

Preliminary findings of Promo-LEX Observation Mission on the organisation of the election campaign and conduct of election day on 19 May 2024



Promo-LEX observers monitored the conduct of new local elections and by-elections – the first of their kind after the 2023 general local elections – in nine localities across the country.

In five localities, the elections were held due to the small number of candidates or even the lack of candidates in last autumn's elections, and in four – because the mayors elected in November 2023 were subsequently elected as rayon presidents.

In two of the nine localities – the villages of Chioselia Rusă and Cotovscoe (ATU Gagauzia) – people voted for both mayors and local councillors; in the v. Sagaidac (r. Cimislia), c. Tîrnova (r. Donduşeni), c. Hănăsenii Noi (r. Leova) and town of Bucovăţ (r. Străşeni) – votes were cast only for mayors, and in c. Cealîc, s. Cairaclia and c. Salcia (r. Taraclia) – only for local councillors.

The following information was collected and reported by three long-term observers (LTOs) and seven short-term observers (STOs), who monitored each of the 13 constituted polling stations (PSs).

Overall, ***the elections were organised and conducted*** transparently and efficiently by the CEC. The permanent chairpersons of the level II electoral councils (CEC II) were also actively involved. However, the lack of a permanent electoral body, in the case of the Autonomous Territorial Unit of Gagauzia (ATUG), hindered the work of the lower electoral bodies in ATUG. In addition, at least at the initial stage of the training and work of electoral officials in ATUG and Taraclia, there were difficulties due to their insufficient knowledge of Romanian.

The data on the number of voters was transparent and access was given to the electoral rolls. Candidate registration was carried out according to the rules.

The election campaign was not very active, with most of the actions taking place in the last week before election day. The main way of campaigning has been door-to-door. In some localities Promo-LEX observers identified rumours of voter bribery, but the information could not be verified. There was little interest in the campaign from local and regional media. Observers encountered no obstacles in monitoring the elections.

Election Day. Opening procedures were observed in six PSs.

Polling stations opened without delay. At the same time, only in one polling station the opening solemnity was ensured by singing the anthem and displaying the state flag. Cameras did not record the entire opening process in two polling stations (22/27; 33/21), and in one station (13/26) there was no safe for keeping ballot papers not distributed to polling station staff.

Basically, voting on election day was efficiently organised and ran smoothly. However, Promo-LEX observers reported 24 incidents, most of which related to unjustified group voting (6 cases – 11/39 Sagaidac), violation of the secrecy of voting (4 cases – 33/26 Salcia, 11/39 Sagaidac), interruption of the filming process (3 cases – 33/26 Salcia, 22/27 Hănăsăanii Noi, 33/21 Samurza) and unjustified presence of unauthorised persons (3 cases – 22/27 Hănăsăanii Noi, 11/39 Sagaidac).

The polling stations were closed according to the rules. The counting of votes by the electoral bodies was carried out swiftly. At the same time, four polling station offices (11/39 Sagaidac, 13/25 Tirnova, 33/22 Cealic, 36/57 Cotovskoe) ignored the rule whereby only one member had to present the ballot paper for counting. One polling station (13/25 Tîrnova) was insufficiently lit and in another (33/22 Cealic) the video camera was not placed next to the vote counting table.

The observation mission also carried out **a parallel vote count**. According to Promo-LEX preliminary findings, all polls are valid and in four localities mayors were elected in the first round (see the table). In two other localities (Bucovăț and Tîrnova) the second round of elections will be held in two weeks' time.

| N. | Locality | Elected Mayor | CEC preliminary results | Promo-LEX preliminary results | Difference |
|----|-----------------------|------------------|-------------------------|-------------------------------|------------|
| 1. | Hănăsăanii Noi, Leova | Lungu Iurie, PAS | 229 (60.42%) | 229 (60.42%) | – |

| | | | | | |
|----|-------------------------|--|-----------------|-----------------|---|
| 2. | Chioselia Rusă, ATUG | Gospodinov Gheorghî, independent | 240 | 240 | – |
| 3. | Cotovscoe, ATUG | Palic Gheorgi, independent | 262 | 262 | – |
| 4. | Sagaidac, Cimişlia | Cojocaru Ion, PAS | 412 (61.40%) | 412 (60.42%) | – |

Parallel counting of votes obtained by candidates for local councillor positions also confirms the preliminary results presented by CEC.

The minutes, according to the Mission, were completed by EBPS without errors.

Promo-LEX Association is an NGO having the largest experience in election monitoring at national level. Since 2009, this is the 27th Mission organised with the involvement of more than 17 thousand national observers. The purpose of the Observation Missions is to inform the public about the organisation and conduct of the elections and to increase confidence in the electoral process. The Observation Mission is taking place with the financial support of the United States Agency for International Development ([USAID](#)).

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Promo-LEX launches an Observation Mission for the by-election and new election of May 19, 2024

Today, April 10, 2024, Promo-LEX launched an Observation Mission (MO) for the new local election and by-election of May 19, 2024. Observation of the election process will cover the pre-election period, as well as the election day, including the second round of election in the towns and villages where it will occur.

The election will be held in 9 constituencies. Both mayors and local councilors are to be elected in two of them – the villages of Chioselia Rusa and Cotovscoe (ATU Gagauzia), only mayors – in the villages of Sagaidac (Cimislia district), Tirnova (Donduseni district), Hanasenii Noi (Leova district) and Bukovat (Straseni district), and only local councillors – in the villages of Cealic, Cairaclia and Salcia (Taraclia district). This is the first by-election and new local election held after the 2023 general local election.

The need to hold a new election and by-election in Chioselia Rusa and Cotovscoe (ATU Gagauzia), Cealic, Cairaclia and Salcia (Taraclia district) was caused by a small number of candidates or even by a lack of them where the candidate was taken off the list. For the first time in the history of local elections in Moldova, there were no candidates for the position of mayor, or local councils could not be set up in a legal manner because the number of validated mandates was below the legal requirement.

In this context, Promo-LEX Association recalls that one of the solutions to the problem above could be to build the

capacities of local communities and local public authorities, including through the efficient implementation of the administrative and territorial reform.

In the case of new elections of mayors in the villages of Sagaidac (Cimislia district), Tirnova (Donduseni district), Hanasenii Noi (Leova district) and Bukovat (Straseni district) the election will be held on the grounds that the persons elected in November 2023 subsequently chose to act as district chairpersons rather than mayors.

In this context, we recall the provisions of Article 52 of the Electoral Code on the compensation of costs related to organizing and conducting elections. According to the law, in case of circumstances leading to the termination of a mayor's mandate before the expiry of 12 months from the date of the decision validating the mandate, the electoral competitor who nominated the candidate elected as mayor shall compensate the state budget-funded costs related to organizing and conducting elections. Although the Central Electoral Commission initiated the drafting of the Regulation on compensation of costs related to organizing and conducting elections as early as January 25, 2024, the draft has not yet been published for public consultations.

Based on the experience of observing the general local election in 2023, Promo-LEX reiterates a series of recommendations that can be applied to this election by electoral bodies and courts of justice:

- organize mandatory training for all election officials, including as part of the certification process;
- examine appeals and provide solutions in a short time, so that the applicants can enjoy the right to an effective appeal;
- ensure the transparency of electoral competitors' financial reporting in the context of elections, including publication of information in compliance with

- open data principles;
- have higher electoral bodies check cases of councilor candidate lists registered with alleged violations of the minimum representation quota of 40% for both genders;
- provide timely technical and material support to lower electoral bodies to ensure their seamless work.

Promo-LEX Association is a non-governmental organization with the most extensive experience of monitoring elections at the national level. Since 2009, Promo-LEX has monitored 26 elections (local, parliamentary and presidential) involving over 17 thousand national observers. The purpose of Observation Missions is to inform the public about how elections are organized and conducted, as well as to increase citizen confidence in the electoral process.

Promo-LEX Association Calls for Equitable and Inclusive Postal Voting Pilot



Promo-LEX Association has issued an opinion on the draft law on the piloting of postal voting, a document to be presented today during public consultations organized by the Moldovan Parliament's Legal, Appointments, and Immunities Committee. This submission offers a comprehensive critique and set of recommendations, delving into the vital concerns and issues surrounding the deployment of this voting method.

Understanding the backdrop of the postal voting initiative is crucial to grasp its significance. The heightened diaspora participation observed in recent electoral events, notably the 2020 presidential and the 2021 early parliamentary elections, underscored the necessity for alternate voting options. These elections were marred by difficulties such as extensive queues and shortages of voting materials, underscoring the imperative for additional voting mechanisms.

Promo-LEX has articulated the critical need to embrace postal voting as a viable and necessary option, acknowledging the global precedent and the imperative to safeguard every Moldovan citizen's voting rights, irrespective of their geographical location.

However, the assessment presented raises several concerns and identifies notable deficiencies within the proposed legislation. A primary issue highlighted is the challenge to the universality and equality of the vote. The draft law's approach to restrict postal voting piloting to only US and Canada-based voters stands in conflict with the core principles of universal and equal suffrage. Consequently, Promo-LEX advocates for the expansion of postal voting to encompass all eligible voters desiring to utilize this alternative voting mechanism.

The document further underscores the critical need to adhere to international standards and constitutional mandates in rolling out postal voting. It emphasizes the paramount importance of maintaining transparency throughout the process, guaranteeing every voter's right to a free and secret ballot. Consequently, further measures are therefore required to prevent external pressure, corruption and fraud in postal voting.

Furthermore, Promo-LEX experts identify several deficiencies and ambiguities in the drafting process of the proposed legislation, urging for its submission to public consultation prior to its adoption. The organization's recommendations are directed towards refining the draft law to align with democratic standards and electoral principles, notably through securing affirmative assessments from esteemed international entities like the Venice Commission and the OSCE/ODIHR.

In conclusion, Promo-LEX Association expresses its support for the implementation of postal voting, but emphasizes the necessity of a thorough and transparent procedure in drafting and adopting the law, so as to guarantee the protection of electoral rights for Moldovan citizens.

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

OPINION of Promo-LEX Association on the draft law on piloting postal voting



Persons responsible for human rights violations in the transnistrian region of the Republic of Moldova



Sheriff, the Russian special services and their network of human rights violators in the Transnistrian region

Over 400,000 people live in the temporarily occupied territory of the country, in an environment that fundamentally contradicts democratic citizenship and human rights. This profoundly antidemocratic and illiberal order has been developed and consolidated for over 30 years not by abstract entities, but by specific individuals within the Transnistrian structures. For these individuals, the language of democracy, justice, and fundamental freedoms represent a threat to their authoritarian and discretionary power. Therefore, they have invested resources and exploited the vicious climate of impunity to institute and impose various repressive mechanisms.

Although this situation has persisted for over three decades, in the past three years, we have observed how critical and dissenting voices are portrayed as a threat to the security of the Transnistrian region. Freedom of expression has become a form of extremism, while reporting cases of torture is labeled as spreading false information. This alarming state of affairs led to the conviction of Victor Pleșcanov in 2022 for displaying the Ukrainian flag on the balcony of his apartment in Tiraspol, and the accusation of Vadim Pogorlețchi of treason for openly expressing opinions and photographing military unit no. 4043 in Tiraspol.

Since 2018, we have monitored the actions of leaders and

representatives of Transnistrian structures who have adopted abusive decisions, ostracized critical voices, and subjected them to inhumane treatment, to bring these injustices to the public's attention. We started with the conviction that authentic justice cannot exist for the region's inhabitants as long as we do not know who are the initiators of these repressive mechanisms and who executes the illegal orders dictated by the leaders of Transnistrian structures. Identifying these individuals becomes even more important as data regarding Transnistrian representatives are increasingly classified, and access to information of public interest is drastically limited.

The analysis conducted by Promo-LEX shows that human rights abuses and violations are not committed solely by a small group of people, but by a network of individuals and structures affiliated with the Sheriff conglomerate and Russian services. Among those responsible for human rights violations in the Transnistrian region are alleged deputies from the so-called "Obnovlenie" party ("Renewal" in English), individuals who have held positions in "Sheriff" holding and continue to enjoy its support, as well as individuals who have built careers in Russian security structures. Some of them vehemently advocate for aligning with Russian legislation and replicating the Russian autocratic model in the left bank of the Dniester and Bender municipality.

The analysis also reveals that most of the abuses and violations committed in 2022 and 2023 against individuals or groups lacking protection are justified under the guise of security concerns and norms which are invented, exaggerated, and completely unfounded. The concepts of security and extremism are deliberately distorted by the leaders and representatives of the Transnistrian structures. In this way, they have been able to claim the role of securitization agents to institute exceptional measures and fortify a culture of fear.

This analysis does not represent a verdict and cannot replace the tasks of the justice system in any way. However, it reflects some of the alarming realities in the Transnistrian region of the Republic of Moldova and highlights the serious repercussions of impunity: the lack of protection for the region's inhabitants and the systematic expansion of authoritarian patterns of Transnistrian structures.

Instead of conclusions, it is worth mentioning that, up to this point, we have managed to identify over 400 individuals responsible for human rights violations in the Transnistrian region. None of the identified individuals has been held accountable for their actions, despite authorities repeatedly stating that they will take prompt measures to hold them accountable and deter future transgressions.

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

Hate speech and incitement to discrimination in the public space and in the media in the Republic of Moldova during the electoral period for the general local elections of 5 (19) November 2023



Final Report: Observation Mission general local elections 5 (19) november 2023



Findings and recommendations of Promo-LEX Mission regarding the 2023 general local elections



General local elections of 5 (19) November 2023 have proved that the electoral legislation, applied for the first time, still needs improvement, and that changes to the legal framework during the electoral period have a negative impact on the fairness, transparency, predictability, and integrity of the electoral process. Lessons learned from the local election were discussed during a round table organized by Promo-LEX, attended by representatives of electoral bodies, other relevant institutions, political parties, judicial bodies, and civil society organizations.

When bringing forward the main findings and recommendations of the Observation Mission (OM), Promo-LEX analysts emphasized that elections took place in a challenging political, internal, and external context, shaped by several phenomena (military aggression against Ukraine and Russia's hybrid war in Moldova; the unprecedented declaration of unconstitutionality of a political party in Moldova, political "migration" of mayors, etc.) which influenced the conduct of the election.

Overall, Promo-LEX evaluated the administration and conduct of election by electoral bodies as positive. CEC has been able to handle its duties, even though they were more complex given the new electoral legislation. However, the institution also faced challenges such as insufficient human resources; delayed adjustment of the legal framework to the provisions of the Electoral Code; certification procedure for new electoral officials; processing and timely publication of reports on campaign financing, as well as appeals and complaints filed by electoral actors. The heavy workload assigned to lower electoral bodies, especially ECEC I, which at times seems to have exceeded their capacities, has created difficulties in managing the electoral process.

Changing the rules of the game mid-game

Conducting the election during a state of emergency and through amendments to the Electoral Code made during the electoral period, including as a result of declaring a political party unconstitutional due to opaque and illegal financing, has sparked a cascade of uncertainties that demand to be addressed in the context of future elections.

Although the party declared unconstitutional was dissolved, its leaders continued to be involved in the electoral campaign through other parties resurrected on the eve of the elections or independent candidates. Approving changes to the existing legal framework, including by involving, contrary to the

principle of legal certainty, the Commission for Exceptional Situations in restricting the right to be elected and in cancelling the registration of candidates, had a negative impact on the fairness of the electoral process and on the rights to elect and be elected. Such circumstances have created uncertainties for voters, electoral bodies, and electoral competitors, and transparency and predictability of the electoral process have been affected.

We recall that according to the Code of Good Practice in Electoral Matters, the stability of electoral legislation is one of the fundamental conditions of a democratic state based on the rule of law, and an important element of the credibility of the electoral process. Promo-LEX recommends that the Parliament refrain from approving amendments to electoral legislation during the electoral period or if there are objective circumstances warranting amendment, the law should be enforced in the next elections. We also emphasize that for an electoral process to be fair, where all electoral competitors enjoy equal opportunities, same rights to elect and be elected, the Exceptional Situations Commission must not intervene.

Promo-LEX found other legal issues that are not sufficiently regulated in the new electoral legislation and need to be solved. These refer, among others, to uncertainties regarding implementation of the restriction on the right to be elected for persons deprived of the right to hold managerial positions, the support of electoral competitors by subjects other than those who appointed them, the requirements for cancelling the registration of some electoral competitors and the image transfer from a political party that was declared unconstitutional to a political party registered in the electoral race, the control of the constitutionality of provisions in electoral matters, the late resolution of electoral disputes by removing the exception of unconstitutionality.

Illegal financing and misuse of administrative resources

According to Promo-LEX, among the most serious violations in the campaign remain the misuse of administrative resources and illegal financing. Although the electoral and related legislation has been tightened, there is no significant decrease in the number of such cases compared to the last general local elections.

According to Promo-LEX Observation Mission, 185 cases of administrative resource utilization were reported, particularly involving the engagement of individuals with public positions in campaign activities (61), organisation of electoral meetings within public institutions, with the employees of those institutions, during their working hours (56), and candidates attributing credit for public works/services carried out using public funds (41).

Promo-LEX observers have also identified at least eight cases that can be qualified as electoral gifting. In addition, security and law enforcement bodies state that there was also one case of systemic electoral corruption of both candidates and voters, which led to the cancellation of registration of candidates nominated by SP in all electoral constituencies.

More transparent reporting of campaign financing

The new electoral legislation strengthened the role of CEC in the supervision and control of the financing of electoral campaigns. In addition, even though the new Electoral Code seems to facilitate the process of opening the "Electoral Fund" account, just like in the case of the previous elections, several political parties have informed about the commercial banks' refusal to open this account.

The late approval of the relevant regulatory framework appears to have created difficulties for competitors in filling in and submitting reports. However, Promo-LEX OM has found a relatively high degree of submission of financial reports by

competitors at CEC. In addition, submission of reports by independent candidates to ECEC remains incomplete, though more transparent than in the previous local elections.

Out of 36 political formations that nominated candidates, 32 political formations submitted at least one campaign finance report, and 27 submitted weekly financial reports/corresponding information, including the final report. Even though in the first stages CEC was unable to publish the reports within legal terms, the process has improved along the way. The main financing sources, according to the reports, are income accumulated from individuals (donations) – 51% and own funds held on the accounts of political parties (34%).

As a result of the civic monitoring, Promo-LEX OM estimated unreported expenses for at least 4,743,455 lei. The most unreported expenses were estimated for PS (38%), followed by PSRM (16%) and PR (12%). Unreported expenses made up for 13% of the total reported expenses. Their share has decreased compared to the previous three national elections (the share of unreported expenses from the total reported ones for the parliamentary elections in 2021 was 32%; for the presidential elections in 2020 – 39%, and for the local elections in 2019 – 31%).

Although the campaign financing seems to have been more transparent, we still consider it to be low and requiring further attention. We recommend again adding provisions to the Electoral Code to regulate political and electoral financing by “third parties” more effectively.

Less hate speech than in the parliamentary and presidential elections.

The level of hate speech usage in the 2023 local general elections (102 cases) was much lower compared to the parliamentary elections in 2021 (299 cases) and the presidential elections in 2020 (448 cases); however, it

remained at the same level as in the previous local elections in 2019 (101 cases). The main sources of spreading hate speech remained social media (54 cases) and the mass media (34 cases).

Next, hate speech was mainly used by men (89 cases), aged between 35-50 years (72 cases). The criteria that most often formed the basis of hate speech were “political affiliation” (69 cases), “sex/gender” (37 cases), “health” (27 cases), “professional activity” (11 cases) and “sexual orientation/gender identity” (11 cases). Of the total number of hate speech authors, 53% were electoral competitors and politicians. LGBTQI people continue to be the target of the most aggressive forms of hate speech. Marital status, gender roles, physical appearance, etc. formed the basis of sexist speeches directed against women in particular.

Promo-LEX notes a positive dynamic regarding the public authorities’ reaction to hate speech in the context of the 2023 general local elections. The number of registered complaints and documentation of alleged cases of hate speech is increasing compared to the last four years.

All the findings and recommendations of the Promo-LEX Observation Mission for 2023 general local elections are included in the FINAL REPORT, which can be accessed [here](#).

The report and the communiqué have been prepared within the framework of the Observation Mission for General Local Elections of 5 (19) November 2023, carried out by Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) under the “Democracy, Transparency and Accountability” Program and of the European Union under the “Enhancing the electoral legal framework and assessment of its implementation during 2023 local general elections” Project.

Report: Assessment of detention conditions in Penitentiary no. 13

ASSESSMENT OF
DETENTION CONDITIONS IN
PENITENTIARY NO. 13

REPORT

