

# OPINION of Promo-LEX Observation Mission for the New Local Elections on suspending the second round of elections on 5 December 2021 in Bălți Constituency

**Promo - LEX**



*Advancing democracy and human rights*

## OPINION

of Promo-LEX Observation Mission for the New Local Elections on  
suspending the second round of elections on 5 December 2021  
in Bălți Constituency

***Promo-LEX Observation Mission for the New Local Elections expresses its bewilderment and disagreement with Central Electoral Commission's decision to 'suspend' the second round of the new local elections for the position of mayor in Bălți Constituency.***

Promo-LEX has constantly advocated for free and fair elections in compliance with the law. Unfortunately, the incomplete legal framework, in tandem with abuses committed by some electoral contenders in funding their electoral campaign

undermined the rights of voters and of the other electoral contenders to free and fair elections.

In this context, the Mission draws the attention ***that the electoral law does not provide for suspension of the second round of elections on grounds stated in CEC decision.*** Moreover, according to Article 26(1)(o) of the Electoral Code, CEC has the positive obligation to ‘ensure the conduct of the second round of elections (...)’.

The Mission finds that, though the legislator regulated the situation when a competitor could be sanctioned by removal from the electoral race, it did not provide any possibility for suspending or annulling the elections on grounds of removal of a contender from the second round of the election. Note that ***only courts may check and establish the lawfulness of elections, confirm election results or declare the election null, as appropriate.***

At the same time, ***CEC interpretation of the ‘impossibility to conduct the second round of the local elections for the position of Mayor with one single candidate’*** (Article 145(2) of the Electoral Code), ***does not correlate with the previous practice.*** Local elections have been held previously with one single candidate, and their outcomes were confirmed by the court and by the Central Electoral Commission, respectively<sup>[1]</sup>.

Therefore, Promo-LEX Association maintains its position presented in the Opinion<sup>[2]</sup> of 3 December 2021, stating that ***the second round of elections shall be organised according to Article 51(7)***, and stamp ‘withdrawn’ shall be applied next to the name of the de-registered candidate.

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<sup>[1]</sup> For instance, the elections for the position of Mayor of Hirova village, Călărași district of 14.05.2017, and the elections for the position of Mayor of Lăpușna township, Hîncești district, November-December 2017.

[2] [Opinion](#) of Promo-LEX on how the second round of elections should be conducted if the Central Electoral Commission's application for de-registration of the electoral contender Marina Tauber from the local elections in Bălți Municipality is admitted.

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**OPINION of Promo-LEX Association on how the second round of elections should be conducted if the Central Electoral Commission's application for de-registration of the electoral contender Marina Tauber from the local elections in Bălți municipality is admitted**



## OPINION of Promo-LEX Association

on how the second round of elections should be conducted if the Central Electoral Commission's application for de-registration of the electoral contender Marina Tauber from the local elections in Bălți municipality is admitted

Promo-LEX Association has constantly advocated for free and fair elections in compliance with the law, including transparent funding of political parties and electoral campaigns. In this regard, we are monitoring attentively the Central Electoral Commission's application for de-registration of the electoral contender Marina Tauber from the local elections in Bălți Municipality.

Promo-LEX expresses its hope that courts will review this case attentively and in details, so that the fundamental electoral rights of all participants in the election are observed, including the right of citizens to be informed when they cast their votes.

We hence ***recommend that stakeholders (electoral contender, electoral bodies and courts) do not delay the submission of complaints or the review and settlement of electoral litigations, as appropriate, in order to comply with Article 73 of the Electoral Code, which states that complains and litigations shall be settled no later than the election day.***

After reviewing the application on de-registration of electoral contender Marina Tauber, Bălți Court (and courts of

appeal, if needed) shall state if undeclared funds and materials were used and if the expenditures made exceeded the ceiling set for the electoral fund.

Without prejudice to this litigation review and to the rights of the parties involved to defend their position, we draw the attention to some aspects related to the organisation of the second round of elections, if the court rules to re-register candidate Marina Tauber for the position of Mayor of Bălți municipality.

In this context, and considering the findings of Promo-LEX observation mission for the previous local elections ([GLE 2015](#), [NLE 2017](#), [GLE 2019](#)), ***we remind about the incomplete provisions of the Electoral Code on the organisation of the second round of elections.*** In particular, we refer to the uncertainty about the way of organising the second round of local elections in cases when one of the two candidates withdraws or is de-registered by the court. We hence ***draw the attention to the fact that the electoral law does not provide any possibility to replace the withdrawn candidate.***

Only the CEC [Regulation](#) on Drawing Lots (point 26), dated 2018, stipulates that if a candidate withdraws before the election day, the remaining candidate and the candidate who accumulated the next highest score in the first round of elections shall compete in the second round. At the same time, point 2) of Decision No 170 of 23 November 2021 states that „If one of the two candidates withdraws from the electoral race no later than 7 days before the election day, the election shall be held between the remaining candidate and the candidate who accumulated the next highest score in the first round. We thus remind that the rule on the possibility to replace the withdrawn candidate was addressed non-uniformly in the past CEC decisions[\[1\]](#).

We hence believe that the above CEC Decision is not applicable to the current case (de-registration of the electoral

contender), because there are fewer than 7 days remaining before the election day. At the same time, the rules included in the Regulation of 2018 and Decision No 170/2021 refer to withdrawal of an electoral contender rather than his/her de-registration. We underline that withdrawal from the electoral race is different than de-registration of an electoral contender, in particular considering that the electoral law does not provide for such norms.

In this regard, according to Article 145(2) of the Electoral Code, the second-round election shall be conducted between the two candidates who gathered the greatest number of votes in the first round. These two candidates shall be written in electoral ballots in descending order of scores accumulated in the first round. However, the printing of ballot papers for Bălți municipality started on 1 December 2021. Respectively, ***if a candidate in an election withdraws his/her candidacy after ballot papers have already been printed, according to Article 51(7) of the Electoral Code, the precinct electoral bureau shall stamp 'withdrawn' next to his/her name, on the ballot.*** Accordingly, the Legislator provided only this solution for cases when an electoral contender de-registers.

As a conclusion, we reiterate the need to clarify the **Electoral Code provisions on the organisation of the second round of elections.** At the same time, if an electoral contender is de-registered, according to the current provisions of the Electoral Code:

- **the second round of elections shall be organised according to Article 51(7), stamp 'withdrawn' shall be applied next to the name of the de-registered candidate;**
- **the candidate ranking the third according to the results of the first round of elections may not replace the de-registered candidate.**

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[\[1\]](#) In the second round of the new local elections in Hirova

village (16.05.2017) and Chişinău municipality (23.05.2018), the CEC decisions did not allow to replace the withdrawn candidate, while in the second round of the local elections in Sîngera town, Chişinău municipality, Berlinţi township Briceni district (Decision of 22.11.2017), Chetriş township, Făleşti district and Corlăteni village, Rîşcani district (Decision of 04.11.2020) provided such a mechanism.

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## **Football and violence against women**

Today, November 24, 2021, the Moldovan Football Champion #SheriffTiraspol will play in the 5th match in the groups of the European Champions League #UCL with #RealMadrid.

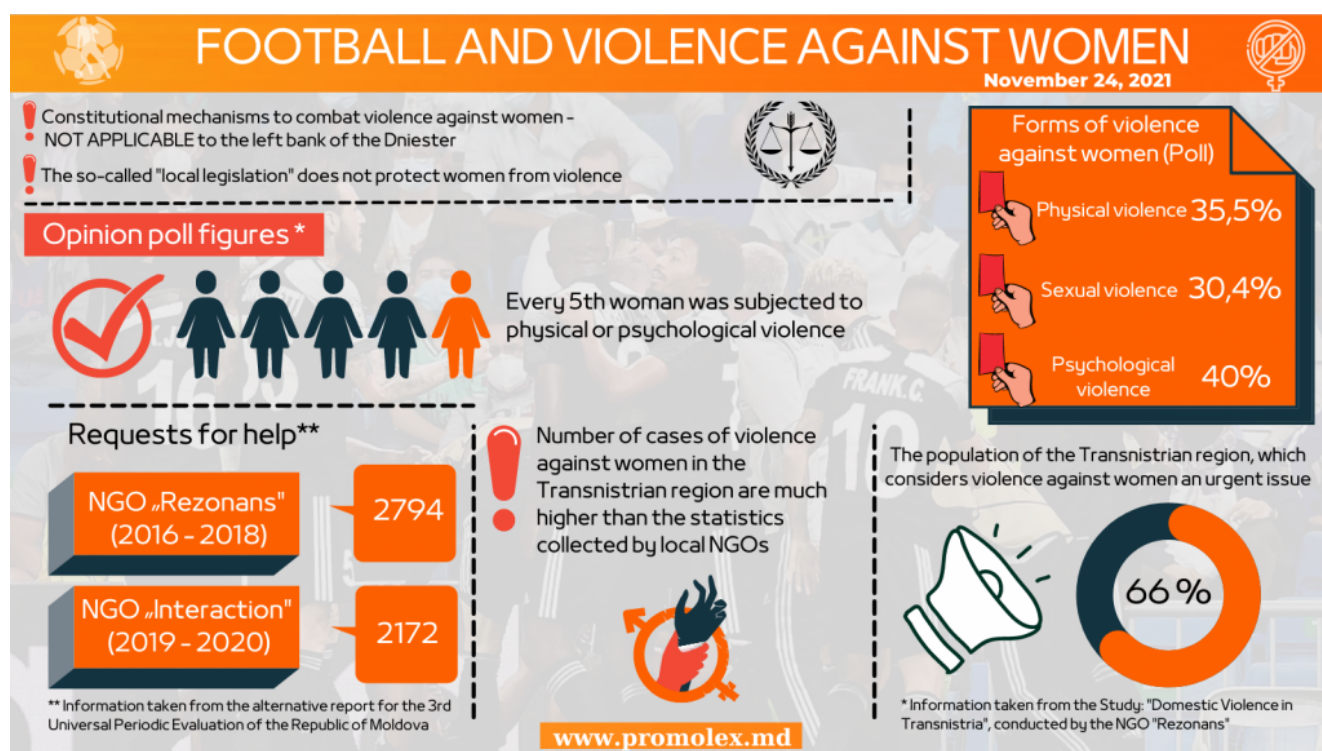
The match takes place on the eve of the celebration of the International Day for the Elimination of Violence against Women, which takes place annually on November 25.

The #Sheriff holding, which also owns the football club of the same name, exercises control over the separatist regime through local and regional government officials.

Victims of domestic violence and violence against women in the Transnistrian region are not protected. Constitutional mechanisms to combat violence against women are not implemented on the left bank of the Dniester, and so-called local legislation does not separate cases of domestic violence from other crimes. Assistance to victims of domestic violence is only partially provided by some non-governmental organizations.

The de facto Tiraspol administration does not provide statistics on the number of cases of violence. However according to a survey conducted by the O.N.G. "Rezonans," (Transnistrian region): every 5th woman stated that she had been subjected to physical or psychological violence; about 66% of the population of the Transnistrian region consider that the issue of domestic violence is very urgent.

For more details, visit: <https://bit.ly/3l3BJcG> / <https://bit.ly/3DNUzM9>



**Public call by human rights and other organizations in the OSCE region due to the**

# **intention of the Russian authorities to wind up two oldest human rights organizations in the country**

It became known on November 11, 2021, that the Prosecutor General's Office of the Russian Federation filed a lawsuit to wind up Memorial International for allegedly systematic violations of the law on "foreign agents". The organization is accused of not labeling its materials with a reference to its "foreign agent" status.

Other structural divisions of the organization, including the Memorial Human Rights Center (hereinafter Memorial HRC) can also be wound up. The reason is several long-standing so-called "labeling violations", for each of which Memorial HRC has already paid two huge fines, as well as technical claims to the publication of reports.

In addition, the statement of the Moscow Prosecutor's Office contains a politically motivated accusation that, in violation of the Federal Constitutional Law "On the Judicial System of the Russian Federation" Memorial HRC allegedly "denies the facts established by the decisions of the Russian Federation Supreme Court that have come into force, forms an opinion about their illegality and optional execution". Memorial HRC is also unjustifiably imputed that the organization's materials contain signs of "justifying" the activities of members of "terrorist" and "extremist" organizations, and that these materials "form the opinion among their addressees about the admissibility of participation in the activities of extremist and terrorist organizations". By justifying extremism and terrorism, the Moscow Prosecutor's Office means the lists of political prisoners maintained by the Memorial

HRC political prisoners support program, as well as information on individual cases.

The true motive behind the intentions to wind up Memorial International and Memorial HRC is the desire of the Russian authorities to destroy any public discussion and human rights support of people who are persecuted for political reasons, as well as to stop research on the repressions of the Soviet period and delete the historical memory of the mass crimes committed during this period.

We welcome the protest of the Council of Europe Secretary General and her [call](#) to revise the procedure for the elimination of so-called "foreign agents", as well as to bring Russian legislation on non-governmental organizations in line with the Council of Europe standards. We strongly urge the Council of Europe to take decisive actions if this call is not heeded by the Russian authorities.

We also call on the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to protect the rights of Memorial International and Memorial HRC to operate, and the OSCE Secretary General and Chairperson to express their disagreement with the steps taken by the Russian authorities to suppress human rights activities that should be welcomed in accordance with OSCE commitments.

We appeal to international institutions, human rights organizations, democratic governments, all active citizens, and request by all legal means to protest against the next round of political repression in Russia, which, in the event of the two oldest human rights organizations winding up, will reach their point of no return.

In this case, the blow of the Russian authorities is directed against human rights defenders, which is a violation of the international obligations of the Russian Federation, in particular, the Declaration adopted by the General Assembly on

December 9, 1998 on the right and responsibility of individuals, groups and bodies of society to promote and protect universally recognized human rights and fundamental freedoms.

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Organizations that supported the open appeal:

Center for Civil Liberties (Ukraine)

Human Rights Platform (Ukraine)

Kharkiv Human Rights Group (Ukraine)

Ukrainian Helsinki Human Rights Union (Ukraine)

Without Borders Project (Ukraine)

All-Ukrainian NGO Chysta Khvylia (Clear Wave) (Ukraine)

Institute of Religious Freedom (Ukraine)

Legal Policy Research Center (Kazakhstan)

Belarusian Helsinki Committee (Belarus)

Viasna Human Rights Centre (Belarus)

DRA – German-Russian Exchange (Germany)

Law Enforcement Research Center (Ukraine)

Public Verdict Foundation (Russia)

Center for Participation and Development (Georgia)

Tbilisi Shelter City Project (Georgia)

Protection of Rights without Borders NGO (Armenia)

Centre de la Protection Internationale (France)

Non-governmental non-profit organization "Centre of Public Initiatives "Ideas for Change" (Ukraine)

Helsinki Citizens' Assembly-Vanadzor (Armenia)

Bulgarian Helsinki Committee (Bulgaria)

Human Rights Center (Georgia)

Public Association "Dignity" (Kyrgyzstan)

Luhansk Regional Human Rights Center "Alternative" (Ukraine)

Promo-LEX Association (Moldova)

ZMINA Human Rights Center (Ukraine)

PUBLIC FOUNDATION "NOTABENE" (Tajikistan)

Saratov Human Rights Group (Russia)

Association of Ukrainian Human Rights Monitors on Law Enforcement (Ukraine)

Norwegian Helsinki Committee (Norway)

Civil Society Institute (Ukraine, Kyiv)

Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT) (Georgia)

Liberation Movement Research Center (Ukraine)

Assemblée Européenne des Citoyens – France (Helsinki Citizens' Assembly, France).

Human Rights House Foundation (Switzerland)

Human Rights Center of Azerbaijan (Azerbaijan)

Open Dialogue Foundation (Belgium)

Human Rights House in Chernihiv (Ukraine)

Donbas SOS NGO (Ukraine)

Helsinki Fundacja Praw Człowieka (Helsinki Foundation for Human Rights) (Warsaw, Poland)

Truth Hounds (Ukraine)

International Federation for Human Rights (FIDH) (Paris, France)

Sova Expert Group (Ukraine)

Netherlands Helsinki Committee (Netherlands)

Human Rights in Mental Health-Federation Global Initiative on Psychiatry

Solidarus e: V. (Germany)

Helsinki Foundation for Human Rights (Poland)

Minority Rights Group in Europe (UK)

Helsinki Association for Human Rights (Armenia)

Civil Liberties Office (Tajikistan)

Kharkiv Foundation Public Alternative (Ukraine)

Civil Society Institute (Ukraine)

ANT Network (Ukraine)

Open Society Foundation (Ukraine)

Crude Accountability (USA)

Swedish OSCE-network (Sweden)

Political Science Association (Ukraine)

National Society of Cinematographers of Ukraine (Ukraine)

Ukrainian Center for Independent Political Research (Ukraine)

Kazakhstan International Bureau for Human Rights and Rule of Law (Kazakhstan)

Human Rights Monitoring Institute (Lithuania)

CrimeaSOS Public Organization (Ukraine)

Center for Development of Democracy and Human Rights (Russia)

Human Rights Club Azerbaijan (Azerbaijan)

Swiss Helsinki Committee (Switzerland)

Macedonian Helsinki Committee (North Macedonia)

“Growth Point: Education and Science” Public Organization (Ukraine)

Libereco Partnership for Human Rights (Germany)

PEN Ukraine

Institute for Reporters’ Freedom and Safety (Azerbaijan)

World Organisation against Torture (OMCT) (Brussels)

International Renaissance Foundation (Ukraine)

Regional Center for the Human Rights

One World Kyrgyzstan (Kyrgyzstan)

Boris Zvozkov Belarusian House of Human Rights named after (Belarus)

Belarusian Association of Journalists (Belarus)

Institute for Territorial Development (Ukraine)

American Russian-Speaking Human Rights Association (USA)

Svoboda Alliance VIC (Australia)

Svoboda Alliance SA (Australia)

Association of Women for Higher Professional Education  
“Consent” (Georgia)

Hungarian Helsinki Committee (Hungary)

SOVA Information and Analytical Center (Russia)

Civil Control St. Petersburg Public Human Rights Organization  
(Russia)

Institute Republica (Ukraine)

Actyvna Hromada (Active Community) All-Ukrainian Initiative  
(Ukraine)

Global Ukraine Foundation (Ukraine – France)

Adilet Legal Clinic (Kyrgyzstan)

Theater for Change Public Organization (Ukraine)

Centre of Policy and Legal Reforms (Ukraine)

Together Against Corruption (Ukraine)

Don Women (Russia)

Human Rights Movement “405” (Kazakhstan)

Qaharman Human Rights Defense Foundation (Kazakhstan)

Podilska Agency for Regional Development, Public Organization  
(Ukraine)

ICO Environment-People-Law (Ukraine)

Public organization “Human Rights Association” Pravoe Delo

”(Ukraine)

Shoulder to Shoulder Charitable Foundation (Ukraine)

International Public Movement “Association of Foreign Ukrainians” (Russia, Georgia)

Center for Democracy and Rule of Law (Ukraine)

Ukrainian Center for European Politics (Ukraine)

KULTURUS. Festival of Contemporary Culture and Human Rights (Czech Republic)

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# **Findings of the Promo-LEX Observation Mission following the monitoring of the New Local Elections of November 21, 2021 Election Day**



*The Promo-LEX Observation Mission presents its main findings with regard to the opening and closing of the polling stations (PS), voting during the Election Day and incidents reported by observers during the monitoring of the new local elections of November 21, 2021. At the same time, we present the rapid vote counting results, conducted by Promo-LEX OM, in 15 settlements, where elections for the position of mayor were held.*

The information was collected and reported by 28 static short-term observers (STOs), who monitored the electoral process in each of the polling stations set up in 14 level- one administrative units<sup>[1]</sup>. The elections in the municipality of Balti were observed by four mobile teams of two observers each that monitored all the 60 PSs set up.

During the election day, as a whole, the voting was organized efficiently and the process was smooth. About 18% of monitored PSs opened with insignificant delays. According to observers, the voting procedures were conducted in compliance with

COVID-19 requirements in 89% of polling stations.

The Promo-LEX Observation Mission of the New Local Elections of November 21, 2021 finds that of the total of 18 notifications reported by Promo-LEX observers, 14 were processed as incidents, namely:

- intimidation of the Promo-LEX observer – 2 cases (PS 17/12, Falesti, Calinesti (by PAS representatives (1); by an unidentified person (1));
- unjustified presence of unauthorized persons inside the polling station or within 100 m of the PS – 2 cases (PS 16/11 Edinet, Cupcini (PAS-1, BECS-1), PS 17/12, Falesti, Calinesti (unidentified-1 case));
- unjustified cessation / suspension of voting process in the polling station – 1 case (PS 16/10, Edinet, Cupcini);
- interruption of the shooting of electoral operations during the voting day -1 case (PS 11/26, Cimislia, Hartop);
- availability of advertising materials on displays, electoral panels within 100 m of the polling station – 3 cases (PS 2/41, 2/57, PS 2/32 Balti municipality – BECS);
- ballot boxes were not sealed according to the legal procedures / broken / damaged or absence of seals on the ballot boxes – 1 case (PS 16/9, Edinet, Cupcini);
- deficiencies in electoral lists – 1 case (PS16 / 11 Edinet, Cupcini);
- photographing of ballots, other violations of the secrecy of the vote – 2 cases (PS 16/11 Edinet, Cupcini, PS 11/26, Cimislia, Hartop).
- deficiencies in the counting of ballot papers – 1 case (PS 17/12, Falesti, Calinesti).

Considering that the voter turnout exceeded 1/4 of the number of voters registered in the electoral lists, we find that the elections are valid in all 15 constituencies.

The closure of the observed PSs was held with no violations. The vote counting process carried out by the electoral bodies was generally quick and calm. However, in at least 7 PSs (19%), the members of the PEBs ignored the rule stating that in the counting process, the ballot paper must be displayed to all the other participants of the counting process by a single member of the bureau.

Traditionally, in these elections too, the Promo-LEX OM carried out a parallel vote counting. Out of the total number of 88 protocols collected, 36 were obtained directly from the Precinct Electoral Bureaus (PEBs) observed, and the other 52 (Balti constituency) were collected as they were submitted by the PEBs presidents to Constituency Electoral Council. The findings of Promo-LEX confirm the preliminary results established by the Central Electoral Commission. In the first round, mayors were elected in 9 settlements, and on December 5, 2021, the second round of elections will be organized in 6 other settlements.

N.	Settlement	Elected mayor	Preliminary results of the CEC	Promo-LEX preliminary results	Difference
1	Camenca village, Glodeni district	Postolachi Ala (PAS)	560 (70,00%)	560 (70,00%)	–
2	Palanca village, Stefan Voda district	Cozlovschi Dumitru (PAS)	359 (53,50%)	359 (53,50%)	–
3	Negureni village, Ungheni district	Uscatu Galina (PDM)	359 (53,34%)	359 (53,34%)	–
4	Hlinaia village, Edinet district	Ceban Tudor (PAS)	415 (55,18%)	415 (55,19%)	+0,01%
5	Calinesti village, Falesti district	Procopciuc Ala (IC)	495 (51,99%)	495 (52%)	+0,01%
6	Pirlita village, Falesti district	Neagu Sergiu (PAS)	768 (77,65%)	768 (77,65%)	–
7	Ucrainca commune, Causeni district	Macovei Tamara (PAS)	427 (80,72%)	427 (80,72%)	–
8	Iscau commune, Falesti district	Boiciuc Alexandru (PPS)	609 (68,96%)	609 (68,97%)	+0,01%

9	Stefanesti village, Stefan Voda district	Bujorean Ruslan (BECS)	271 (59,82%)	271 (59,82%)	–
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Details on the results of parallel vote counting in all 15 constituencies are contained in the presentation below.



*The press release is prepared as part of the New Local Election Observation Mission of November 21, 2021, 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 views expressed in the public reports and press releases of Promo-LEX are those of the authors and do not necessarily reflect the views of the funders or partners. The content of this document may be subject to editorial revisions.*

*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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[\[1\]](#) Ucrainca commune and Opaci village (Causeni district), Hartop commune (Cimislia district), the town of Cupcini and Hlinaia village (Edinet district), Işcalau commune, Calinesti and Parliaa villages (Falesti district), Camenca commune

(Glodeni district) Hancesti), Cneazevca commune (Leova district), Palanca and Ștefaneati villages (Stefan Voda district), Negurenii Vechi commune (Ungheni district).

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## Football and Impunity

Today, November 3, 2021, the Moldovan Football Champion #SheriffTiraspol will play in the 4th match of the European Champions League #UCL with #InterMilano.

The match takes place on the eve of the 71st anniversary of the signing of the European Convention on Human Rights, an event that took place on November 4, 1950 in Rome.

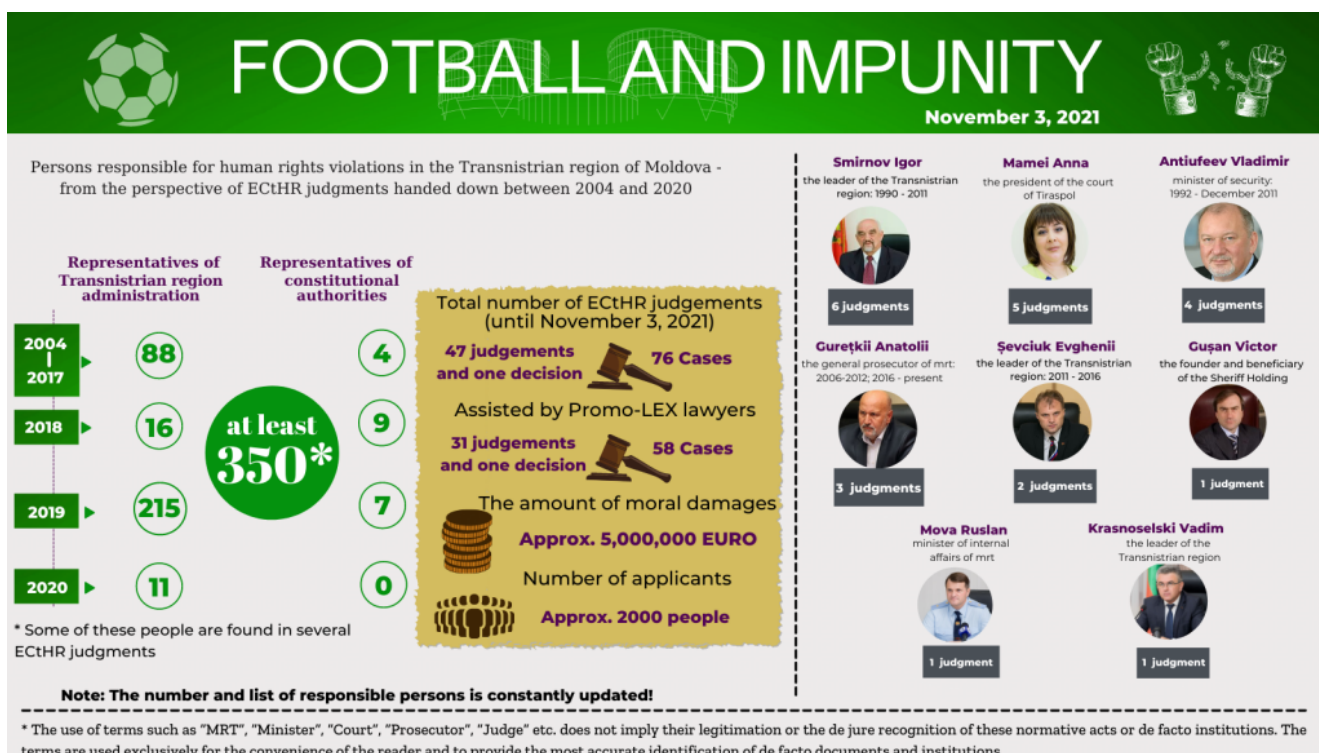
From 2004 until now, the European Court of Human Rights (ECtHR) has handed down 47 judgments and a decision in 76 cases, finding that at least one right guaranteed by the Convention has been violated as a result of human rights violations in the Transnistrian region. In 31 judgments and one decision out of 58 cases, the applicants were represented by lawyers from the LEX Promo Association. The amount of moral damages alone amounts to over 5 million Euros. In most of the decisions issued by the ECtHR responsible for human rights violations in the Transnistrian region, the Russian Federation was recognized, which, thanks to its political, economic and military support, ensures the functioning of the illegal system created in this region.

The #Sheriff holding, which also owns the football club of the same name, exercises control over the separatist regime through local and regional government officials.

According to information from the public, but also as a result of the information provided by the applicants' lawyers, we

identified at least 350 persons responsible for human rights violations on the left bank of the Dniester river. At least 330 of them are representatives of the de facto administration in Tiraspol, and some are still in office today! Of all those 330 people, no one was held liable for the abuses.

One of these people is the founder of the Sheriff Holding, Victor Gușan. In the Ilascu case, he was one of the persons who participated in the abduction of the applicants and their transmission to an illegal tribunal.



**For the first time Promo LEX launches the online campaign – Show him alive**



**ADRIAN GLIJIN**

**#ARĂTAȚI-L VIU**

**#SHOW HIM ALIVE**

**#ПОКАЖИТЕ ЕГО ЖИВЫМ**

Today, 28<sup>th</sup> October 2021, the Promo-LEX Association launched for the first time the Campaign “Show him alive”.

The campaign is an online meeting in order to convince the constitutional authorities, those in the Russian Federation, as well as the actors involved in the 5 + 2 format to get immediately involved in defending and releasing a person abducted a year ago and about which nothing is known since that time. The immediate objective of the Campaign is to obtain images and statements of Adrian Glijin, who would prove that he is alive and what his current condition is.

We remind you that on 7<sup>th</sup> October 2020, at approximately 13:00, Adrian was abducted by 5 unknown and masked people, from a field near Cuzmin locality, Camenca district (left bank of the Dniester River, security zone). The family was informed that Adrian is accused of “high treason” and is in the custody of the so-called security service in Tiraspol. Subsequently, these structures searched the home of his mother and his wife; they confiscated personal belongings and vandalized the means of transport belonging to the Glijin family.

Currently, Adrian's family does not know whether, generally speaking, he is alive, because they have not had access to him for more than 12 months, the accusations are not clear and it is not known what the reference evidence is. The de facto administration of Tiraspol refuses to admit the requests of the relatives regarding the meeting with Adrian, the access of an independent doctor, but also the access to the materials of the case.

Under such circumstances, the lawyers from the Promo-LEX Association sent a complaint to the European Court of Human Rights in which all the abuses to which Adrian and his family were and are subjected were invoked.

We consider it imperative that the authorities of the Republic of Moldova and the Russian Federation become more actively involved, as states responsible for respecting human rights and obliged to ensure the protection of persons on the territory not controlled by the constitutional authorities of the Republic of Moldova. We also consider that within the existing dialogue platforms, the issue of the release of political prisoner Adrian Glijin must be a priority.

The online campaign seeks to support the Glijin family, but also to determine the authorities to be more active in releasing him from illegal detention. It is the first such campaign in Moldova, determined by the severity of the situation. Thus, in addition to the certainty that Adrian would be in inhumane conditions from the moment of detention, evidence is needed that would shed light on Adrian Glijin's physical and emotional condition.

"The online campaign is a simple one and requires our solidarity by raising awareness about the phenomenon and distributing the message.

We hope that a massive support of the appeal will determine the decision makers (Format 5 + 2) to insist on immediate

meetings with Adrian and providing the necessary medical and psychological assistance”mentioned the lawyer Vadim Vieru during the press conference.

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## Football and the Right to Education

Today, October 19, 2021, marks the 9th anniversary of the ruling of the ECtHR in the case of Catan and others v. Moldova and Russia, in which the Court found the violation of the right to education in the Transnistrian region by the Russian authorities. Subsequently, in 2018 and 2019, the Court issued two other judgments confirming the existence of the persecution campaign carried out by the *de facto* administration in the Transnistrian region regarding pupils, parents of pupils and teachers in Romanian language schools.

Also today, the Moldovan Football Champion Club “#SheriffTiraspol” will play in the third match in the groups of the European Champions League with #InterMilano.

Namely, the Sheriff Holding, which also owns the football club of the same name, exercises effective control over the local administration on the left bank of the Dniester river, being supported by the authorities of the Russian Federation.

After 9 years from the pronouncement of the judgment in the case of Catan and others, the Russian Federation refuses to execute the obligation to pay compensations in the amount of 1070000 Euro and to return the buildings previously owned by the schools with teaching in Romanian. At the same time, the *de facto* administration continues to use educational institutions as a tool of pressure in political dialogue, and

the harassment and intimidation of Romanian-language schools in the Transnistrian region of the Republic of Moldova continues.

According to the findings of the European High Court and based on the materials of the respective cases – persons responsible for the violation of the right to education worked in the Sheriff holding company and were promoted to local government positions.

For more details, we invite you to watch the Promo-LEX video spot:

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## **Promo-LEX launches the Observation Mission of New Local Elections of 21 November 2021**

✘ Promo-LEX Association launches today, 7 October 2021, the Observation Mission (OM) of New Local Elections of 21 November 2021<sup>[1]</sup>. Electoral observation will cover the electoral period and the election day (including the second round in the communities where it will be held), and will be conducted by the central team, as well as 6 long-term observers (LTOs) and 30 short-term observers (STOs), deployed at local level.

Promo-LEX Observation Mission will monitor the electoral campaign for compliance with the principles of democratic electoral processes and with the legal framework. Observers will monitor the activity of electoral bodies and other

relevant institutions, the performance of electoral contenders and of political parties, including the funding of the electoral campaign. On the election day, we will monitor the opening and closing of polling stations, voting process, accessibility of offices, compliance with epidemiological rules, and ballot counting. Traditionally, Promo-LEX OM will perform the parallel vote tabulation. During this period, we will publish two press releases with the findings of Promo-LEX observers on the conduct of elections on the election day (including on the second round of election, if needed), and the monitoring outcomes and Observation Mission's conclusions will be presented in a report.

At the same time, based on the experience of monitoring the New Local Elections of 2018 and General Local Elections of 2019, Promo-LEX reminds about some constant problematic aspects found previously and that can be repeated during these elections, as well. Thus, we draw the attention of the legislator, electoral bodies and other relevant stakeholders on the need to ensure fair conditions at the stage of collecting signatures for the position of mayor in the case of independent candidates, and on the exaggerated number of signatures that need to be collected in candidate nominating petitions in order to be registered as a contender for the election of the mayor of Balti Municipality. At the same time, we reiterate the existence of an unfair attitude towards independent women candidates to the position of mayor, compared to independent women candidates to the position of MPs. We also find lack of clear regulations on voting arrangements for citizens with domicile and residence valid on the local election day, as well as on the beginning of the electoral campaign for the second round of election.

Promo-LEX is a non-governmental organisation with the richest experience in national election monitoring. Since 2009, Promo-LEX has monitored 21 elections (local, parliamentary and presidential), involving over 16 thousand national observers.

The purpose of Promo-LEX Observation Missions is to inform the public about the conduct of the campaign and to increase people's trust in the electoral process, contributing thus to free and fair elections in line with international standards and national law.

Promo-LEX Association carries out the Observation Mission for the New Local Elections with the financial support of the United States Agency for International Development (USAID) through the Democracy, Transparency and Responsibility Program.

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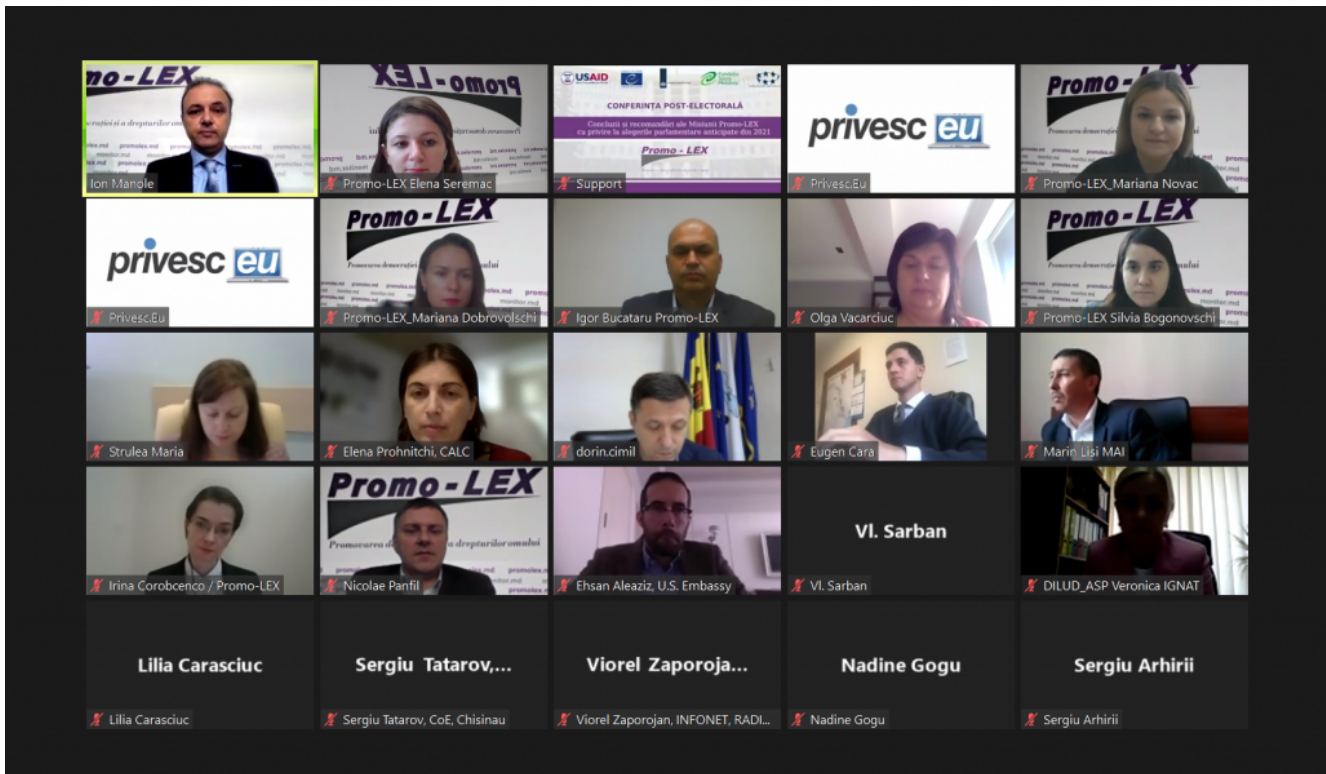
[1] New local elections will be held on 21 November 2021 in 15 localities (Balti Municipality, Ucrainca commune and Opaci village, Causeni district, Hartop commune, Cimislia district, Cupcini town and Hlinaia village, Edinet district, Iscalau commune, Calinesti and Parlita villages, Falesti district, Camenca commune, Glodeni district, Balceana village, Hancesti district, Cneazevca commune, Leova district, Palanca and Stefanesti villages, Stefan Voda district, Negurenii Vechi commune, Ungheni district).

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## **Early Parliamentary Elections**

# **of 11 July 2021: Promo-LEX Association conclusions and recommendations discussed during the Post-Election Conference on the Final Report of the Observation Mission**

*On 15 September 2021 – the International Day of Democracy, Promo-LEX Association organised the Post-Election Conference ‘Conclusions and Recommendations of Promo-LEX Observation Mission on early Parliamentary Elections of 11 July 2021’. The online event was attended by representatives of electoral bodies, other relevant institutions, electoral contenders and political parties, as well as civil society organisations, development partners of the Republic of Moldova, media, etc.*



A series of problematic aspects related to the 10th Parliamentary elections since the declaration of Moldova's independence have been presented, emphasizing the findings and recommendations expressed by Promo-LEX experts and participants in the event. During the Post-Election Conference, the participants also discussed about the opportunity of initiating amendments to the Electoral Code and related laws.

**Even if in 2019 the electoral law was amended and the country returned to the proportional system, *the early Parliamentary Elections of 11 July 2021 were marked by some problems (for instance: misuse of administrative resources, failure to regulate the organised transportation of voters on the election day, lack of mechanisms to combat hate speech in electoral campaigns) which have perpetuated from one election to another.* Regrettably, the Parliament failed to find solutions for these problems (although a draft law – No 263 of 19.06.2020 was debated and passed in the first reading even before the 2020 Presidential elections). In addition, new problems emerged, such as delay in funding the organisation and conduct of elections, uncertainties regarding the**

establishment of polling stations for voters in the transnistrian region and abroad, superficial approach to solving electoral disputes, as well as ambiguities regarding the authenticity of the declarations of assets and interests filed by candidates for the position of Member of Parliament.

As a whole, ***the Central Electoral Commission activity was appreciated by Promo-LEX Observation Mission as efficient in terms of organising the election.*** Particularly, we would like to note that, despite the delay in fully funding the early elections, CEC managed to honour its obligations to election officials and other stakeholders involved in ensuring proper conduct of the elections. ***However***, when speaking about the decision-making process within CEC, ***the suspicions about alleged political interference with certain CEC decisions cannot be overlooked.*** The allegations refer especially to the establishment of polling stations in the transnistrian region and abroad – a process that was discontinuous, without any public consultations and without a sound rationale for the decisions taken. In this regard, we remind about the insufficient and inappropriate collaboration between CEC and MFAEI, as well as CEC's failure to take a responsible attitude towards the issue of organised transportation of voters on the election day.



On the other hand, ***the examination of complaints both by CEC and courts is still a problem of the electoral process in the Republic of Moldova.*** The large amount of rejected/returned complaints or

complaints declared inadmissible severely affects the level of confidence in the accuracy of procedures, both among contenders and the whole society. CEC did not approve any decision on the examined complaints, but only responded by letters. Thus, the complainants were deprived of their right to an effective remedy and the right to benefit from a process with the participation of both parties.

***The monitoring of early Parliamentary Elections of 11 July 2021 confirmed again that hate speech is constantly present in public space and media in the Republic of Moldova.***

Regrettably, we find that this phenomenon is still neither regulated, nor sanctioned.

During the electoral period 390 cases of hate speech and incitement to discrimination were identified, of which 299 cases were in electoral context. Criteria on which the hate speech and incitement to discrimination were based included mainly: political affiliation, sex/gender, sexual orientation/gender identity, age, opinion.

Another aspect monitored by Promo-LEX Association and discussed during the event referred **to low level of transparency of electoral campaign funding**. According to the presented report, about 32% (MDL 12,855,043) of total expenses of the electoral contenders were not reported to CEC. The most unreported expenses were related to printed and promotional materials (34%), followed by delegation/secondment of people (31%), offices (13%) and staff remuneration (11%).

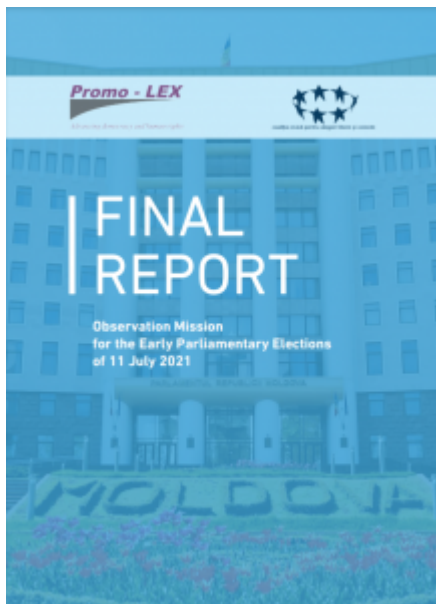
From the total unreported expenses, Promo-LEX found that, about 26% – can be assigned to BECS, 24% – to PPS, 12% – to PDM and PAS each, 7% – to BERU, 6% – to PPCC, 5% – to PPPDA, 3% – to PACE, 2% – to PUN, 1% – to AUR and PDCM each, and 1% – to other 10 electoral contenders.

**The election day** was calm, the voting process was organized efficiently, and most PSs were opened and closed according to

regulations. Parallel vote counting results conducted by Promo-LEX Association did not indicate major differences between CEC final data and Observation Mission final data.

However, during the election day observers noticed and reported a series of incidents that have already become 'traditional' for elections in the Republic of Moldova, such as: taking pictures of the ballot papers and other violations of secret of vote (108 cases); presence of advertising materials, electoral billboards and posters in the vicinity of the polling station (57 cases) and interruption of the video taping of the electoral procedures during the election day (53 cases). At the same time, suspicions around the offering of rewards (17) and organised voter transportation (29) were particularly related to the electoral process in the transnistrian region.

Overall, during the election day Promo-LEX observers reported 601 cases, 480 of which were qualified as incidents by the central team of the Observation Mission.



***All findings and recommendations of Promo-LEX Association are included in the Final Report of the Observation Mission, which can be accessed [here](#).***

*This press release was prepared as part of the Election Observation Mission for the early Parliamentary Elections of 11 July 2021, conducted by Promo-LEX Association with the financial support of the United States Agency for*

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*The opinions set out in the public reports and press releases of Promo-LEX OM are those of the authors and do not necessarily reflect the view of funders or partners. The content of this document can be subject to editing.*

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