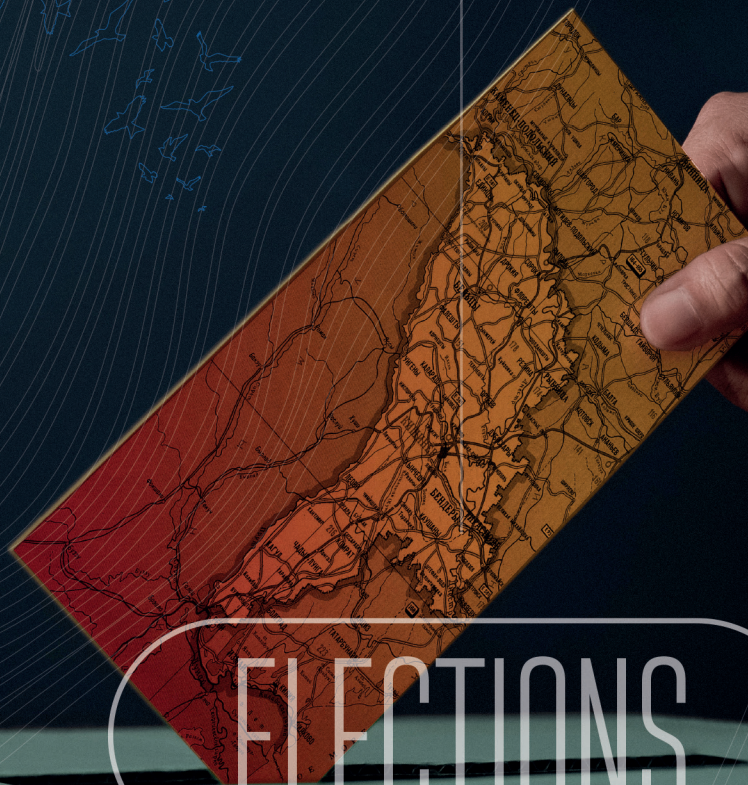
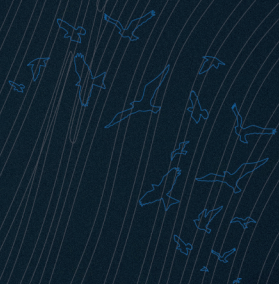




EUROPEAN PRAVDA
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ELECTIONS

Organising Elections for
Occupied Territories and
IDPs: What Ukraine
Could Learn from
Moldova and Georgia

INVOLVING
UNCONTROLLED
TERRITORIES

This paper has been prepared by the Ukrainian non-governmental organization "European Pravda"

RESEARCH AUTHORS:

Natalie Ischenko (Gumba) – independent analyst,

Yuriy Panchenko – editor of "European Pravda",

Sergiy Sydorenko – editor of "European Pravda"

TRANSLATOR

Mariya Yemets

EDITOR OF THE ENGLISH VERSION

Lesia Dubenko

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SUMMARY

The military conflict in Donbas is a challenge for the Ukrainian government. On the one hand, Kyiv needs to engage the population of the non-controlled territories in the national election process. On the other, it has to figure out how to ensure that the elections are democratic, free, and fair. These endeavours require a set of solutions, which the Ukrainian government currently lacks.

In this analytical note, we present an analysis of how Moldova and Georgia managed to organize the electoral participation for citizens living in the non-controlled territories. It analyses both the solutions and the shortcomings of the relevant procedures and practices. .

The takeaways of our analysis are the following:

● **Neither Moldova nor Georgia holds national elections directly in the occupied territories.** Also Chişinău and Tbilisi do not hold local elections there and do not recognize the de facto authorities on the territories not controlled by the government.

Accordingly, Ukraine cannot replicate their experience for organization of elections on the occupied Ukrainian territories before their reintegration. Nonetheless, some of the practical solutions and experience gained by Moldova and Georgia over decades could contribute to the discussion whether it is possible to hold local elections in the occupied areas of Donbas.

● **The citizens of Moldova and Georgia from the occupied territories can only vote in the government-controlled territory:** all the preparatory work takes place exclusively there, not in the occupied parts. Besides, the Moldovan government has recently decided to create special polling stations for the Transnistrian voters.

● **The voting process in Moldova is regulated by the country's Electoral Code, by-laws and decisions of authorities at all levels.** Ukraine could scrutinize these approaches and decide whether their implementation is possible in the country.

● **During national elections, it is impossible to hold a full-scale electoral campaign in the occupied territories.**

Neither Ukrainian political parties nor politicians can carry out a full-fledged election campaign in Crimea (where Russia does not deny its rule) or Donbas. Even though they blame the ongoing military conflict for this problem in Donbas, the experience of Moldova and Georgia, both of which have had frozen conflicts” for decades, shows that it is still virtually impossible to do it.

Even in Transnistria, a region where hostilities terminated 28 years ago and which has been partially integrated into Moldova in terms of both economic and interpersonal ties, Moldovan politicians cannot carry out neither a limited nor a full-scale campaign.

● **There is no political pluralism or freedom of speech in the occupied territories. Yet, it is subjected to continuous propaganda.** The fact that there is no real political competition further augments the problem and violates the voting rights of the local population. Furthermore, these circumstances cast doubts on how democratic the electoral process really is, even when the voting takes place outside the occupied territories.

Neither Moldova nor Georgia has managed to find a solution to this problem. Even though Moldovan politicians and experts are aware of the problem, in their view, it cannot serve as a reason to deprive the citizens from the uncontrolled territories of their right to vote.

● **The constitutional authorities in Moldova and Georgia are unable to ensure that the occupied territories respect the electoral process’s legal procedures. This could lead to the unpunished practice of vote “trading” among the residents of the occupied territories.**

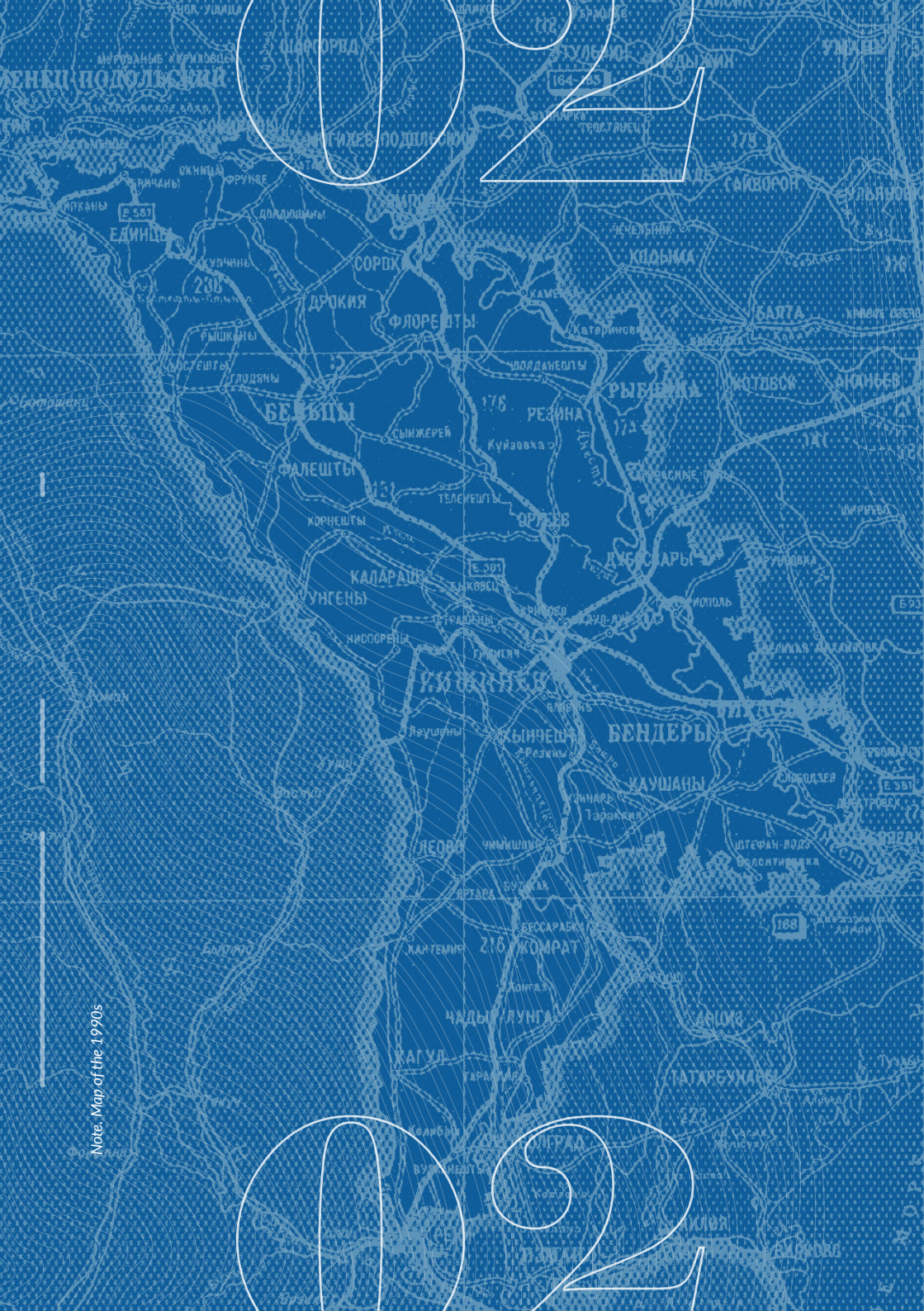
The media and the international observers note that it was particularly widespread during the 2019 parliamentary elections in Moldova.

Since the central authorities cannot pre-empt such fraud in the uncontrolled territories, the overall legitimacy of the electoral process in these areas is often under question. In Ukraine, this problem is particularly acute and requires being tackled. Otherwise, the voters might be dragged into vote-buying schemes.

It should be noted that neither Moldova nor Georgia has managed to fully realize the rights of voters living in the uncontrolled territories. This is due to the fact that the politicians are unable to carry out a proper election campaign and the inability to ensure that the vote fully meets the standards of democracy and freedom of choice.

At the moment, international institutions lack ready solutions on how to carry out democratic and free elections in the occupied territories. It is therefore likely that all three countries — Moldova, Georgia, and Ukraine — will have to come up with a one-type solution that would comply with the basic standards of democracy and freedom of choice.

To fully ensure that the citizens living in the occupied areas of Donbas and Crimea get to vote and that the elections are democratic, Ukraine will have to consider all the bottlenecks and challenges. Otherwise, the overall electoral process's democracy and legitimacy could be jeopardized.



Note. Map of the 1930s

MOLDOVA

Official Chişinău does not recognize elections held in Transnistria, the uncontrolled territory, by its de-facto authorities. Nor does the Republic of Moldova (hereinafter RM) organize voting in the occupied territories.

The citizens of the RM, as well as those residing in Transnistria, are eligible to participate in the national elections.

«Our state gave them citizenship. Thus, we have to ensure that they can participate in the elections», says [Ion Manole](#), the executive director at the Promo-LEX association, which monitors elections and deals with Transnistria-related issues¹.

Yet, the voters residing in Transnistria, can only vote in the government-controlled territory.

Unlike the Ukrainian and Georgian conflicts, the Transnistrian one did not cause a massive displacement of the population to the government-controlled territories neither during its 'hot' period at the beginning of the 1990s nor after it. This means that the elections are being organized for the Moldovan citizens, living in the self-proclaimed "Transnistrian Moldavian Republic". Yet, the design of these norms also effectively apply to the internal migrants. After all, there are many people in Moldova who are studying, working, or temporarily living in the government-controlled territories while keeping their residence registration in Transnistria.

BACKGROUND

While the citizens of Moldova in Transnistria have always had the right to vote in the national elections, until recently they remained inactive and did not exercise this right. The *de facto* authorities in Tiraspol have not facilitated their participation; sometimes they even tried to impede it.

However, according to a [joint research](#) project by “NewsMaker” (Moldova) and “European Pravda” (Ukraine)², the situation has recently changed.

The first drastic increase of voter activity in Transnistria took place during the presidential elections in 2016 when Maia Sandu and Igor Dodon were competing in the final round (the latter won the elections).

The turnout of Transnistrian voters in the second round was higher than ever before: **16,7 thousand** people came to the polling station (during the 1st round, the respective number stood at 6,9 thousand whereas in 2014 a total of **9,3 thousand** Transnistrian voters participated in the parliamentary elections. Before that the number was even lower).

This is when the media first reported about the organized transportation of Transnistrian voters to the polling stations. When the results of the 2nd round were announced, some citizens took to the streets of Chişinău: the protesters demanded to hold the 2nd round of the election again, claiming that the Transnistrian voters had been transported to the polling stations to ensure Igor Dodon's victory. However, back then the Transnistrian voters did not play a key role in his victory: Mr. Dodon was ahead of Sandu by almost **67,5 thousand** votes. Eventually, the situation calmed down.

In the 2019 parliamentary elections, the Transnistrians voters were even more active. These elections were held under the mixed electoral system (**50%** of MPs were chosen via the proportional system; **50%** via single-member constituencies). For the first time, Chişinău created two constituencies for the Transnistrians alongside. As a result, the number of the Transnistrian voters doubled even compared to the 2016 elections: around **37 thousand** voters, about **2,6%** of the total turnout, came to the polling stations.

Besides, the government also opened **47 specialized polling stations** in the government-controlled territory for the Transnistrian voters in the government-controlled territory. Before that, Transnistrians had voted at the usual polling stations that drew up dedicated lists for them, which caused difficulties for the communities situated along the administrative border with the uncontrolled region, where the number of voters from Transnistria significantly outnumbered the local ones.

The 2019 elections were also marked by unprecedented transportation of Transnistrian voters. *“All day long, dozens if not hundreds of buses and mini-buses were shuttling back and forth, transporting people from Transnistria to the polling stations in the territory controlled by Chişinău,”* the [“NewsMaker’s” report](#) reads³. Besides, some political actors allegedly tried to buy votes.

These claims are confirmed by a joint statement of the international missions monitoring Moldovan elections, namely the OSCE Office for Democratic Institutions and Human Rights, the European Parliament, the OSCE Parliamentary Assembly, and the PACE. *“Large-scale transportation of voters from Transnistria was noted and the police initiated an investigation into whether some of them were paid to vote,”* the [statement](#) reads⁴. The results of this investigation, however, are not yet available.



Photo: EAST NEWS

It is noteworthy that in 2019, the majority of Transnistrian voters cast a ballot for the Socialist Party via the party lists. Yet, in single-member constituencies they supported little-known, purportedly independent candidates in single-member constituencies. These candidates, however, were not independent as they were affiliated with the then-ruling Democratic Party (the former leader of the Democratic Party, oligarch Vladimir Plahotniuc fled the country in 2019 after losing power. In Moldova, he is wanted for financial fraud and money laundering).

Some believe that Mr. Plahotniuc had struck a deal with the leaders of Transnistria. Otherwise, such a massive turnout of voters from the uncontrolled region would have been impossible.



PECULIARITIES OF VOTING WITHOUT ELECTION CAMPAIGNS

Even though the residents of Transnistria with Moldovan passports have long enjoyed the right to vote in Moldovan elections, to date, **the Moldovan politicians have not managed to carry out a full-fledged campaign in the occupied territory**. The 2019 parliamentary elections, during which two ostensibly independent candidates won a convincing majority in the Transnistrian constituencies, are no exception.

During the 2020 presidential election, the situation was the same--a circumstance highlighted by journalists, experts and the electoral process's participants. Maia Sandu also emphasized the circumstance.

"I am impressed that people came around to vote, even though we effectively can't campaign there," said Maia Sandu at her first press conference as president-elect⁵.

In [an interview](#) with "European Pravda"⁶, Ion Manole, the executive director of the Promo-LEX association, emphasizes the information problem in the region, doubting that the voters' choice is informed and conscious (because the candidates cannot campaign there). Besides, Mr. Manole noted that their voting motivation is "startlingly different" compared to the people living in the government-controlled territory of Moldova.

"Both Transnistrian media and de facto authorities depict Moldova as 'a different country' ... (As a result, a certain proportion of the voters) are not casting a ballot because this is their country and they want a better life, economic development, democracy and human rights for Moldovan people, but to help a Russia-friendly candidate that would obey Russia win," Mr. Manola notes.

Still, he emphasizes that a certain part of Transnistrians voters who cast ballots have the motivation of a conscientious Moldovan citizen. The election results confirm it: they are not homogeneous in the region. In the 2nd round of the 2020 presidential elections, close to **86%** of Transnistrian voters supported the pro-Russian Igor Dodon, while **14%**, a tangible proportion, voted for Maia Sandu.

LEGISLATIVE FRAMEWORK OF ELECTIONS

The current legislation of the RM outlines the specific voting procedure for the residents of Transnistria while the secondary legislation regulates the voting process. The Electoral Code of the Republic of Moldova⁷ lays out particular provisions on how to organize the voting process for the residents of the uncontrolled territories.

For example, **Article 32** explains how to create and ensure the functionality of 'polling stations' and 'district electoral offices' for 'parliamentary or presidential elections and republican referendums for voters from the communities of the left bank of the Dniester river (Transnistria)' and ensure their functionality.

Its key provisions are the following:

- The Central Election Commission must open the polling stations for the residents of Transnistria in the territory of the Republic of Moldova under the constitutional jurisdiction of the central authorities, no later than 35 days before election day.
- When creating the polling stations, the Central Election Commission takes into account the proposals of the [Bureau for Reintegration Policies](#) *[its mission⁸ is to implement the priorities of the governmental policy on the reintegration of the country, ensuring the coordination of activities of the central authorities of the state and the conduction of negotiations for the settlement of the Transnistrian issue]*. The Bureau, for its part, takes into account the relevant administrative and territorial structure (note: the law does not explain how it should be done) and accessibility of the spots both transport- and communication-wise.
- Special polling stations must be opened for the residents of the Transnistrian communities.
- The members of the local electoral offices are appointed by the local authorities where the polling station is located.
- The rules for the creation and running of the local electoral offices (equal to local commissions in Ukrainian legislation) for the Transnistrian voters are regulated by the Central Election Commission.

- The legislative authority cannot block the voting process using budget leverages. If the budget adopted by the Parliament lacks funds for the creation of local election offices for the Transnistrian residents, the Government must provide funding from the reserve fund.

Article 81 describes how to create polling stations and local electoral offices and ensure their functionality.

It states:

- The Central Election Commission must create a particular election council in Chişinău (equal to the district election commission in Ukrainian legislation) responsible for the creation of polling stations for the Transnistrian residents.

Article 92 ("Voting process") states:

- Until Moldova restores the constitutional control of the Transnistrian communities, voters with registration addresses in these areas and who are included in the State Registry can exercise their right to vote at any polling station, created for the Transnistrian voters.

THE CENTRAL ELECTION COMMISSION'S ORGANIZATIONAL SOLUTIONS FOR THE TRANSNISTRIAN VOTERS

In addition to RM's laws on elections, secondary legislation and the decrees of the Central Election Commission (CEC) (that are effective during the campaign only) apply to the voting's organization and process. Let's examine the rulings that the CEC made during the 2020 presidential elections (the first round took place on the 1st November, 2020, the second - the 15th November, 2020).

More than eight months before the election (the parliament defines their exact date), on February 19, the CEC held a meeting with the representatives of the Bureau of Reintegration Policies, including officials from the State Chancellery, the General Inspectorate of the Police as well as the delegation of the RM to the Joint Control Commission ([a trilateral body](#) comprising representatives of Moldova, Transnistria, and Russia that functions in the demilitarized area⁹). During the meeting, the officials agreed to create a cross-agency work group, which subsequently developed solutions to the majority of issues pertaining to the election's organization.

The work group comprised eleven members: six members of the CEC, two representatives of the Moldovan delegation to the Joint Control Commission, two representatives of the Bureau of Reintegration Policies from the State Chancellery, and one representative of the General Inspectorate of the Police.

On June 25, the CEC presented a preliminary list of specialized polling stations for Transnistrian voters to the officials of the Bureau of Reintegration Policies and the heads of seven Moldovan districts, which have road connection with the left bank of Dniester (Florești, Rezina, Criuleni, Dubăsari, Anenii Noi, Căușeni, Ștefan Vodă). On July 30, the preliminary list with designated locations for the polling stations was sent to the respective primars (mayors) of localities, where the CEC planned to open them.

It is worth mentioning that in several cases the local authorities opposed the opening of polling stations for Transnistrian votes. However, the central authorities insisted on their creation. In the end, the CEC's decision was implemented ("for more details see section "CONFLICTS").

The CEC is also [entitled to instruct](#) the executive authorities. For instance, on August 25, 2020, it adopted a provision¹⁰ ***"On the additional responsibilities of several bodies of central and local public administration as well as several institutions on the due organization of election of the President of Moldova since November 1, 2020"***. It contains instructions for some of the central and local authorities, including the Bureau for Reintegration Policies, the Moldovan delegation to the Joint Control Commission, and local authorities in the communities along the administrative border with Transnistria. **The document asks them to take "all possible measures" to help:**

- carry out an information campaign calling for the early registration of Transnistrian residents who are citizens of Moldova and eligible to vote;
- provide information about elections to Transnistrian voters (including the place and the time of the voting);
- pre-empt potential problems on the election day (for instance, someone blocking the access to the polling stations).

In some cases the contribution of these entities was rather declarative. For example, when it comes to carrying out information campaigns (for more details, see the section "LISTS OF VOTERS ON THE UNCONTROLLED TERRITORIES"). In other cases, however, compliance with the CEC's instructions played a decisive role. For example, when ensuring access of Transnistrian voters to the polling stations.

On September 26, 2020, the CEC issued a [decree](#) that created 42 polling stations for the voters from the left bank of Dniester (Transnistria)¹¹, the municipality of Bender and several localities in the Căușeni district.

Two polling stations were opened in Chişinău and Bălţi, the country's biggest cities, specifically for the voters who are formally registered in Transnistria yet effectively live in the government-controlled territory of Moldova. The other 40 were situated in the communities along the administrative border and designated mainly for Transnistrians who came to the government-controlled territory to participate in the elections.



Photo: Sergey Gapon / AFP / East News

The list of polling stations designated for citizens of Moldova from Transnistria eligible to vote

(controlled by Chişinău)

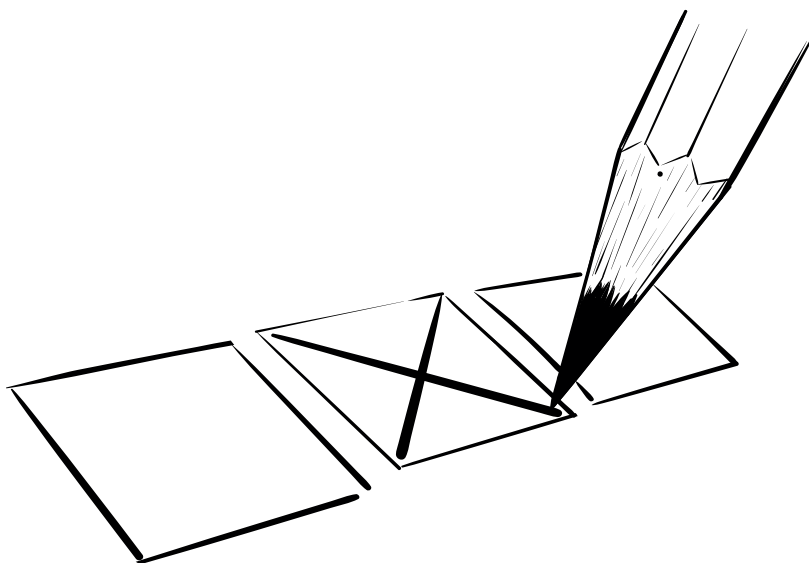
| Locality name | Number of polling stations |
|--|----------------------------|
| Municipality of Chişinău | 1 |
| Municipality of Bălţi | 1 |
| Town Anenii Noi, Anenii Noi district | 1 |
| Commune of Calfa, Anenii Noi district | 2 |
| Village of Gura Bicului, Anenii Noi district | 2 |
| Village of Hirbovăţ, Anenii Noi district | 1 |
| Village of Varniţa, Anenii Noi district | 4 |
| Town of Căuşeni, Căuşeni district | 2 |
| Village of Chircăieşti, Căuşeni district | 2 |
| Village of Copanca, Căuşeni district | 2 |
| Commune of Firlădeni, Căuşeni district | 1 |
| Village of Hagimus, Căuşeni district | 2 |
| Town of Criuleni, Criuleni district | 2 |
| Commune of Cocieri, Dubăsari district | 2 |
| Commune of Coşniţa, Dubăsari district | 2 |
| Village of Doroţcaia, Dubăsari district | 2 |
| Commune of Molovata Nouă, Dubăsari district | 1 |
| Village of Ustia, Dubăsari district | 1 |
| Village of Sănătăuca, Floreşti district | 4 |
| Town of Rezina, Rezina district | 4 |
| Town of Ştefan Vodă, Ştefan Vodă district | 2 |
| Commune of Răscăieţi, Ştefan Vodă district | 1 |
| TOTAL | 42 |

All these communities are located in the government-controlled territory.

According to RM's Electoral Code (see the section "LEGISLATIVE FRAMEWORK OF THE ELECTIONS" above), a special District Election Council was created in Chişinău to coordinate and monitor the activities of the 42 "Transnistrian" local electoral offices.

Besides, the CEC called on national and international observers, as well as the Joint Control Commission, to monitor the voting process at the polling stations designated for Transnistria, ensuring its peaceful nature.

As a result of this lengthy and carefully implemented procedure, 42 polling stations in 22 communities of the so-called security zone as well as Chişinău and Bălţi were created for the Transnistrian voters to participate in the 2020 presidential elections. At the same time, RM's authorities received the instructions and obliged to ensure unhindered access to the polling stations for the Transnistrians eligible to vote.



LISTS OF VOTERS FROM THE UNCONTROLLED TERRITORIES

The outlined legal approach, however, is not unanimously supported in Moldovan society and the country's political circles.

In 2020, for instance, there were attempts to file a suit against the creation of **42 polling stations** for the residents of Transnistria. Andrei Năstase, the leader of the main opposition party “Dignity and Truth Platform” (Platforma Demnitate și Adevăr, DA) running for president, took the case to court. He argued that the number of polling stations for Transnistrian voters should be reduced. However, the court ruled that his claims were unfounded, according to the ODIHR/OSCE observation mission [report](#)¹².

It should be noted that the exact number of voters residing in Transnistria could be inaccurate. The Moldovan system of voter registration is based on the data from the State Registry of Population. All citizens of Moldova who are over the age of 18 (or turned 18 on the election day) are eligible to vote unless they are deprived of this right by court. The centralized State Registry of Voters (SRV) is run and updated by the CEC.

On October 8, the SRV had a total of **3,287,140** voters on the list, including **256,203** voters residing in the localities of Transnistria, says the [interim report](#) of the ODIHR/OSCE mission¹³. This is about 26,000 more than before the 2019 parliamentary elections. According to the CEC, such an increase is explained by a) an ongoing distribution of Moldovan passports in the Transnistrian area b) inaccurate data on the number of deceased people in the region. To that end, the ODIHR/OSCE observation mission's interviewees note that the administrative procedure for obtaining documents on the deceased Transnistrian voters is cumbersome. Accordingly, it is difficult to remove them from the list.

As per RM's Electoral Code, the number of localities and polling stations designated for the residents of Transnistria must depend on the number of voters active during previous elections, the number of voters who registered to participate in the elections in advance, the total number of Transnistrian residents in the State Registry of Voters. According to the CEC, the third factor was the most important one during the 2020 presidential elections. This is because the early registration of the voters from uncontrolled territories willing to vote, envisioned in the legislation, failed in practice.

The voters from Transnistria had the opportunity to exhibit their interest to participate in the elections by submitting an online registration application via specialized services on official sites and a specialized site on the CEC's server (inregistrare.cec.md). These services were available to the Moldovan diaspora as well.

The authorities believed that early registration would help pinpoint the best possible locations for both the Transnistrian voters' polling stations and the Moldovan voters residing abroad. Yet, only 161 Transnistrian residents used this opportunity while the respective number for the diaspora stood at around 60 thousand.

It is important to note that because of the COVID-19 pandemic, the de facto authorities of Transnistria banned the movement of people in the region right during the early registration of the voters. Since the beginning of summer 2020, a special individual was required to cross the administrative border. This, however, did not stop the constitutional authorities of Moldova from preparing for the voting. They were convinced that Tiraspol would make an exception for elections.

Their expectations were fulfilled. Exactly one month before the 1st round of elections, the de facto authorities of Transnistria decided that local residents with Moldavian passports would be allowed [to freely exit the region](#) to vote¹⁴ at the polling stations opened for them on the right bank. They added that the voters would not need to self-isolate once back (if they show a voting stamp, that is. Moldova's law provides for obligatory passport stamps upon receiving the ballots).



Фото: Sergiy Sydorenko / European Pravda

VIOLATIONS DURING THE ELECTIONS

The Moldovan experience proves that the country is no stranger to various violations typical for post-Soviet countries. Yet their scale in the uncontrolled territories could be more massive.

ODIHR/OSCE in its [assessment](#) by the mission, which visited Moldova on August 17-21, 2020, notes that several parties “expressed concerns about the limitations of campaigning in Transnistria, alleged vote-buying and transport arrangements for voters in the region, who come around to support a certain candidate”.

Credible Moldovan mass-media outlets¹⁶ wrote that Maia Sandu, the leader of the pro-European PAS, was [concerned about the possible scenarios](#) that took place in the past. Specifically, the massive transportation of Transnistrians to the polling stations, opened for them in the security zone, where they would vote for a certain candidate, usually the most pro-Russian one. In the 2020 presidential elections, the incumbent president Igor Dodon, the main opponent of Maia Sandu, was this kind of candidate.

At the request of the opposition candidate Maia Sandu's representative, the CEC took measures to pre-empt potential violations, particularly the organized transportation of the voters. Eleven days before the 1st round of the elections¹⁷, it [banned](#) organized transportation to the polling stations on the election day in vehicles that had more than eight passenger seats.

On the eve of the election day, the CEC further [clarified](#) its decision¹⁸. Between 7 am-9 pm, when the polling stations were open, it was fully outlawed for all vehicles in the country, except regular buses, to transport more than eight passengers. The CEC noted that the Interior Ministry would fine the breachers and that every case would be reported to the CEC.

“To prevent the transportation of voters to the polling stations, only vehicles with no more than eight passenger seats and autotransport with established routes are allowed to move throughout the country on the election day. Transportation arrangements for voters to the polling stations are prohibited.

It is also prohibited to carry voters to the polling stations by buses or cars,” the CEC explanation reads.

Yet, according to the observers, this move did not fully prevent the organized transportation of the voters. It was alleged that private cars, which technically had not been outlawed, were used instead to transport Transnistrian voters to the polling stations on the election day. In its [report](#) about the electoral violations during the 2nd round of elections¹⁹, the Promo-LEX observation mission mentions 21 cases “that can be interpreted as organized transportation of voters” from Transnistria. According to the observers, at least 81 passenger cars, two mini-busses, and three buses were used that day.

They also mention 22 “cases or rumors” of the attempts to remunerate voters, mostly ones who cast ballots at the polling stations designated for the Transnistrian region. Promo-LEX observers report cases of actors using material or financial incentives to remunerate the voters (20 cases) and the drivers transporting them (2 cases). It should be noted, however, that the authors of the report do not specify how solid the evidence of these violations is; the report includes the allegations made by the opponents in the media as well as instances noted by the observers.

Politicians and the media also alleged that the voters were bribed, uploading the corresponding videos. However, these instances were not ubiquitous while their veracity was not proven.

CONFLICTS

At the preparation stage, several local councils in Moldova refused to create polling stations for the Transnistrian voters because of the COVID-19 outbreak, the scale of which is believed to be much larger in Transnistria than in the government-controlled territory.

At least five communities next to Transnistria, including the villages of Răscăieți and Gura Bicului, the closest voting location for Tiraspol residents, as well as the town of Rezina, which is close to the Transnistrian Rîbnița were among them. Their intentions, however, were unsuccessful and officially qualified as illegal. In the end, all of the 42 “Transnistrian” polling stations were opened as planned.

Besides, during the 1st round some activists tried to block Transnistrian voters' access to the polling stations and the conflicts resulting from these attempts. The law enforcement officers registered 13 such attempts; the biggest one took place on the road between Bender and Varnița²⁰ that the majority of Transnistrian voters used. The Promo-LEX observers [reported](#)²¹ at least six similar incidents, pertaining to the obstruction of movement and corresponding conflicts, in the 1st round of elections. Meanwhile, the media [claimed](#) that politicians from Sandu's camp and veterans of the Transnistrian conflict tried blocking the roads in Varnița and Rezina²².

During the 2nd round of elections the situation was partially resolved, and the police were better prepared for such events. When the activists tried to once again block the key road from Bender to Varnița, a special police unit intervened and forced them aside to ensure free passage²³. When it arrived, the situation quickly calmed down. The use of excessive force was avoided. No detentions took place. In their report about the 2nd round of elections, the Promo-LEX observers noted that compared to the 1st round, only three attempts to block the roads took place²⁴. Still, some experts are concerned about the hostile attitudes among Moldovans and deem it a ‘warning bell’.

"In 1992, ordinary people had no problem with each other. A conflict was provoked between Russia and Moldova, and the people were its victims. Yet, the inhabitants of the left and right banks had no hostile attitudes toward each other. Now we can see more and more conflicts between them. For example, the attempts to block the transport...it showed that the conflict between people is now becoming a reality," argues Ion Manole, the executive director of Promo-LEX, in his interview with "European Pravda".



Photo: EAST NEWS

HOW TRANSNISTRIAN RESIDENTS VOTED IN 2020

Before the 2019 parliamentary elections and 2020 presidential ones, Transnistrian voters had no significant influence on the political setup in Chişinău. Now the situation has changed, forcing the experts to bring to light the Transnistrian factor of influence on the country's policy.

Even though Transnistrian votes did not play a decisive role in the 2020 presidential elections, their impact was still tangible. **They constituted 1.9% of the total turnout in Moldova in the 2nd round.**

"It seems that the Transnistrian inhabitants, who had been for years encouraged to influence Chişinău's policy, have finally decided that the time has come," said Sergiy Sydorenko²⁵, the editor of "European Pravda" when commenting on the election results.

Results of voting in 2020 presidential elections of the Republic of Moldova

1st round

01.11.2020

General Results

Maia Sandu

36,16%

(487 635)

1 348 707

Total number of votes

Igor Dodon

32,61%

(439 866)

Votes from Transnistria

Maia Sandu

13,34%

(1 904)

14 269

Total number of votes

Igor Dodon

74,25%

(10 595)

2nd round

15.11.2020

General Results

Maia Sandu

57,72%
(943 006)

1 633 621
Total number of votes

Igor Dodon

42,28%
(690 615)

Votes from Transnistria

Maia Sandu

14,20%
(4 413)

31 072
Total number of votes

Igor Dodon

85,80%
(26 659)

In the 2nd round of the elections, Maia Sandu and Igor Dodon secured **2 509** and **16 064** respectively from an increased turnout of Transnistrian votes. The share of Transnistrian votes in the total ballots cast for Sandu is **0.47%**. The respective percent for Dodon is **3.86%**.

This proportion, **4.33%** combined, could have played a decisive role if the margin between the leaders of the race had been very narrow.



Photo: Sergiy Sydorenko / European Pravda

033

033

GEORGIA

The 2020 parliamentary elections in Georgia held in October-November 2020 were a novelty for the country as they were held under the mixed electoral system. 120 MPs were chosen using the proportional system. Another 30 were chosen in the single-member constituencies. As per the acting [legislation](#)²⁶, neither Abkhazia nor the Tskhinvali region (South Ossetia), the occupied territories, are allowed to create single-member constituencies.

Furthermore, using the COVID-19 pandemic as an excuse, the de facto authorities of the self-proclaimed states banned the residents of Abkhazia and the Tskhinvali region (South Ossetia) from partaking in the elections. Before the 2020 elections, the residents of Abkhazia and South Ossetia, at least those with Georgian passports eligible to vote, had participated in Georgian elections.

At the same time, elections held by the de facto authorities in Sukhumi and Tskhinvali are not recognized by official Tbilisi. Georgia does not hold elections in the occupied territories. Nor has it ever opened polling stations there. It is worth adding that, unlike in Moldova, a significant number of citizens fled the occupied areas after the war. They have now become an important electoral factor and their participation is important.

ELECTIONS FOR THE RESIDENTS OF THE OCCUPIED TERRITORIES

Georgian legislation does not prescribe a special voting procedure for the residents of the occupied territories. Nor does it contain provisions for the creation of special polling stations for the citizens of Abkhazia and the Tskhinvali region (South Ossetia).

Nonetheless, Georgian citizens living in the occupied areas are eligible to vote, even though their effective number is low.

The armed conflicts which led to the de facto separation of Abkhazia and Tskhinvali region (South Ossetia) from Georgia had begun in the early 90s, before the institutionalization of Georgian citizenship (31st March, 1993). The combat actions in Abkhazia continued between August 14, 1992, and September 27, 1993. The first armed conflict in the Tskhinvali region (South Ossetia) lasted from January 5, 1991, to June 24, 1992. As a result, the residents of these regions had not received Georgian passports yet and continued to live with their old Soviet documents. Only once the war in Abkhazia and the first conflict in the Tskhinvali region (South Ossetia) had ended, these people started to receive new citizenship instead of the Soviet one.

Almost all Abkhazians, Ossetians, and representatives of other non-Georgian populations chose not to obtain Georgian citizenship. Instead, they chose the local identity documents, sometimes Russian citizenship as well. As a result, the majority of the population of the self-proclaimed “republics” became Russian citizens and voters, not Georgian ones. However, a small number of ethnic Georgians opted for Georgian citizenship. Consequently, they have the right to vote in the elections.

“While the de facto authorities of the self-proclaimed republics opposed the participation of those they deem their citizens in Georgian elections, seldom did they actually stop them from doing it,” notes Paata Zakareishvili, the former minister on reconciliation and citizens equality, in his comment to the research’s authors.

According to the data from the Central Election Commission of Georgia, **3 526 023** citizens²⁷ were registered in the national list of voters ahead of the 2020 parliamentary elections. As per 2019 data from Sukhumi, **46 905** ethnic Georgians live in Abkhazia. **30 268** reside in the Gali district, which neighbors the government-controlled territory of Georgia²⁸. It is commonly believed that almost all of them are citizens of Georgia.

The exact number of Georgians living in the Tskhinvali region (South Ossetia) is unknown. In his comment for the media, the governor of Akhalgor district, appointed by Tbilisi, stated that around **1300** ethnic Georgians²⁹ live in it (it is densely populated by ethnic Georgians).



Photo: State Ministry for Reconciliation and Civic Equality of Georgia

02

CAMPAIGNING IN THE OCCUPIED TERRITORIES



It is almost impossible for the candidates to campaign in the occupied territories. The de facto authorities in the Tskhinvali region (South Ossetia) effectively aims to displace its Georgian population³⁰. Although Abkhazia is more open, the Georgian minority in Sukhumi worries its de facto authorities. They have no intention to create preconditions for a massive return of the displaced persons, especially if these people become active participants of Georgia's political life.

As a result, the ethnic Georgians in Abkhazia are virtually deprived of rights. Their participation in the political life of Georgia is interpreted by Sukhumi as a sign of disloyalty, which may result in their deportation³¹.

A full-scale election campaign that entails meet ups with voters and coverage in the local media is absent in both Abkhazia and the Tskhinvali region (South Ossetia).

Accordingly, only unofficial campaigning is possible in Abkhazia, i.e. not by the candidates themselves, but by the so-called coordinators. These are active Georgian citizens-residents of the uncontrolled region who purportedly act on a pro bono basis. They are not officially employed by the candidate or party that they represent. Canvassing door-to-door, they persuade people to come to the polling stations in Georgia and vote for a certain candidate or party. However, not everyone in Georgia believes that they are doing it for free. It is also alleged that they are often motivating the voters to cast a ballot using various material incentives³².



2020 ELECTIONS

According to reports, over the years, some residents of Abkhazia and the Tskhinvali region (South Ossetia) with Georgian passports have participated in Georgian elections, voting on the territory controlled by the central government. Both media and witnesses have noted that they took one- two-day trips to the government-controlled territory to participate in the elections.

However, in 2020, the Georgian citizens residing in Abkhazia and Tskhinvali region (South Ossetia) were unable to vote in Georgia's parliamentary elections. Since the beginning of the year, the crossing points on the contact line between Georgia-controlled territory and the Tskhinvali region (South Ossetia) have been closed. Likewise, Abkhazia's de facto authorities shut down a pedestrian crossing point on the administrative border, situated on the bridge over the Inguri river. Both used the COVID-19 pandemic as an excuse; neither of them canceled the ban on the election day.

There are other examples as well. One of the crossing points, "Razdakhan" in the Akhagor district is densely populated by ethnic Georgians, has been closed since September 2019 in response to Georgia's decision to open a crossing point in the same area in late August 2019. The Tskhinvali leaders emphasized that "Razdakhan" will not be re-opened unless Georgia removes the crossing point.

According to Tamara Mearakishvili, an activist residing in Akhagori (not controlled by the government), the 2020 elections were the first post-Soviet elections, during which the local residents could not participate . In her opinion, the the reason why this is the case has to do with the shutdown of the "Razdakhan" crossing point³³ .

The media alongside the civil society organizations emphasized that Georgian citizens from Abkhazia and Tskhinvali region (South Ossetia) could not vote in the elections.

For instance, the Democratic Research Institute (DRI) called on Georgian authorities to protect the electoral rights of these citizens. ***“Thousands of voters should not lose their votes”***, argued the DRI’s director Ucha Nanuashvili³⁴. He believes that it was necessary to insist on the cancellation (even if temporary) of the quarantine measures. Besides, he offered to open a special polling station next to the bridge over the Inguri river for the Georgian citizens from Abkhazia.

As mentioned above, official Tbilisi neither recognizes nor directly communicates with the de facto authorities in Sukhumi and Tskhinvali. Still, Tbilisi was expected to interfere in the situation and draw attention to the negative consequences of the lengthy shutdown of administrative borders on the international level and in communication with international partners and organizations. Not only for election reasons but also due to humanitarian and other ramifications. However, the authorities did not do it. Consequently, the issue had been unresolved before the election day.

According to experts, there are two explanations for this hesitation:

- It is commonly believed that Georgian citizens living in the occupied areas, especially in the Gali district, favor the opposition and mostly support Georgia’s ex-president Mikheil Saakashvili³⁵. Official Tbilisi could have taken this circumstance into account when deciding not to fight for the voting rights of its citizens.
- There is another explanation as well: The number of voters living in the occupied areas is too small for the government to attend to the problem. The former minister on reconciliation and citizen equality Paata Zakareishvili argues that only a tiny number of voters from Abkhazia vote. ***“You should see this crossing point, which is a pedestrian bridge over the Inguri river. 200-300 people at best use it on the election day. These voters virtually have no impact on election results,”*** said Zakareishvili in his comment for “European Pravda”³⁶.



Photo: Vano Shlamov / AFP / East News

04

ELECTIONS

FOR INTERNALLY DISPLACED PERSONS

The participation of IDPs from Abkhazia and the Tskhinvali region (South Ossetia) registered in the government-controlled territory is not regulated in any special way. They vote just at the same polling stations as all other Georgian voters.

According to estimates, around 267 IDPs from Abkhazia and Tskhinvali region (South Ossetia) live in Georgia³⁷. They constitute **7%** of the country's total population (**3,731 million** people, excluding the occupied territories). Yet some Georgian experts and politicians believe that the true number is higher as not all IDPs have received official status in the country³⁸.

While no specific political party in Georgia positions itself as a representative of IDP's interests, all the leading political forces mention them in their political programs. Though to a different extent.

In their programs, the leading political forces – the “*Georgian Dream*” of Bidzina Ivanishvili and the “United National Movement” of Mikheil Saakashvili – both emphasize the importance of heeding the needs of IDPs and residents of the occupied territories. They also talk about reintegration, which, according to them, should be achieved in a peaceful manner only.

The ruling *“Georgian Dream”* prioritizes³⁹ the need for economic assistance to the IDPs. Over the past eight years, during which it has been in power, the government allotted housing to **22 655** out of **89 thousand** IDPs families from Abkhazia and the Tskhinvali region (South Ossetia) living in Georgia. The 2020 election program of the *“Georgian Dream”* also mentions the projects put in place for the residents of uncontrolled areas and IDPs. In the latter’s case, they are mostly related to housing.

The opposition, headed by Saakashvili’s “United National Movement”⁴⁰ included into its election program a big section on its plans to improve the life of IDPs as well and ensure better protection of their interests. Like the *“Georgian Dream”*, it focused on the housing issue and promised to deal with the challenges that the IDPs face with their properties in the occupied territories.

The IDPs’ dependence on social programs enhances their support of the acting government. Once voters of Saakashvili and his political party, they now tend to cast ballots for the ruling *“Georgian Dream”*. Many in Georgia acknowledge that this is indeed the case. However, there is no ongoing discussion on whether it is possible to change this and whether it is necessary, to begin with.

THE AUTHORITIES OF IDPS

Peculiarly, IDPs, namely from Abkhazia, are politically represented by the parliament and government of the Autonomous Republic of Abkhazia in exile. Unlike the Tskhinvali region, which used to be the South Ossetian autonomous republic in Soviet times (Georgia cancelled its autonomous status), Abkhazia is still recognized by official Tbilisi as an autonomous republic.

According to the Constitution of the Autonomous Republic of Abkhazia, recognized by Georgia, its highest representational body is the Supreme Council of Abkhazia. It is mandated to adopt the Constitution and laws of Abkhazia; to approve the budget; to appoint the Abkhazian prime minister and the government, both of which are functioning in exile.

The head of the Supreme Council of the Autonomous Republic of Abkhazia, Dzemal Gamakharia⁴¹ argues that the Council in exile and the government approved by the Council must be considered the only legitimate authorities of Abkhazia.

In its inception stage, Tbilisi posited that the existence of a legitimate Abkhazian parliament and government would emphasize the illegitimacy of the de facto authorities in Sukhumi. They also believed that it would ensure the official representation of the “exiled” Abkhazian residents.

The problem is that the acting Abkhazian parliament in Tbilisi had been elected before the war in 1992-1993⁴². Obviously, the situation has dramatically changed in the past 30 years. However, to date, these changes have not been taken into account.

The problem with the obsolete Abkhazian government calls for the discussion of a new governmental model. For instance, the creation of a special body elected by IDPs to represent their interests.

The counterargument is that the newly-elected body would not represent the voices of the whole Abkhazia. Consequently, it cannot position itself as a fully legitimate governmental alternative to the de facto authorities in Sukhumi.



Photo : Shakh Aivazov, AP/East News

041



041

LESSONS LEARNED FOR UKRAINE

OCCUPIED TERRITORIES RESIDENTS' REPRESENTATION IN THE AUTHORITIES

01

- Moldova is, by and large, alien to the IDP problem: even during the 'hot' stage of Transnistrian conflict the displacement of persons to the government-controlled territory did not take place.
- In Georgia, where IDPs constitute around 7-10% of the total electorate, no political party officially represents their interests. Instead, the government focuses on the full integration of IDPs in society without providing them with some kind of a special representation. The local political parties take the IDPs' interests into account during election campaigns, just like they do with all the other groups of voters.

Obviously, if the reintegration of the occupied territories turns out to be lengthy (which is the case in Georgia and is very likely to happen in Ukraine's situation), the IDPs will effectively live in a new place for a long time and will participate in the political life alongside other citizens living in the government-controlled territory.

- The Autonomous Republic of Abkhazia in exile exists in Georgia. While it could be regarded as the governmental authority representing the IDPs, the country's experience shows that such institutions become non-viable if the functional capacity of these bodies requires continuous maintenance.

ELECTIONS IN THE OCCUPIED TERRITORIES

Neither Moldova nor Georgia have managed to figure out how to hold elections, local ones included, in the occupied territories. Currently, they do not even consider such a possibility.

While official Chişinău has contacts with Tiraspol, it neither organizes elections in Transnistria nor does it recognize the ones held there by the de facto authorities. Even the pro-Russian Moldovan political parties do not have representation in Transnistria. Furthermore, none of the Moldovan governments has ever offered to open polling stations in the uncontrolled territory, as such contacts with the de facto authorities are considered unacceptable.

The contacts of Tbilisi with Sukhumi and especially with Tskhinvali are minimal (they take place only during the Geneva International Discussions, a dedicated international multilateral negotiation group). Georgian authorities do not hold elections in the territory of Abkhazia and the Tskhinvali region (South Ossetia). Nor do they recognize the elections held there by the de facto authorities.

Consequently, Ukraine cannot turn to the experience of Moldova and Georgia as a source of inspiration on how to tackle its current problems as these two states do not hold or recognize elections in the uncontrolled/occupied territories.

Still, such a firm stance by official Chişinău and Tbilisi deserves attention.

At the same time, Moldova has experience of holding elections in single-member constituencies opened on the government-controlled territory for Transnistrian voters. Yet, this practice can hardly be considered as undoubtedly positive and worth replicating. Firstly, no full-scale campaigning in the uncontrolled territory took place. Secondly, allegations of voter bribery were rife.

ORGANIZING ELECTIONS FOR THE OCCUPIED TERRITORIES' RESIDENTS

- The experience of Moldova and Georgia shows that the citizens from the occupied territories can vote but only in the government-controlled territory. Should Ukraine decide to do this, it is important to take into account the negative experience of Moldova, and to minimize the risk of potential violations.
- Hundreds of Ukrainian citizens eligible to vote live in the occupied territories of Donbas (often referred to as “certain areas of Donetsk and Luhansk regions”, ORDLO), the Autonomous Republic of Crimea, and the city of Sevastopol. Since no one can predict when Ukraine takes back control of these regions, Kyiv may need to find a comprehensive solution that would allow these people to vote in Ukrainian elections.
- A small number of voters could vote at the usual polling stations (hundreds per station). But for large voters flow from the occupied territories (given that in Ukraine their potential number is far bigger than in Moldova), the creation of special polling stations would be a better option.
- Since many Ukrainian citizens eligible to vote live in the occupied territories and no one can tell how long these areas will have ‘special status’, Ukraine should consider adopting a set of particular legislative acts to regulate this process. It goes about a specialized legislative framework as well as secondary legislation, including the decrees of the Central Election Commission.

THE ELECTORAL RIGHTS OF THE CITIZENS FROM THE OCCUPIED TERRITORIES' CHALLENGES

Since in Moldova and Ukraine the movement of the citizens across the administrative border is relatively free (compared to Georgia), the former's experience is especially useful for Kyiv.

Experts emphasize how difficult it is to ensure the full participation of Transnistrian residents in the electoral campaign. After all, elections encompass not just the voting per se, but also the free access to full and well-balanced information about candidates' campaigns, events, elections participants and other important components of a democratic election process.

"The term "elections" does not refer to the election day only but to the whole electoral process, including debates, campaigning, etc... If it is impossible to ensure that these people have unimpeded access to credible information that all campaigners and candidates can freely spread and meet with the voters, [...] moreover if these people are influenced by structures hostile to the official government, it would make no sense to hold elections there," says Valeriu Pasha, the project manager of the WatchDog association⁴³.

International organizations continuously emphasize the pivotal components of democratic elections. Alas, the election process for the residents of the occupied territories does not fully meet the required standards.

To that end, the publication titled "The Basic Documents of the Venice Commission in the Field of Electoral Law and Political Parties"⁴⁴ reads: *"Democratic elections are impossible without respecting human rights, namely the freedom of speech and press, the freedom of movement throughout the country, the freedom of assembly and alliance, including for the creation of political parties.*

The main idea is that all major political parties should have the opportunity to express their opinions in the biggest mass media outlets in the country. Concurrently, all parties should have the right to come out to the streets, including busy ones, to spread their election material and exercise the right to place their placards."

The Document of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE / OSCE⁴⁵, which has widened the scope of the human rights concept outlines the basic standards of democratic elections as follows:

"To ensure that the will of the people serves as the basis of the authority of government, the participating states will <...>

- (7.6) – respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;
- (7.7) – ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of the fear of retribution;
- (7.8) – provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process.

These requirements cannot be respected in the occupied territories because of:

- 01 the problems with equal access to campaigning for all election participants (candidates and political parties); risks of unlawful influence on them (limitation of their activities, intimidation, or even use of force);
- 02 the absence of balanced and comprehensive media coverage of candidates' programs and developments of the electoral campaign;
- 03 the potential pressure on voters (their persecution as well);
- 04 the impossibility to efficiently counter the violations of electoral law, including the bribery of voters;

Combined, these factors create preconditions for the distortion of voting results and human rights violations.

In Ukraine, the situation in the occupied areas of Donbas is aggravated by an ongoing armed conflict (despite its current low intensity) as well as wartime propaganda and hybrid warfare. In these circumstances, free democratic elections, even if the voting process would be held on the government-controlled territory, are effectively out of the question.

VIOLATIONS IN THE OCCUPIED TERRITORIES: BRIBERY AND "VOTE TRADING"

The constitutional authorities, as well as observers and law enforcement bodies are unable to ensure the respect of law in the occupied territories. They can control the events at the polling stations in the government-controlled territory and respond to the violations. But they have no access to the uncontrolled areas, wherefrom some of its voters travel.

Furthermore, they cannot ensure that electoral laws and the criminal code is adhered to in the occupied territories.

These circumstances create a fertile ground for the practice of bribing voters and direct "vote trading". Both these electoral fraud techniques were used in Transnistria during the 2019 parliamentary elections. Besides, since the central authorities are effectively unable to control how the voter lists are formed in the occupied areas, the risk of ballot stuffing and other types of fraud involving members of electoral commissions is high.

In Georgia, the problem's scale is smaller because the number of voters living in the uncontrolled territories is low. Besides, the country has not considered the possibility of creating single-member constituencies specifically for the residents of the occupied areas. Although few Georgian citizens live in the occupied territories, "material incentives" for voters are still being used there, according to media reports. The so-called coordinators in the region are persuading the residents with Georgian passports to come vote for a certain candidate or party, offering various kinds of remuneration in return.

To date, there are no ready solutions to these problems that could become pre-emptive.

In Ukraine, where election fraud is a recurrent issue, the prospect of unpunished manipulations involving hundreds of thousands of votes jeopardizes the democratic nature of both parliamentary and presidential elections.

Should the number of voters from the occupied territories participating in the election of central authorities significantly increase, this would be a serious issue in terms of legitimacy. More so since there is no effective system in place that would help counter electoral violations. These circumstances could create a hotbed of massive fraud that could distort the outcome of a popular vote, obstruct the count of election results and question their legitimacy, both from the legal and societal points of view.

06

RISKS OF CONFLICTS

The final problem pertains to the high risk of conflicts that involve the voters from the occupied areas in the government-controlled territory.

Although 28 years have passed since the armed conflict ended in Transnistria, the massive participation of Transnistrian residents in Moldovan elections has put off its veterans. Since the armed conflict in Donbas is ongoing, such tensions are likely to be much higher.

In the meantime, the de-facto authorities of the occupied territories obstruct the cooperation of Georgian citizens living in Abkhazia and the Tskhinvali region (South Ossetia) with official Tbilisi (it was once like that in Transnistria as well).

The constitutional authorities simply cannot fully protect the citizens willing to participate in the elections in the government-controlled territory and ensure that their voting is free, as they are living in the uncontrolled territories.

As the conflict in Donbas is not fully frozen, the potential risk of similar confrontations and serious repercussions for the voters in the uncontrolled territories is much higher.



CONCLUSIONS

“Voting rights” is a term that encompasses each citizen’s opportunity to freely elect and be elected to the institutions of the central authorities and local self-governance. It is buttressed by the principles of freedom of speech, the exchange of opinions and information, and the ability to freely form one’s attitude to the participation in elections.

Yet these rights are only partially respected when it comes to the voting process involving citizens from the occupied territories.

- On the one hand, by creating the opportunity to vote for citizens from the occupied territories, the central authorities implement their constitutional right to vote.
- On the other hand, because of the lack of a proper democratic process in these territories, i.e. the candidates’ inability to conduct a free, full-scale election campaign as well poor freedom of speech and media freedom, the full implementation of the electoral rights of the citizens living there is rendered impossible.

Besides, the ineptitude of the constitutional authorities to ensure that the electoral legislation and public order in the occupied territories is respected creates a hotbed of violations and fraud. As a result, the fairness of elections, as well as the credibility of the voting results at particular polling stations and districts or in some cases even the country level (if the number of citizens living in the occupied territories is significant), could be called into question.

The authors of this research understand how important it is to involve the residents of the uncontrolled areas in the voting process and thus ensure that they can exercise their right to vote while preserving the country’s unity. However, they believe that it is important to take the existing risks into account when coming up with corresponding political decisions.

It is also crucial to understand that the massive participation of voters from the uncontrolled areas could play a decisive role in determining the election results. Since their participation is marred by poor democratic standards, freedom of speech and political pluralism, this may result in tangible ramifications. For example, court actions aimed at disputing election results and protests of citizens in the government-controlled territory.

Besides, since the armed conflict is not over, the massive participation of citizens from the occupied territories in elections may provoke tensions both at the contact line and around the polling stations. At the end of the day, the problem boils down to the need to ensure the right to vote without jeopardizing the state's security.

Taking into account all these challenges, it would be highly difficult to ensure the comprehensive participation of the Ukrainian citizens in the voting process while ensuring that the elections are democratic and safe.

Should Ukraine decide to organize the voting of citizens from the occupied territories anywhere soon, it will likely have to engage its international partners and organizations and find a solution that would ensure that these elections are both democratic and respectful of human rights to the full.



FOOTNOTES

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RESEARCH AUTHORS:

Natalie Ischenko (Gumba) – independent analyst,

Yuriy Panchenko – editor of "European Pravda",

Sergiy Sydorenko – editor of "European Pravda"

TRANSLATOR

Mariya Yemets

EDITOR OF THE ENGLISH VERSION

Lesia Dubenko

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