency. At the opposite extreme – the weakest results were registered by LPAs from Taraclia, Briceni, Donduseni, Rezina and Ialoveni districts.

Increased access to official information, but decreased role of public consultations

We attest a 25.72% increase in the rate of provision of responses to the requests for official information by level-two LPAs both within legal deadline and with a full content.

At the same time, given the non-organization or lack of announcements on the conduct of public consultations by LPAs, a decrease in the use of the mechanism of public debates and participating in them both by LPAs representatives and stakeholders of 18.58% was observed.

More transparent meetings of the level-two LPAs' deliberative authorities

Legal provisions in the field of transparency in preparing and holding the meetings of level-two LPAs' deliberative authorities are observed to a great extent. According to Promo-LEX monitors, in the first semester of 2019, the deliberative authorities of LPAs met in at least 89 meetings, two of which did not have the necessary quorum. All of the

meetings were accessible to Promo-LEX monitoring, while the publication rate of the announcements regarding the conduct of meetings on website increased by 2.8%. The number of decisions published in the State Register of Local Acts increased by 6.89%, the latter being published in the case of 86.20% meetings.

The live broadcasting of meetings of level-two LPAs' deliberative authorities is an element that increases the transparency in the decision-making process. The Promo-LEX Association values the fact that citizens were able to watch the local deliberative bodies in case of 26 meetings out of 89. LPAs that use broadly the live broadcast include: Balti municipality, Chisinau municipality, Falesti, Soroca, Taraclia, ATU Gagauzia, Nisporeni, Soroca and Drochia.

Government portal of public offices still remains to be poorly used by authorities

Promo-LEX Association finds a moderately positive state of affairs with regard to the transparency of public office contests. The LPA authorities, who indicated the organization of contests, largely followed the advertising conditions by placing the notice and their requirements on the website and in the media. However, placing notices about the organization of contests on the government portal of public offices, www.cariere.gov.md, still remains to be poorly used by the authorities, especially since it is a mandatory source of publication of advertisements, according to legal provisions.

Low transparency of procurement process

It is alarming that the official websites of LPAs ensure a low level of transparency in the procurement process, this summing up to the publication of Procurement Plans. Simultaneously, level II LPAs do not publish on their official websites the reports on public procurement of small value and, respectively, the quarterly/half-yearly and annual reports on

monitoring the performance of procurement procedure contracts (18 of 35 LPAs). However, compared to previous periods, we see a decrease in the number of LPAs that complied with the legal provisions. Thus, we found a decrease by 2% in terms of publication of the quarterly report on monitoring the implementation of public procurement contracts (MCA), by 10 % in the publication of the procurement plan and by 3% in the approval of the quarterly report on MCA, etc.

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

The initiative to monitor the transparency of the activity of the level II LPA authorities and that of ATU Gagauzia is funded by the United States Agency for International Development (USAID) in the framework of the Program for Democracy, Transparency and Responsibility (August 2016 – July 2019). The opinions expressed in the public reports of Promo-LEX belong to the authors and do not necessarily reflect the views of the funders.

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