



# Moldova Election Watch



October 14, 2020

*Moldova will hold a presidential election on November 1, 2020. The National Democratic Institute offers this analysis of the pre-election environment based on: in-depth interviews conducted September 29 - October 9 with representatives of the Moldovan government, political parties, the electoral administration, civil society, the media, and domestic and international observer organizations; ongoing interaction with the full range of electoral stakeholders; and the Institute's expertise and relationships developed over almost 17 years of programming in Moldova and conducting international election observation around the globe. This report highlights the electoral framework and administration; the campaign environment; gender and inclusion; the information environment; and the impact of the covid-19 pandemic. NDI will continue to monitor the overall process through its conclusion.*

## Political Context

In Moldova's parliamentary system, the president's powers are limited relative to the prime minister and parliament. The country's presidential election on November 1, 2020, has taken on political significance beyond the prerogatives of the position, however. This will be only the second time since 2000, when Moldova changed from a presidential to a parliamentary system, that the president has been elected directly by voters, rather than the parliament. The direct election gives ordinary Moldovans a greater stake in the outcome and provides the winner with a mantle of popular support. In addition, several members of parliament have recently changed their party affiliations, relegating the ruling coalition to minority status within the legislature and complicating governance. It is thus widely expected that snap parliamentary elections will be called shortly after the presidential balloting. This prospect adds a parliamentary campaign dynamic to the presidential race.

A number of underlying factors will contribute to shaping this election. Domestically, [public opinion research](#) suggests that most Moldovans see the country as going in the wrong direction, and they are largely dissatisfied with the government's performance.<sup>1</sup> These attitudes coincide with concerns that wealthy and unaccountable individuals, or oligarchs, may be reasserting their hold on the country's political institutions. Moldovans have experienced and repeatedly rejected the practice of backroom deal making taking the place of transparent, accountable and responsive decision making. Any return to such patterns would constitute significant democratic backsliding.

The covid-19 virus will require significant adaptations and force uneasy choices between citizens' democratic right to vote and public health concerns. In addition, covid has strained the already fragile economy, intensifying a reliance on international loans and assistance. The need for external support has reanimated the tension between Moldova's pro-Western and pro-Russian orientations. It has also increased the country's vulnerability to malign foreign interference. Moreover, the surrounding region

1. "Public Opinion Survey: Residents of Moldova," International Republican Institute, July 16 - August 23, 2020. [https://www.iri.org/sites/default/files/iri\\_poll\\_-\\_august\\_2020\\_cleaned\\_for\\_release\\_2.pdf](https://www.iri.org/sites/default/files/iri_poll_-_august_2020_cleaned_for_release_2.pdf)

is experiencing upheaval, including an escalating military conflict between Armenia and Azerbaijan and ongoing protests in Belarus in the wake of a fraudulent election in August.

Moldova has many democratic achievements to its credit. Polls suggest that the 2020 presidential election will be genuinely competitive, which reflects the underlying pluralism of the political environment. In 2014, the country signed Association and Deep and Comprehensive Free Trade Agreements with the European Union, committing to economic, judicial, and financial reforms in return for closer cooperation in a range of areas, including a liberalized visa regime. Fundamental freedoms of expression, assembly, and association are largely respected. Civil society organizations (CSOs) play an active role in political life. Authorities have demonstrated their capacity to conduct elections that earn public confidence. Prime Minister Ion Chicu has [publicly stated](#) that the government will do its utmost to ensure the elections will be “carried out democratically” and “according to the highest international standards.”<sup>2</sup> These accomplishments and pledges provide a sound foundation for a democratic presidential election process.

Yet, in addition to the new challenges posed by covid-19, some persistent issues related to electoral integrity have remained unaddressed. Key among these are ensuring the full and informed participation of voters living abroad and marginalized groups, such as persons with disabilities and ethnic minorities; providing a fair campaign financing framework; preventing voter intimidation and bribery, including among residents of Transnistria; and precluding the use of administrative resources for partisan purposes. Addressing these issues will require concerted efforts from all electoral stakeholders. More importantly, it will require the willingness of those in positions of power to prioritize democratic progress over partisan gains.

A credible election process that reflected the will of voters would give the winner a stronger mandate as head of state to help the country navigate the challenges ahead. It would set an important precedent for any elections that follow. In addition, it would demonstrate to citizens and the international community alike the country’s commitment to a democratic course, which would in turn reinforce Moldova’s stability and sovereignty.

## Electoral Framework and Administration

### *Legal Framework*

The legal framework for the presidential elections provides a basic foundation for credible elections. Since the 2019 parliamentary elections, several revisions have been enacted, including banning campaigning on election day, providing for private donations from Moldovan citizens abroad, prohibiting campaign donations from recipients of public procurements, establishing a ceiling for campaign funds, altering the election dispute resolution system and revising the process of establishing polling stations abroad.<sup>3</sup>

However, political parties, election observers and CSOs agreed that further reform is needed to reduce inconsistencies and bring the code more in line with international standards. Since the 2016 presidential election, the constitutional court, the Venice Commission of the Council of Europe and citizen and international observers alike have issued specific recommendations to address deficiencies in the law, including ambiguous campaign finance regulations, competing and politicized complaints and appeals mechanisms, inadequate provisions on the abuse of administrative resources, lack of transparency in electoral information, inadequate access to the voters list, insufficient restrictions on hate speech and contradictions with the contravention (administrative) code.<sup>4</sup> After years of oscillation and piecemeal changes, the Moldovan parliament took steps to address these recommendations, introducing a series of amendments to the code in July 2020. However, the legislature ultimately failed to vote on the draft

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2. “Moldovan Leadership Holds Meeting,” website of the Government of the Republic of Moldova, September 21, 2020, <https://gov.md/en/content/moldovan-leadership-holds-meeting-o>.

3. “Republic of Moldova, Presidential Election, 1 November 2020,” ODIHR Needs Assessment Mission Report, 17-21 August 2020, [https://www.osce.org/files/f/documents/c/8/463023\\_0.pdf](https://www.osce.org/files/f/documents/c/8/463023_0.pdf).

4. “Urgent Joint Opinion on Draft Law No. 263 Amending the Electoral Code, the Contravention Code and the Code of Audiovisual Media Services,” European Commission for Democracy through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights (ODIHR), August 19, 2020, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2020\)011-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2020)011-e).

law prior to the September 2020 recess. Although the government indicated to NDI that passage of these reforms is a priority, it is unlikely that any such changes would apply to the presidential election at this late stage in the process.

## ***Electoral Administration***

Most interlocutors viewed the Central Election Commission (CEC) as technically competent, and research by CSOs suggests that public trust in the institution has increased from previous electoral cycles, although the chairman and several other commissioners are new and have limited electoral experience.

## ***Campaign Finance***

A CEC circular on September 15 alleged that political parties – which are not technically defined in the electoral law as “electoral contestants” in presidential elections – are subject to the same donation ceiling as businesses and other legal entities. This interpretation, which is seen as benefiting the incumbent, would severely limit party contributions to their respective candidates. It appears to exploit a technical flaw in the legal framework, betraying the spirit of the legislation designed to limit the influence of corporations in the electoral process, and significantly undermining the role of political parties. The interpretation has a substantial impact on contestants whose fundraising strategies have relied on small donations to their parties collected over time, and creates advantages for wealthy candidates or those with access to large donations made directly to their campaigns. The timing of the announcement was also problematic, falling within a few days of the start of the official campaign period and well after most prospective candidates had shored up initial campaign funds. The Supreme Court of Justice later ruled that the CEC circular was not binding, but did not clarify the underlying questions about limiting party donations to campaigns. The campaign period thus began with significant confusion regarding whether and how this new interpretation would apply. In addition, the circular left many CSO and opposition party interlocutors calling into question the CEC’s independence.

## ***Covid-19***

The covid-19 pandemic presents substantial complications to election administration, particularly as case numbers in the country continue to rise. Stakeholders expressed a strong preference for holding the election on time, and the CEC confirmed it will be following guidelines issued by the National Extraordinary Health Commission, including social distancing protocols, temperature checks at polling stations, mask requirements and requests that voters bring their own pens. The original instructions indicated that voters with a temperature higher than 37°C would not be allowed to enter polling stations, potentially disenfranchising many people. On October 9, the CEC announced it was working with the Commission to amend these instructions, potentially providing for special rooms or booths within precincts for individuals with fevers. In addition, voters may request a mobile ballot box, provided they have a medical certificate. This option would be unavailable for voters who show up after 3pm – the deadline to request mobile voting – on election day. Moreover, the law does not provide for mobile voting for voters abroad and from the Transnistria region. The CEC and the Commission are reportedly still discussing how best to address these situations.

CEC materials encourage at-risk populations, like the elderly or immunocompromised, to take advantage of mobile voting. Interlocutors confirmed that the CEC is well-resourced; however, significant shifts of the electorate to mobile voting would present operational challenges and could strain election administrators’ capacity. In addition, because observers are generally not present with the mobile booth for the entire process, at-home voting is less transparent than in-person voting and more vulnerable to real or perceived electoral fraud.

A department of the CEC, the Center for Continuous Electoral Training (CICDE), is responsible for preparing lower-level commissioners for their roles. In August, CICDE representatives consulted with international peers who had already conducted elections during the pandemic to learn from their experiences. In consultation with the National Extraordinary Health Commission, the Center is including specific modules on covid-related measures for the pre-election period, election day procedures, and vote counting in all of its training workshops. These are being conducted virtually through YouTube and by teleconference.

The Center is also publishing manuals. To educate voters, the CICDE is releasing five podcasts, one of which will focus on covid measures, as well as five short videos.

However, most other interlocutors NDI spoke with, and in particular political parties, were unaware of the election-day safety protocols. If voters are unaware of mask requirements or the need to request mobile voting should they exhibit covid-19 symptoms, many could be disenfranchised on election day. Some stakeholders expressed concern about low turnout as a result of the pandemic, and the possibility of not reaching the turnout threshold of one-third of eligible voters in order for the election to be legally valid.

## ***Voting Abroad***

The international pandemic also creates challenges for voting abroad, an already contentious process for Moldova. An estimated 1.5 million citizens, potentially half of the voting age population, are living abroad. Recent reforms have attempted to address long-standing criticisms regarding the seemingly opaque and discretionary allocation of polling stations abroad, and inadequate resources for those facilities. The CEC recently published on its website the criteria from which it determines the number and distribution of polling stations abroad, an improvement in transparency from previous elections. However, diaspora voter turnout can be unpredictable and stations abroad have run out of ballots in previous elections, disenfranchising eligible citizens in those locations. The legal framework was recently amended to increase the number of ballots allotted to each polling station abroad from 3,000 to 5,000. However, there is still concern that this amount may not be sufficient.

Covid-19 may exacerbate these uncertainties by making it difficult to establish suitable polling places overseas, especially in areas with ongoing limitations on public gatherings. Though the CEC noted it had worked with the Ministry of Foreign Affairs (MFA) and diplomatic missions to identify 139 overseas polling stations at the time of the assessment, there is no guarantee they would all remain open for voting in the face of increased pandemic-related restrictions in the host countries. Mobilizing election observers in constituencies abroad is difficult and opposition parties expressed concern about the transparency of the process, particularly in polling stations based in Russia.

## ***Voters Lists***

CSOs and opposition parties expressed limited confidence in the pre-registration lists for voters abroad and the national voters roll. Observers highlighted a high increase in voters preregistered in Russia compared with numbers from previous elections. Some observers also criticized the quality of the civil registry from which the voters list is derived, in particular the inadequate removal of the deceased. In addition to this inherent vulnerability of an inaccurate list, an inflated roll would lower turnout statistics, which could be decisive in reaching the required threshold should the ongoing pandemic depress turnout. While election observers legally have access to the voters list, in practice neither the preregistration list nor the national voters roll are provided to observers, parties or the public in a usable format, making it impossible to verify the quality of these lists.

## ***Voters from Transnistria***

Of special concern for many of NDI's interlocutors was the issue of voting by residents of the separatist region of Transnistria. The CEC has established 42 special polling stations for these residents, which require them to leave the region to vote in areas under Moldovan government control. In addition, the de facto authorities in Transnistria have relaxed covid-19 travel restrictions to allow Transnistrian residents to vote on November 1. These steps ensure that citizens living in Transnistria have the right to vote. However, CSOs and political parties allege that in previous elections, Transnistrian residents have been subject to systematic electoral bribery and intimidation through schemes involving organized busing to polling stations. These alleged incidents have been widely publicized. Authorities in some of the designated localities are resisting hosting the special polling stations, citing concerns about public health and the possibility of stoking tensions within their communities. Changes to the electoral framework have strengthened sanctions for corrupting voters, but detection and reporting of such incidents is difficult. Also, Transnistria-based voters do not have reasonable access to voter and platform information provided by the CEC or political campaigns, and some interlocutors questioned their ability to make informed choices on election day.

## ***Complaints Resolution and Adjudication***

Clear systems for filing complaints and responsive mechanisms to resolve and remedy disputes are critical to credible elections, particularly in the event of unfair competition or uncertainty in the electoral turnout or outcome. Observers noted that the current framework in Moldova outlines several overlapping authorities for dispute resolution – mainly between and among the CEC and the court system – and lacks effective timeframes for court decisions and an appeals process with definitive clarity. Trust in the judiciary is low and some parties said that the electoral adjudication process is too slow and easily politicized.

## ***Election Observation***

Civic actors are monitoring all aspects of the electoral process, providing critical safeguards and recommendations before, on, and after election day. The nonpartisan citizen observer group Promo-LEX has deployed 42 long-term observers throughout the country in the six months leading up to election day, and will deploy 608 short-term observers to a random, representative sample of polling stations on election day. This sample-based observation (SBO) methodology provides the most accurate, timely, data-driven and comprehensive picture of election day conduct. The group will also deploy roving observer teams throughout the country and have monitors in all special polling stations for voters from Transnistria and in as many polling stations abroad as possible. Promo-LEX and many other CSOs promoting rule of law, independent journalism and inclusive governance are also working together in the Civic Coalition for Free and Fair Elections, creating a space for democratic actors to share information and collectively advocate for election reform. These are valuable contributions to the integrity of the process.

International organizations, including the European Network of Election Monitoring Organizations and the Organization for Security and Cooperation in Europe/Office of Democratic Institutions and Human Rights, will also be observing. However, the pandemic will limit the numbers of international observers who travel to Moldova and restrict the movements of those who do, further highlighting the importance of domestic monitors and the need for international groups to support, validate and amplify their efforts.

## **Recommendations**

The CEC, political parties and CSOs should collaborate to conduct comprehensive voter education on covid safety protocols, with particular attention to at-risk populations and voters abroad.

The CEC and CICDE should continue efforts to ensure that poll workers are well-trained on safety protocols and provided with adequate protective gear, particularly given the high possibility of a second round and parliamentary elections in quick succession.

The CEC should ensure that polling stations have sufficient capacity to support potentially increased mobile voting. It should also consider contingency voting options for voters turned away from polling stations on election day for exhibiting covid symptoms.

The CEC, political parties, CSOs and online media outlets should identify avenues to provide credible election information to voters in Transnistria. Political and government actors should strenuously reject, denounce and sanction any attempts to intimidate, bribe or manipulate voters, including those from Transnistria. To preclude even the appearance of fraud, busing and other organized transportation of voters from Transnistria should be avoided. Credible Moldovan and international groups should deploy observers to the special polling stations dedicated to Transnistrian voters on election day.

The CEC, Moldovan embassies, the Ministry of Foreign Affairs and European Integration and host governments should coordinate closely to ensure that polling stations abroad open, comply with electoral requirements, and meet safety protocols.

To enhance transparency and build confidence in the voter registry, the CEC should make the voters and pre-registration lists available to CSOs, political parties and the public in an open and analyzable format, in line with international transparency and privacy standards.

The government should reinforce current commitments to curtailing the abuse of administrative resources by consistently and publicly communicating to civil servants the definitions of, and penalties for, abuses.

Election observers should monitor the implementation of covid protocols on election day for compliance and consistency, and consider increasing data collection efforts around mobile voting to complement direct observation. Election monitoring organizations should ensure observers are provided with protective gear and trained on pandemic safety guidance as well.

Before the next elections, the parliament should adopt the draft reform legislation introduced in July, incorporating feedback from civil society and the Venice Commission, including:

- ▶ Streamlining and clarifying the electoral complaints and appeals process. Further consideration should be given to judicial reform more broadly to instill greater trust in the court system.
- ▶ Strengthening the legal framework to curtail the abuse of administrative resources through effective enforcement mechanisms and harmonized provisions across the electoral, administrative, media and criminal codes.
- ▶ Revising the legal framework to ensure that the definition of electoral contestants includes political parties.

## Campaign Environment

### *Candidates*

The campaign period officially started October 2. The CEC has registered eight candidates: Dorin Chirtoacă, Unirea Bloc; Tudor Deliu, Party of Liberal Democrats; incumbent president Igor Dodon, affiliated with the Socialist Party but running as an independent; Violeta Ivanova, Șor Party; Andrei Năstase, Dignity and Truth Party; former prime minister Maia Sandu, Party of Action, Solidarity; Octavian Țicu, National Unity Party; and Bălți mayor Renato Usatîi, Our Party. The CEC denied Pro Moldova Party candidate Andrian Candu's registration on the grounds of improper signature collection. Promo-LEX noted that the law and CEC regulations on signatures are contradictory, and that the CEC chose the more restrictive interpretation. Candu characterized the decision as politically motivated and inconsistent with CEC decision making in other cases.

### *Campaign Themes and Strategies*

Due to the limited and foreign policy-based portfolio of the presidency, many interlocutors predicted a campaign focused on personalities rather than policy issues, or on potentially divisive geopolitical questions. As of early October, however, most candidates were still defining their platforms and messaging. Several interlocutors described early campaigning as negative in tone, including attempts to discredit opponents. The campaign is expected to be highly competitive, with many predicting that no candidate will receive more than 50 percent in the first round, thus precipitating a run-off between the two individuals receiving the most votes. A second round would be held on November 15.

The candidates indicated they will use television, internet and, despite the covid risks, some personal meetings to campaign. The covid pandemic will curtail in-person campaigning, however, potentially giving an advantage to candidates with the resources and access to be more visible on television. This in turn would magnify inequities in the media landscape, described below, and make even more consequential the CEC circular limiting party financing of campaigns. In addition, Moldova's legal limit on campaign spending is high in the context of the country's economy, equating to approximately \$1.2 million, disadvantaging campaigns that rely primarily on small donations.

### *Abuse of Administrative Resources*

The use of administrative resources for electoral advantage has been a long-standing challenge in Moldovan elections. NDI noted several significant steps aimed at addressing such complaints. At the start

of the campaign period, President Dodon announced that he is taking unpaid leave during the campaign, relinquishing some of the inherent advantages of incumbency. Prime Minister Chicu described an effort to limit announcements of large social or economic policy initiatives and reduce television coverage of government officials during the campaign period. These are positive developments. Some of the more egregious alleged abuses from the 2019 parliamentary elections, such as threatening mayors with criminal charges to coerce their support to the governing party, have not resurfaced to date. However, in an October 1 [report](#), Promo-LEX identified at least 23 cases that it considered improper uses of administrative resources in the lead-up to the campaign. The incidents involved bestowing state awards, using public positions to promote electoral activities, and involving employees of local public administrations in electoral activities.<sup>5</sup> Most opposition parties and CSOs expressed the concern that such abuses would escalate as the campaign progresses.

## ***Voter Bribery***

Voter bribery is a related and persistent problem. Most interlocutors raised it in connection with voters from Transnistria, as explained above. Another example often cited is a network of convenience stores associated with the leader of a party with a presidential candidate. Although no evidence of lawbreaking was provided, the concern is that shoppers are subject to electoral manipulation in return for access to the discounted goods in the stores.

## **Recommendations**

Political parties and candidates should focus their campaigning on solutions to issues that concern citizens, and refrain from negative, divisive and personalized appeals to voters.

Campaigns should seek to balance the demands of voter outreach with the need to safeguard public health during the pandemic by systematically following government safety protocols.

In addition to steps already taken, candidates and parties should pledge to reject bribery and intimidation of voters, as well as abuses of administrative resources in any form, including by clearly separating events and statements related to governing and any campaign activities. Parties should discipline violators.

Before the next elections, CEC regulations and laws on signature collection requirements should be clarified and harmonized. They should be enforced transparently, impartially and consistently.

## **Gender and Inclusion**

### ***Gender***

Moldovans have clearly demonstrated their willingness to support women in positions of political leadership. Two women – Maia Sandu and Violeta Ivanov – are competing in the small field of presidential candidates in 2020. Zinaida Greceanîi serves as speaker of the parliament. Greceanîi and Sandu are heads of two of Moldova’s most prominent political parties, the Party of Socialists and the Party of Action, Solidarity, respectively. Updates to the election code in recent years have included gender quotas and financial incentives for including women on party lists in parliamentary elections. The numbers of women serving as mayors and local councilors is steadily increasing.

Nonetheless, interlocutors acknowledged remaining barriers to equitable participation in politics, including the prominent use of cultural stereotypes to malign women candidates. Sandu, in contrast

5. “Misiunea de observare a alegerilor președintelui în Republica Moldova din 1 noiembrie, 2020” Raportul nr. 3, Promo-LEX, 1 octombrie, 2020, [https://promolex.md/wp-content/uploads/2020/10/RAPORT-nr.-3\\_MO-Promo-LEX\\_APreziden%C8%9Biale\\_red\\_RomEng.pdf](https://promolex.md/wp-content/uploads/2020/10/RAPORT-nr.-3_MO-Promo-LEX_APreziden%C8%9Biale_red_RomEng.pdf)

to male opposition figures, has endured hostile, personalized attacks. A Church leader questioned her morality when she ran for president in 2016. A former president called her a “laughing stock” and “national disgrace” for being a single woman in politics. Her sexual orientation was questioned in an effort to discredit her with conservative audiences. Election observers and women’s rights activists noted the use of gendered language in current campaign rhetoric as well. Recently, for example, a public figure focused on Ivanov’s appearance in commentary about the campaign. Moreover, no political parties – ruling or opposition – appeared to have outreach strategies specifically targeted to women voters.

### ***Persons with Disabilities***

Citizen and international observers in previous elections have noted that persons with disabilities do not have equitable access to many polling places and their needs are rarely, if ever, part of election campaign dialogue. For the 2020 presidential election, the CEC has designated a member of the commission to focus on inclusion of persons with disabilities, and will be providing specialized accommodations for voters with certain impairments, such as polling booths for people in wheelchairs and ballots in braille. These are positive steps. However, identifying truly accessible polling stations is a challenge in Moldova under normal conditions, and this is compounded by covid-19 precautions, which will prevent kindergartens and student dormitories from being used as polling stations on election day, further limiting the pool of accessible facilities, particularly in rural communities. Mobile voting is a viable alternative for persons with disabilities to participate in the process, but requires pre-planning and, for the upcoming elections, it poses the risk of overwhelming the system due to increased demand.

### ***LGBTI Inclusion***

Homophobic speech and views are prevalent in Moldova. Several interlocutors noted the significant role that the Orthodox Church plays in political life and the prominence of religious and “family values”-centered narratives in political campaigns that frequently target the LGBTI community and marginalize them from the discourse. In addition, although some hate speech regulations exist, inclusion advocates viewed them as ill-defined, poorly enforced and lacking in penalties severe enough to have a deterrent effect. Moreover, LGBTI representatives noted an increase in hate speech originating in online platforms, where information sources are more opaque and difficult to monitor. Transgender voters face a particular hurdle in that their gender may not match their government-issued identification cards. These IDs are required for voting but don’t allow for gender updates. As a result, advocates reported, transgender individuals often abstain from voting to avoid confrontations regarding their identity. Messages of tolerance and anti-discrimination are not expected to be campaign issues and there was no detectable campaign engagement with the LGBTI community.

### ***Ethnic Minorities***

Major ethnic minority groups in Moldova include Ukrainians, Gagauz, Russians, Bulgarians and Roma. The CEC assured the delegation that election-related materials will be available in all minority languages, though strategies for actively targeting voter education to these communities were less clear. Most presidential candidates and media outlets are communicating only in Romanian and/or Russian, and no major party appears to have a systematic outreach strategy to minority regions. However, CSO-led projects are seeking to bolster voter information to these communities, including the development of ethnolinguistic television channels.

## **Recommendations**

Political parties and candidates should avoid using gender stereotypes and divisive language in their campaigns. Campaigns should make a concerted effort to reach out to marginalized communities, incorporating issues of their concern into the political discourse and expanding and diversifying their support.



The CEC should make every effort to keep the voting process as inclusive as possible, despite new covid-related complications, including provision of materials in minority languages and identification of polling stations that are accessible to all citizens.

The CEC, the Audiovisual Council, other government authorities, election observers and other civil society groups should actively monitor, expose and denounce any use of hate speech in the electoral process.

Before the next elections, the parliament should refine the legal framework to strengthen discrimination regulations around elections, including sufficient penalties for hate speech and ensuring LGBTI individuals are defined in protected classes.

## Media Environment and Information Space

### Television

Most Moldovans get their news from television. Moldovan law regulates several aspects of televised campaign coverage to ensure fairness. It requires broadcasters to respect the principle of “balance” in electoral coverage, and in addition, offer all competitors one minute of free and two minutes of paid airtime per day to present their platforms. The public broadcaster, Moldova 1, is obliged to broadcast a candidate debate in which all contestants should participate. This year, because of the covid-related risks of organizing multiple debates, it was decided that other channels will be offered the opportunity to rebroadcast the Moldova 1 debates.

CSO watchdog groups, diplomats and some media representatives highlighted gaps in these safeguards. The Audiovisual Council is responsible for enforcing the balance requirement in news coverage with monetary penalties. In practice, interlocutors said, the Council’s enforcement appears politicized and its fines are too small to be effective. The few minutes of required free equal airtime are insignificant, given the differing abilities of candidates to buy paid advertising time. NDI heard that advertising rates are similar to those in wealthy Western European countries, placing them out of reach for some campaigns. President Dodon has stated that he will not participate in candidate debates, at least prior to the first round, which will diminish their informative value.

Most damaging to fair media access is the concentration of media ownership in a few hands, and the longstanding practice of the largest television stations providing extensive positive news coverage to their owners’ favored candidates. Opposition groups claim they have difficulty accessing these channels. Civil society media monitors confirmed that, to date, outlets understood to be close to the incumbent president are giving him disproportionate, and overwhelmingly positive, coverage as a candidate.<sup>6</sup> It is expected that content on the widely-watched Russian channels broadcasting into Moldova will be favorable to the president as well. Russian channels attract viewers through their programs’ high production values, which are difficult for their Moldovan counterparts to match. The Moldovan branch of Sputnik provides content for Moldovan radio stations. A number of independent media outlets provide impartial coverage and conduct investigative reporting. Yet, they struggle to compete with outlets owned by wealthy individuals or with Russian-produced programming. An additional hurdle for under-resourced independent television stations are the high monthly fees for digital transmission, without which nationwide broadcasting is impossible.

6. “Monitorizarea mass-media (*presa on-line*) în perioada electorală și în campania electorală pentru alegerile prezidențiale 2020,” Raport nr. 1, API, 15 – 30 septembrie 2020, [http://api.md/upload/files/Raport\\_de\\_monitorizare\\_nr\\_1\\_.pdf](http://api.md/upload/files/Raport_de_monitorizare_nr_1_.pdf); and “Monitorizarea Mass-Mediei în Perioada Electorală și Campania Electorală pentru alegerile prezidențiale din 1 noiembrie 2020,” Raport nr.1, IJC, 14 - 28 septembrie 2020, [http://media-azi.md/sites/default/files/Raport%20nr1%202020\\_prezidentiale.pdf](http://media-azi.md/sites/default/files/Raport%20nr1%202020_prezidentiale.pdf).

## Online Platforms

With high levels of internet penetration throughout Moldova, online platforms are also increasingly used for communication with voters. Since the last nationwide elections, Facebook has become more popular than the Russian social networks Odnoklassniki and VKontakte. Telegram is a major conduit for political news, including misleading or outright false narratives, according to NDI's interlocutors and, as a messaging app, it is difficult to monitor and has few internal safeguards.

## Disinformation and Hate Speech

Disinformation, already prevalent in political discourse, is expected to escalate as election day approaches. Before the 2019 parliamentary elections, Facebook shut down 200 Moldovan accounts and pages set up to pose as legitimate voters and civic groups and manipulate online public debate.<sup>7</sup> In September 2020, Facebook took down Russian accounts that targeted Moldovans, among others, for engaging in coordinated inauthentic behavior.<sup>8</sup> For example, Sandu has been falsely accused of diverting European Union funds away from Moldova and selling land to foreigners. CSOs and others predicted that, as in past elections, disinformation attacks will invoke negative stereotypes of women, LGBTI individuals, and other marginalized groups, and that these messages will be reinforced in church sermons. In early October, 58 CSOs, among other groups, issued a public appeal warning about a doubling in the number of hate speech cases in the past two years and urging politicians, their supporters and media institutions to promote a balanced public discourse. Disinformation and hate speech are likely to flow through traditional and online media channels. The sources of disinformation are expected to be varied, with the Kremlin one of multiple perpetrators. Interlocutors referred to domestic as well as foreign "troll farms," which are organized groups of internet users that mobilize to sabotage online political interaction.

## Recommendations

- The Audiovisual Council should fulfill its responsibilities to enforce the law transparently, impartially and proactively.
- All television and radio broadcast media should review the accepted international standards for election related coverage and comply with those principles.<sup>9</sup>
- Candidates should take advantage of any opportunities to participate in moderated public debates.
- Facebook and other online platforms should cooperate closely with Moldovan CSOs to mitigate information manipulation. They should urgently identify, remove and notify consumers about coordinated inauthentic behavior and improve fact-checking labels.
- The international community should enhance its support to independent media outlets and CSOs conducting media and social media monitoring.
- International and domestic observers, CSOs and parties should build on existing efforts to monitor social media and online platforms, expose disinformation and coordinated inauthentic behavior and advocate to the platforms for more responsible policies.

7. "Copycat Hacks: Moldovan Facebook Trolls Used Russian Tactics To Promote Kremlin Foes," Radio Free Europe/Radio Liberty, February 27, 2019, <https://www.rferl.org/a/moldovan-facebook-trolls-used-russian-tactics-to-promote-kremlin-foes/29793394.html>.

8. Removing Coordinated Inauthentic Behavior, Facebook website, September 24, 2020, <https://about.fb.com/news/2020/09/removing-coordinated-inauthentic-behavior-russia/>.

9. E.g., "Guidelines for Electoral Broadcasting in Transitional Democracies," Article 19, August 1994 (Reprinted April 1997), <https://www.article19.org/data/files/pdfs/tools/electionbroadcastingtrans.pdf>.

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**Authors:** *Chair of the Royal United Services Institute the Right Honourable Sir David Lidington, KCE CBE; NDI Regional Director for Programs in Eurasia Laura Jewett; NDI Senior Country Director for Moldova Andrew Young; NDI Deputy Director for Programs in Eurasia Katie Fox; and NDI Program Director for Elections Julia Brothers.*