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CIVIC COALITION FOR FREE AND FAIR ELECTIONS

LADOM

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ELECTION PROCESS MONITORING REPORT

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1. Introduction

The “Election process monitoring” is a project developed in association by the Helsinki Committee for Human Rights, the League for the Defense of Human Rights in Moldova (LADOM) and the Association for Participatory Democracy (ADEPT) within the framework of the Civic Coalition for Free and Fair Elections „Coalition 2005”.

The coalition is a voluntary association of the non-governmental organizations of the Republic of Moldova conducting projects intended to insure fair, transparent and democratic Parliament elections in the Republic of Moldova. The Coalition was founded on May 12, 2004 by 12 non-governmental organizations of the Republic of Moldova, including the three organizations, which implement the project „Election process monitoring”. In time the Coalition joined other organizations, so, at the time of drafting the report the number of Coalition members was of 145 NGOs.

The coalition members have gained monitoring experience during the seven election campaigns, which took part in the Republic of Moldova after its declaration of independence. The creation of the coalition offers new opportunities of interaction in the monitoring process and of elections reflection.

The first monitoring process reflects the actual situation and informs those interested, and also explains the fundamental principles of the coalition’s activity.

The report was drafted by Igor Boțan, Sergiu Bușcaneanu, Dorin Chirtoacă and Paul Strutzescu. We welcome any critics related to the method of project realization and reporting, especially when these are founded on facts and well-argued.

Per total in the project will be involved about 2200 persons, representing a wide range of non-governmental organizations from the Republic of Moldova. For about 6 months 50 persons will be involved in the project implementation on a full-time basis. The total project cost is \$ 142.539. The project is financed by EURASIA Foundation, the Embassy of the United States of America in the Republic of Moldova and the National Democratic Institute.

2. Project overview

Period of implementation: November 2004 - April 2005

Project objective: promotion of democracy development in the Republic of Moldova by means of free and fair elections, which will insure the legitimacy of the new Parliament and will raise public confidence in its activity. The project will present reports and analyses concerning the pre-election period, the election campaign, the Election Day and the post-election period.

Goals:

- To contribute to honest and transparent campaigning;
- To inform the public opinion about the ballot for the election of the Parliament of the Republic of Moldova;
- To notice the attention of central and local public authorities, the election authorities and the public opinion on the difficulties which may arise during the election campaign;
- To assess the activity of the state institutions and the reaction of the public opinion to this activity related to election’s organization and holding;
- To prevent the potential election frauds.

Mission

- To form teams by selecting qualified and interested persons to participate in the process of monitoring the election campaign;

- To train election observers according to the principles of the Code of conduct;
- To monitor the elections' preparation and holding;
- To draw up reports in order to highlight the elections' preparation and holding;
- To inform the public opinion and the international community about the registered election frauds by means of providing reports on long-term election monitoring;
- To analyze and to assess the election campaign in order to prevent the difficulties which may arise on the election day;
- To develop reaction mechanisms to the eventual infringements of the election law;
- To provide assistance to the participants in the election process, whose rights may be potentially violated;
- To analyze and to assess the election campaign in order to prevent the difficulties which may arise on the Election Day.

The process of the election campaign monitoring includes 6 components:

- 1) Assessment of the pre-election framework;
- 2) Monitoring of the process of Election Councils' creation and their operation at all the levels;
- 3) Monitoring of the process of drawing up and updating the election lists;
- 4) Monitoring of the implication of the central and local authorities in the election process;
- 5) Monitoring of the mass-media's work during the election campaign;
- 6) Monitoring of the rivals' behavior registration.

Target groups: election candidates, political parties, non-governmental organizations, election authorities of all levels, central and local state authorities, legal authorities.

3. Basic principles for long-term monitoring

The election process can be adequately assessed only by applying the principle of "integrity of the election process", avoiding an abstract examination, outside a real context. Therefore, the following aspects should be taken into consideration to the same extent:

- a) The pre-election and election framework;
- b) The adherence to the provisions of the election law regarding the regulation of all the aspects of the election process;
- c) The adherence to ethics standards.

These aspects considered together insure the free expression of the electorate will. Thus, the lack of election frauds during the election is far from guaranteeing free and fair elections, these being attested only if the „integrity of the election process” is respected.

4. Pre-election framework

The pre-election framework in the Republic of Moldova is determined by „the negative tendencies noticed during the local elections” which still „have to be reversed”. This is the summary estimate presented by OSCE in the covering letter to the final report of the observation mission at the local elections in 2003. Since then the situation changed insignificantly. A more complex study on the pre-election framework in the Republic of Moldova was made in May, current year, being open to the free access of those interested.(ADEPT web site – www.e-democracy.md)

Presently the pre-election framework in the Republic of Moldova is characterized by the occurrence of new positive and negative elements.

Among the apparently positive elements, which occurred lately are:

- a) The adoption, on July 16, 2004 of the Law concerning the ratification of the Convention on the standards of democratic elections, electoral rights and freedoms in the countries members of the CIS;
- b) Accumulation of minimum experience by the new membership of the Central Election Committee (CEC) during the new Mayor elections hold in a number of localities this year;
- c) The CEC is open to cooperation with the non-governmental organizations, the political parties and the mass-media;
- d) The launch, on July 5, current year, of President's initiative „Guarantees of democratic processes and freedom of mass-media”, by means of which the authorities undertake to adhere to the standards of free and fair elections, to submit an initiative for modification of the Civil Code in order to establish a limit for compensation of moral prejudices caused by infringement of honor, dignity and professional reputation;
- e) The recommendation made by the President and addressed to radio and TV channels to adhere to the public institutions standards, worked out by the European Community and the OSCE mission in the Republic of Moldova;
- f) The cancellation of Article 170 of the Criminal Code of the Republic of Moldova providing criminal liability for defamation.

At the same time, several negative elements have been noticed:

- a) The Convention on the standards of democratic elections, electoral rights and freedoms in the countries members of the CIS was not published yet, although the document was ratified 4 months ago. For example, in the Russian Federation the Convention became effective 4 months after the ratification. This document is really important since it provides in detail the electoral rights of the citizens and the rights of national and international observers;
- b) The Convention on the standards of democratic elections was ratified, except for Article 3(3) and 4(1), the first expressly insuring the citizens' right of election „by voting outside the polling place or by other election procedures in order to create maximum conveniences for the constituency”. The mentioned exception and Parliament abstention to amend the provisions of the Electoral Code on polling places beyond the borders of the Republic of Moldova means that there was no attempt in solving the issue in assuring the right to vote of almost 1/3 of the citizens of the Republic of Moldova, citizens abroad who actually assure the economic development of the state. There were real premises to introduce voting by correspondence, even if this procedure would be rather expensive. Anyway, the cost of voting by correspondence would be insignificant as compared with the amount of about one billion USD, which this 1/3 of the electorate is transferring annually to the Republic of Moldova, especially when an electoral cycle lasts four years;
- c) The initiatives of two parliamentary fractions and the Government to amend the Electoral Code haven't been examined for several months and presently the Legal board for appointments and immunities invokes the recommendation of the Venice Commission on the inopportunity to change the election law on the eve before the elections. However, this is not a valid explanation as the possible amendments of the Electoral Code may be enforced concurrently with the scheduled enforcement of the Convention on the standards of democratic elections. Furthermore, it was noticed that the most important and significant alterations of the election law in the Republic of Moldova were made in 1993 and 1997, just a few months before the parliamentary elections, which were relatively free and fair;

- d) The Moldovan authorities ignored the recommendations, made by the OSCE Observation Mission in 2001, to decrease the 6% election threshold for the political units, on the contrary this threshold being raised for election blocks to 9% and 12%. The extremely high election threshold significantly distorts the representation of those who made their choice in the Parliament. In 2001 this distortion amounted 28%;
- e) We doubt about the ability to draw up correct election lists. The statistical data show that in the Russian Federation and Ukraine the share of voting citizens is about 3/4 from the total number of population, but, in the Republic of Moldova this share is only 2/3. At the same time, during all the previous election campaigns the number of citizens registered in additional election lists varied between 5 and 10 percent. This fact proves that in the Republic of Moldova the share of voting citizens is similar to those in Russian and Ukraine;
- f) After the launch of President's initiative „Guarantees of democratic processes and freedom of mass-media” there weren't undertaken any measures in this connection. On the contrary, the relationship between the state authorities and the opposition deteriorated against the background of reciprocal accusations;
- g) The common declaration of the Ambassadors of the USA, the EU, the EC and the OSCE, accredited in Chişinău, regarding the transformation of “Teleradio-Moldova” Company into a public institution, and the monitoring reports on the Company's telecasts, made by the Independent Journalism Center and CIVIS, emphasize the fact that the Council of Observers “Teleradio-Moldova” Company ignore the President's recommendation to adhere to the standards developed for public institutions by the Special Representative of the General Secretary of the European Council and the OSCE mission in the Republic of Moldova;
- h) The conflict between “Teleradio-Moldova” Company and the protestant journalists, united in the Committee for Defense of Human and Professional Dignity (CADUP) remains unsolved for more than four months.

The mentioned factors may have a negative result, undermining the integrity of the election process and appropriate functioning of the election system meant to assure:

- a) An adequate representation of the political forces in the legislative body;
- b) An honest and transparent election competition;
- c) A stable governance after the elections;
- d) A close relationship between the constituency and those elected, to make the latest more responsible;
- e) Consolidation of the political parties;
- f) Conciliation between the political forces;
- g) Promotion and insurance of parliamentary opposition's interests.

5. Definition of the election date

Presently one of the most sensitive issues concerns the definition of the election date. The official establishment of the Republic of Moldova made public declarations that the election date might be established for the period March-June 2005. This type of declarations assumes that there are ignored the law provisions on the election of the Parliament and the President of the state, and the specifications of at least two decrees of the Constitutional Court (CC).

Thus, Article 61 (3) of the Constitution provides that “the elections of the Parliament deputies are hold within 3 months from the date of expiry of their mandate or from the date of dissolution of the previous Parliament”. The decision of the Constitutional Court No.31 from November 10, 1997 provides that “the Parliament's mandate expires after 4 years from the election date”. As the actual Parliament was elected on February 25, 2001, its mandate expires on February 26,

2005, and the new Parliament has to be elected in no more than 3 months, i.e. between February 26 and May 26, 2005.

On the other hand, the provisions regarding the terms of Parliament elections contradicts the provisions of the Constitution and the Law on the election of the President of the Republic of Moldova. Thus, Article 80(1) of the Constitution provides that “the mandate of the President of the Republic of Moldova lasts 4 years and is exercised from the date of taking the oath”. According to Article 90 (1) “the office of President of the Republic of Moldova becomes vacant in case of mandate termination, demission, displacement, or permanent incapacity to exercise the attributions, or decease”. Moreover, Article 79 (6) provides that “the procedure of voting the President of the Republic of Moldova is established by organic law”. Article 2 of the same law specifies the election procedure in case of expiry of the current President’s mandate and in other cases (displacement, demission etc.). Consequently, in accordance with Article 2 of the Law on the election of the President of the Republic of Moldova, he is elected “no more than 45 days before the expiry of the current President’s mandate”. Article (2) of the same law provides: “In case the office of the President of the Republic of Moldova becomes vacant as result of demission, displacement, permanent incapacity to exercise the attributes or decease, the elections of the new President will be held within 2 months from the date the function became vacant”. The fact that in case of expiry of the mandate of the President of the Republic of Moldova, the elections must be held before the occurrence of this event is confirmed by the Decision of the Constitutional Court No. 41 from December 14, 2000: “The Court underlines that the constitutional provisions of Article 90 par. (4) and the provisions of Article 2 of the Law on the elections of the President of the Republic of Moldova makes a distinction between the conditions and the term for the President’s election in case of expiry of the current President’s mandate, and the conditions and the term of President’s election in case the vacation occurs as a result of demission, displacement, permanent incapacity to exercise the attributions or decease”.

As the current President was elected on April 4, and took the oath on April 7, 2001, his mandate expires on April 8, 2005, and the new President has to be elected no more than 45 days before the mandate expiry, i.e. within the period of February 22 – April 8, 2005. But Article 1(2) of the Law on the procedure of voting the President of the Republic of Moldova provides that “the Parliament of the same convocation votes the President of the Republic of Moldova only once, except the case of demission, displacement, permanent incapacity to exercise the attributions or decease”. As the current Parliament and the President of the Republic of Moldova have been elected simultaneously, the new President can be named only by the Parliament of the new convocation.

An analysis on the above-mentioned legislative and constitutional provisions proves that we do not deal with contradictions. A simple calculation shows that the Parliament of the Republic of Moldova could define a date for the parliamentary elections, which won’t infringe any of the provisions of the Constitution or of the law on the procedure of voting the Parliament and the President. Basically, there are three ways of defining the Parliament’s election date:

- 1) The Parliament may define the election date on February 27, 2005 or March 6, 2005 (the last Sunday of February or the first Sunday of March). This will practically allow the reproduction of the situations from 2001, the new-elected Parliament managing to elect the new President before his mandate expiry on April 8, 2005. If there will be adopted a decision in this context, then the Parliament will have to adopt a decision on defining the election date at least at the end of December, current year. According the provisions of Article 76(2) “the date for Parliament election will be established by Parliament Decision with at least 60 days before the election date;
- 2) The Parliament will define the date for Parliament election for the period February 27 – April 7, 2005, but it won’t be able to elect the President before his mandate expiry and thus electing him after April 8. In such a case, the interim of the President of the Republic of

Moldova, also named by the actual President, shall interfere “until the new elected President takes an oath” (Article 80(2) of the Constitution of the Republic of Moldova) according to the Constitutional Court Decision No. 41 of December 14, 2000 which interpreted Article 91 of the Constitution on interim function. Formally, the Parliament will not violate any legal provision, thus having the possibility to invoke that the election of the President of the Republic of Moldova was postponed until the creation of the leading authorities of the Parliament, the establishment of a special Commission for naming the President and actual polling procedure. In this case, the election date could be established also in the first week of February, after the winter holidays of the Parliament;

- 3) The Parliament will define the election date after April 8, 2005, emphasizing that there were undermined the provisions of the Law on the Procedures of Electing the President of the Republic of Moldova and Constitutional Court Decision of December 14, 2000. Probably, in this case there will be brought all sorts of arguments on the priority of certain norms above others etc.

In such circumstance, in case of certain misunderstandings or discrepancies, the best solution for the Parliament will be to “interpret” the legislative provisions on defining election of the Parliament and President, according to Article 66 (c).

6. Mass-media behavior

Leading points for the evaluation of the pre-electoral and electoral behavior of mass-media serves for:

- a) the most recent reports of the specialized institutions on mass-media monitoring, whenever necessary;
- b) the last OSCE report of the observation mission at the local election in 2003, estimation of the evolutions towards its observations;
- c) questioning of political factions and journalists in case of lack of some monitoring carried out by specialized institutions.

• TV and radio broadcasting

During the pre-election and the election period the Independent Journalism Center (CIJ) and other mass-media oriented organizations usually carry out the monitoring of the broadcasting of public and private radio and TV stations from the Republic of Moldova

The activity of the public TV and Radio broadcasting institution “Teleradio-Moldova” has the greatest impact on the public opinion due to the fact that it broadcasts practically on the entire territory of the Republic of Moldova. Moreover, “Teleradio-Moldova” is financed from the public budget, this fact explaining the particular interest for the monitoring of this institution.

The CIJ monitored the telecasts of “Teleradio-Moldova” Company in June, July, August, September and October current year. According to the reports on the monitoring of the news programs, the CIJ experts concluded that besides some positive evolution, there is still noticed:

- a) News presentation from the authorities’ point of view, to the prejudice of the public interest;
- b) Preponderant mediation within the news broadcasts of the “government actors”;
- c) Infringement of the principles of “equilibrium and complexity” in presenting the information;
- d) “Political supporting” etc.

Regarding the evolution of **social-political** and **political** shows we have to mention that after the local election in 2003 it was inaugurated the telecast “**Ora opoziției**” (“**Opposition Hour**”), lately replaced by „**Arena**” and “**Tribuna partidelor politice**” (“**Tribune of Political parties**”), there were launched other telecasts with social-political character, as well as

“**Vectorul european**” (“**European Vector**”) etc., which offer a wide range of opinions. Although the new telecasts are marked by a range of deficiencies, their evolution however may be appreciated as positive. However we specify that after replacing the telecast “Ora opoziției” (“**Opposition Hour**”), the time granted to political opposition on TV stations was cut down at half: from 4 hours per month (the time estimated for four weekly telecast „Ora opoziției” (“**Opposition Hour**”) to 2 hours per month (the time estimated during a month for those two new telecasts) or even lower as result of the irregularity of the telecast „Arena”.

CIJ monitoring of social-political and political telecasts found that in September current year these had a tendency of improvement by following certain standards. But subsequently, in October current year, they obtained again the tendency of mediation with excessive “electoral government involvement”. The conclusion was that “the neutral attitude of the entertainers, especially in case of Radio Moldova, doesn’t have the appropriate effect if the broadcast refers to “government achievements” or if it doesn’t respect within it the right to reply and informing from two and more sources”. CIJ experts note “the still important weight of such broadcasts both within TV Moldova 1 and Radio Moldova”.

A special interest is brought about by the analytical program “Rezonans”, author’s telecast directed by TRCI Representation “MIR” in the Republic of Moldova and broadcasted by TV Moldova 1 under contract bases. The CIJ monitoring report reveals “anticipated involvements in the election campaign”. This fact is symptomatic because the OSCE observation mission at the local elections in 2003, which monitored the Radio and TV station services, was also obliged to report the abuses especially within the telecasts “Rezonans” and “Argument” broadcasted by the national TV station TV Moldova 1. Consequently, the final report of the OSCE observation mission at the local elections in 2003 found “the distorting information that state mass-media transmit and which are extremely partial”.

Since then, the telecast “Rezonans” remained practically the same. On the contrary, negative presentation of the main government opposition, its mocking along the eulogistic presentation of the government, has increased. Therefore, CIJ experts note that “the press has the right to present not only facts, but also opinions, but these opinions are not to be presented as facts, as TV Moldova 1 does. At the same time, freedom of expression must not violate the principle of non-guiltiness. These norms resulting from both the national legislation and the jurisprudence of the European Court of Human Rights have been violated”.

The overall conclusion presented in the CIJ monitoring report is that “the positive tendencies did not prevail over those negative – preponderance of government voice, lack of objectivity and impartiality, political pluralism that is why the Teleradio-Moldova Company did not succeed to respect its mission of public institution on TV and Radio broadcasting”.

- **Written state press**

In what concerns the services of the written state press, things did not differ much from those of the public TV and radio broadcasting. The differences are rather the consequence of the specific character of the written and electronic press.

In this context, we have to remind that the reports of the OSCE observation international missions found that in all the election campaigns carried out in the Republic of Moldova after the declaration of independence, the written state press practiced the political supporting.

In present, the newspapers “Moldova suverană” and “Nezavisimaia Moldova” were founded by the Government. On April 01, 1994 the Parliament adopted Decision No. 31-XIII by which the newspapers “Moldova suverană” and “Nezavisimaia Moldova” were excluded from its subordination and the Government had the obligation to define their way of functioning. According this Parliament Decision, the Government adopted two decisions No. 305 of May 17, 1994 and No. 372 of June 01, 1994 by which they were named as Government press agencies: “Moldova suverană” and “Nezavisimaia Moldova”, respectively. These Government Decisions

were valid until the adoption of new decisions (No. 365 of June 05, 1995 and No. 390 of June 9, 1995) which brought regulations to the mentioned newspapers according the provisions of the Law on press No. 234-XIII of October 26, 1994. The respective regulations are valid until now.

The editorial independence guaranteed by the Law on press through interdiction of “interference in editorial activity” and legalization of principles of “veridical information” in conditions of “political pluralism” etc. cancels the principles difference between state mass-media and public mass media. The only difference is preserved in naming or electing mass-media institution board. But, both the public mass-media and state mass-media should respect the same principles of correct, objective and equidistant information of the population, preventing their transformation in propaganda tools of the governing persons and factions. Or, mainly this is not the case of both “public” TV and Radio broadcasting and “state” written press, things that are most obvious in the pre-electoral and electoral periods.

A proof is that, for example, in more than 50% of the newspaper “Moldova Suverană” editions during the period September – November current year there were published articles with denigrator, insinuator and mocking character addressed to the main political opponents of the governing party. The behavior of the newspaper “Nezavisimaia Moldova” preserves the same tendencies, but such articles are published more rarely.

Thus, we can assess that the articles from the state press, analytical programs within the public TV and Radio broadcastings have a **preponderantly propagandistic character, that is, the information is presented in a way that may influence public opinion, citizens emotions positively for the governing party and negatively for the opposite factions.** It is also obvious the **intention** to influence the public opinion in the above-described manner, proved by: **a) consequence; b) frequent editions; c) orientation towards denigration and mocking of the main political opponents of the governing party.** Actually, all together they form the agitprop.

- **Municipal mass-media**

Unfortunately, after the local elections in 2003 there wasn't carried out a systematic monitoring of municipal mass-media financed from the budget of Chişinău municipality. Therefore, its evolution may be estimated starting with the final report of the OSCE Observation Mission, which established that during the local elections in 2003 “the preconceived attitude of the state television was counter-balanced by EuroTV channel, which is managed by Chişinău City Administration...”. In the electoral context of 2003 the ascertainment of „counter-balancing” meant only that the preconceived attitude of the municipal mass-media was a result of the preconceived attitude of the state mass-media. This is the result of the political competition between the President of the state, who is also the president of the governing party, on one hand, and the Mayor of Chişinău, who was one of the leaders of the Election Bloc “Alianţa Social-Liberală *Moldova Noastră*” during the local elections in 2003, on the other hand.

Today the situation is just the same. The state mass-media mostly attacks the Bloc “Moldova Democrată” (BMD), led by the Mayor of Chişinău, and the municipal mass-media “counter-balances” the situation. Neither during the elections hold in 2003, nor at present the political tendencies of the municipal mass-media cannot be justified in the view of the legal provisions because there existed and still exist other ex and potential electoral adversaries beside the governing party and the alliance led by the Mayor of Chişinău city.

Moreover, the maintenance of this state of facts in case of future Parliament polling will be counter-productive for BMD. If during the local elections the main political struggle was carried on for Chişinău municipality, where the state and the municipal mass-media had a comparable coverage, then in the future parliamentary elections the facts will be totally different:

- a) Territorial broadcasting will be in proportion of almost 100% *versus* 40% in favor of “Teleradio-Moldova” and, implicitly, of the governing party. After the re-registration of the municipal Radio station Antena C in spring current year, its territorial broadcasting decreased

almost twice, now covering almost 1/3 of the territory of the Republic of Moldova. From unreasonable motives, the re-transmitters from Bălți and Căușeni are not working;

- b) TV Moldova 1 broadcasts almost twice more per day than the municipal EuroTV channel;
- c) The entertainers of the social-political broadcasts within the municipal TV and Radio broadcasting assert that they are regularly inviting at their broadcasts representatives of the governing party who reject their invitation or promise and do not keep their word. This behavior “justifies” the partial attitudes of “Teleradio-Moldova” on reasons that apparently the municipal TV and Radio broadcasting is also partial.

The attitude of the representatives of political factions /alliances who have made public their desire to take part at future Parliament elections (PCDP, SDPM, political Bloc “Patria-Rodina”) other than those led by the President of the State and the Mayor of Chișinău believe that both state and municipal mass-media have partial behavior, but the proportions of manifesting this support is different. At the same time, the representatives of the mentioned factions believe that the access to municipal mass-media institutions is much easier.

7. Political forces -context

Presently there are 24 political units registered at the Ministry of Justice, free of the being in the process of liquidation. The configuration of the main electoral rivals for Parliament elections from the next spring was already outlined.

So far, the Communist Party of the Republic of Moldova (CPRM), the Popular Christian-Democratic Party (PCDP), the Social-Democratic Party of Moldova (SDPM), the Republican Social Political Movement “Ravnopravie” (RSPMR) and the Labor Union (LU) made public their intention to participate in the elections.

There have been founded two political blocs: the Citizens’ Union “Patria-Rodina” (CUPR), consisting of two socialist parties and several informal political organizations, which stand up for the right side on the opposition to the Communist Party; and the Bloc “Moldova Democrată” (BMD), consisting of “Alianța Moldova Noastră” (AMN), the Democratic Party of Moldova (DPM), the Social-Liberal Party (PSL) and the Ecologist Party of Moldova “Alianța Verde” (EPMAV), which is a centrist government, and also in the opposition to the governing party.

The other 10 political units didn’t reveal their electoral plans yet.

a) The Communist Party of the Republic of Moldova

On May 15, current year, was hold the plenary session of the CPRM, where it was decided the convocation of the V-th Congress of the Party on December 11, current year, at which it is planned to review the program and the statute of the party. The leaders of the CPRM declared that for the future voting they won’t rely on ideology issues, but will emphasize the accomplishments of the Government: the increase of the GDP, the increase of pensions and salaries, the implementation of some social and economic projects (SCERS, the system of obligatory medical insurance.). A realistic analysis of the CPRM’s intentions will be made only after the congress on December, 11.

b) The Popular Christian-Democratic Party

On May, 16, current year, was convoked the VIII-th Congress of the party. Beside the modification of the statute on the election of the governing bodies a particular interest raised the resolutions of the Congress and the Proc lamation on the electoral strategy, which defined the main tasks of the unit: combating corruption; overcoming of the economic crisis; reestablishment of the territorial integrity of the country; Moldova’s walkout from the CIS and its integration in European and Euroatlantic structures – NATO and EU. For all these issues there were drawn references and suggestions for solving.

c) The Social-Democratic Party of Moldova

The SDPM made public the decision of the National Council of the party to put forward three initiatives: regarding the consolidation of the society, the state organization and the concept of the new socio-political policy. SDPM intends to organize public discussions on its initiatives, which probably will be worked out as official documents of the party at its IX-th Congress. The initiative concerning the state organization assumes multiple modifications of the Constitution in order to realize the control of the society over the state authority. The essence of this initiative resumes to introducing new eligible functions in the public administration and in the judicial system, to the modification of the electoral system and of the method of voting the President and insuring the transparency on the utilization of public funds etc.

d) The Bloc “Moldova Democrată”

On May 18, current year, the leaders of AMN, DPM and SLP have re-confirmed at a press conference the foundation of BMD, fact that was announced earlier on May 8, 2004. In the Declaration of BMD foundation it is mentioned that its goal is “to stop the tendencies that would lead to complete state destruction”. For this, BMD established its following priorities: to abolish poverty by restarting a functional market economy; to stop moral degradation of the society; to assure the construction of a constitutional state based on concord and cooperation with civil society; to adjust the legislation of the Republic of Moldova to European standards; to assure citizens’ access to education and care services guaranteed by the state; to peacefully reintegrate the Republic of Moldova on bases of democracy, demilitarization and decriminalization of the Transnistrian region; to approach the Republic of Moldova to the strategic objective of adherence to EU; to reestablish the relationships with Romania and Ukraine; to build relationships based on mutual interest with the EU, USA and Russia. On August 23 current year, BMD published “The Program Declaration”.

e) Citizens Union “Patria-Rodina”

From the moment of its foundation, the CUPR declared itself in opposition with the CPRM which was accused of betraying the ideals of the communist opposition. The Organizational Factions Committee launched on May 21 current year a declaration by which “established its position”, underlying that it is a faction: strictly in opposition and without social-democratic orientation, an orientation that just hides a pure capitalist essence; anti-Western; pro-East orientation. At the same time, the CUPR leaders do not exclude the post-electoral collaboration with central factions, but which are not anti-communist.

The CUPR pleads for solving the conflict by creating “the common federative state”, integration of the Republic of Moldova in the Euro Asiatic space, more precisely, in the Unique Economical Space (UES) meant to be created by Russia, Belarus, Kazakhstan and Ukraine. In October, current year, the CUPR founded a initiative group in order to start the referendum on the Republic of Moldova Adherence to UES, but CEC refused to register the initiative group.

f) The Labor Union made similar declarations to those of the CUPR.

The Republican Social-Political Movement “Ravnopravie” declared that will participate separately in the future elections in order to defend the interests of the national minorities.

8. Government-opposition relationship

On July 5 this year the President launched the initiative on „ Guarantees of democratic processes and freedom of mass-media”. The purpose of the initiative aimed at fighting “dirty technologies” and “challenges of those who promote the idea that the following Parliament elections will be falsified by the government, that the democratic standards will unconsidered in Moldova”. The President initiative foresees:

- a) Creation of an efficient and responsible system of a democratic constitutional state;
- b) Assurance and warranty of human rights and freedom of word;
- c) Respect of law and moral values of a democratic society, avoidance of using dirty technologies in election campaign;
- d) Inadmissibility to apply administrative, economic or criminal pressures on election;
- e) Inadmissibility to resort to ideas of territorial disintegration, separatism or Republic of Moldova joining to another state.

The President declared at the time that “the government is ready to comply unilaterally with these obligations”, emphasizing that “these proposals are handled to be discussed by all the parties and political movements, by the non-governmental organizations that sustain the necessity of further democratic development of Moldova as a sovereign and constitutional state, by all those who are willing to accept an open political concurrence, who do not wish to overpass the conditions for the expression of free and democratic will in order to obtain the seats”.

Nevertheless, it comes out that things aren't as they seemed to be:

- a) The proposed discussion was limited to a sole meeting, which had no result;
- b) The leaders of the main political factions the PCDP and BMD, Iurie Roșca and Serafim Urechean, are under criminal investigation.

A criminal case was filed against Iurie Roșca in February for his taking part at unauthorized meetings within which there were burned Russian state symbols as means of protest for not respecting the terms of military and Russian ammunition withdrawal from Transnistria. Since then, nothing is known on the evolution of the investigation. Recently, within one of the plenum sessions of the Legislative, at the proposal of certain deputies from the governing party, it was decided to create an inquiry commission responsible for the investigation of the supposed involvement of the PCDP leader in falsification of large amounts of money, information arrived from the special services from Ukraine.

Recently, a criminal case was also filed against the BMD leader, Serafim Urechean who is investigated under free circumstance, but without the right to leave the Chișinău municipality. The BMD leader is accused of outrunning his duties and involvement in actions of corruption.

We cannot question the need to fight corruption and abuses even before elections or during the election campaign. But this modality of eradicating the phenomenon of corruption pre-eminently among the leaders of the opposite parties, as well as the tendency witnessed both in case of the local elections from 2003 and in present of lawsuits on corruption cases precisely during the pre-election and election campaign is alarming.

Under these circumstances, the examination of how the government treats the main political factions' leaders emphasizes certain **tendencies**:

- a) systematic defamation and accusation of the Mayor of Chișinău in the state press continues since 2002;
- b) immediately after the local elections from 2003, the President himself addressed the citizens stating that “Mayor Urechean must draw conclusions ... **as president of the country**, I pronounced myself univocal against Serafim Urechean nomination”;
- c) in March this year, the governmental newspaper “Moldova suverană” published an anonymous article entitled “Un șir de dosare deschise primarului de Chișinău sunt aproape finalizate” (“A number of cases filed against the Mayor of Chișinău are almost completed”), assumed by the agency “Novosti Moldovî” stating that: “the investigation of more cases filed

against the Mayor of Chişinău, of a number of the City Hall decision factors and of the organization under its subordination are almost completed”, fact which was untruthful at that stage, but later confirmed, the counts of indictment being absolutely different;

- d) The press non-affiliated to Government obtained a document signed on July 30, 2004 by the CSS secretary and addressed the President where he was requesting his permission for the CCCEC and General Prosecutor’s Office, that is the structures which chiefs recently became the members of CSS, to examine and investigate **within a month** “all the cases of abuses and violations” contained in the Audit Office Decision No. 44 of July 2, 2004 on the control of the financial activity of Chişinău municipality city hall. This letter contains the President’s and CSS chief’s motion to begin the “execution” of the proposals. The authorities did not deny the information. After the expiry of one-month term, it was not reported to have been found something related to the Audit Office Decision.
- e) The recent filing of a criminal case against the mayor of Chişinău has nothing to do with all the previously brought accusations.

We cannot question the need to fight corruption and abuses, however the above-mentioned factors emphasize that the accusation brought against the mayor of Chişinău were insistently searched for. This fact is alarming because the same happened in the election campaign from 2003, fact emphasized in the final report of the OSCE mission on election monitoring.

9. Election lists and other specific issues

Updating the election lists represented a sensible subject during the last ballot count from the Republic of Moldova. The percentage of those included in the additional lists is continuously growing, because the election lists are not updated. This dissatisfies, on one hand, the electors and also gives reasons to worry about eventual frauds. After interpreting Article 22 par. q) of the Electoral Code, it comes out that during this period of the year (November - December), the election lists are to be finished. This procedure must take place annually. The experience of previous elections indicates that the election lists were not substantially updated.

As such, actualization of electoral lists is a priority in preparing the Parliament election form 2005. The law allows the town halls to choose the source or sources for putting update lists. Thus, we distinguish more categories of sources that may be used in this process: Registry Office, Real Estate Registry, Household Registry, State Enterprises Registry (chiefs of worker houses), Registries for Private Sector Dwellings, Sector for Dwellings Evidence (SEL), Association of Privatized Dwellings Owners (A.P.L.P.), Administration of Educational Institutions, Chiefs of local Hospitals, Commanders of local Military Units, election lists from previous elections, Informational Technology Department, Department of Statistics and Sociology. The diversity of sources is an advantage, thus being encouraged the collaboration between town halls and institution which deliver such data.

Within the election lists, a special chapter deals with the problem of the vote of the students natives from other localities of the Republic of Moldova than those where they are studying in. Usually, this category of electors is not included in the election lists of the polling places from the areas they are living in. In order to be included in the election lists, the students must get the visa from the locality they are studying in. The administration of the educational institutions is to centralize the information on students’ visa and to transmit further to the town halls. The town hall is to include these persons in the election lists.

We can notice a different interpretation of electoral legislation by local authorities on their obligations to update the election lists especially during the period when such activity takes

place. Also, we can notice a phenomenon characteristic for the soviet period when there are expected indications on this matter from the “centre”.

Another specific problem is the documents presented by the citizens so they could vote. The rule in this direction is to present the identity card together with the accompanying record card printed with the visa. But, not all the citizens of the Republic of Moldova have identity cards, especially elder persons who kept the Soviet type passports. Government Decision of January 16, 2003 on establishing the expiry date of old type identity documents foresees that “the expiry date of the passports for internal usage issued by the ex USSR is January 1, 2005” and that “beginning with January 1, 2005 the passports for internal usage issued by the ex USSR containing the mention on the citizenship of the Republic of Moldova and on the state identification number for physical person (IDNP) are valid for an unlimited period only for the pensioners”. From the law content it results that the persons who are holding old type passports and are not pensioners, and also the pensioners who do not have an identity number in the passport until the date of elections are not allowed to vote.

According the same Government Decision 21/2003, the Informational Technology Department was to assure through mass-media population awareness on the expiry date of the old type documents. This task was not accomplished therefore we recommend to inform the population on this issue in the nearest time.

The guaranty of the right to vote for the citizens of the Republic of Moldova from Transnistrian region is another issue that authorities need to solve: by opening polling places in the region (if possible) or by creating special polling places on the right bank of Dniester river. In both cases, it is necessary to draw election lists, because since 1992 and until now the citizens of the Republic of Moldova from the Transnistrian region vote on additional lists and this may cause multiple voting (“election tourism”).

The guaranty of the right to vote for the citizens of the Republic of Moldova who work abroad was not solved yet, especially for those who do not have visa in the respective states. These persons could however vote by coming on the election date at a diplomatic mission of the Republic of Moldova being thus included in the additional lists. But in such a case, the problem of insufficient ballots may occur, if the number of voters is large. Concerning the persons who do have a visa in the respective country, they are to be included in the basic election lists drawn by the diplomatic missions.

10. On-site observation of the pre-election process

Pre-election on-site observation was carried out by 38 long term observers (LTO), each of them representing a territorial-administrative unit (“raion”) – 32 units on the right bank on Nistru, 3 – the TAU Gagauzia, one - Chişinău and one - Bălţi municipalities, and one at Central Electoral Commission. The 38 observers are supervised by 7 regional coordinators, each of them being responsible for coordinating LTO, one of the 7 geographical-administrative regions in which the territory of the Republic of Moldova was divided, in order to increase the efficiency of the monitoring activity (See the structure of the election monitoring network - Attachment).

On-site observation of election was carried out according a pre-established questionnaire. Each election observer for long term used such a questionnaire to register the results of his monitoring activity. Election monitoring started on November 17, 2004. Starting with this date, the observers report each week the results of this activity.

This report on the on-site situation makes reference to the period autumn – winter and there were requested relevant data at district level on election during the last months. The information was gathered for the period November 17 – December 3, 2004.

For this period, the observers have reported more issues:

1. Continuing tensioning of the relationships between central public authorities and those from Chişinău municipality influences also the deterioration of the relations between the governing party and the political factions within the BMD, because the leader of this bloc, potential election rival in the Parliament elections from spring 2005, is the Mayor of Chişinău municipality, Serafim Urechean. Filing criminal investigation against certain office workers within Chişinău City Hall, including Serafim Urechean, happens mainly in the eve of the future legislative ballot and gives reasons for alarming;
2. Due to the significant number of town halls which did not start yet to update the election lists and the little time left until January 1, 2005 when CEC, according Article 22/q of the Election Code, will begin the control of these lists updating according the data provided by DSS and by the authorities of local public administration, there is a possibility that a part of these town halls are to comply with these obligations deficiently (the only exceptions where the situation is relatively satisfactory are the Bălţi, Briceni, Cantemir, Drochia, Edineţ and Taraclia districts [70% of the town halls fulfill this obligation]);
3. Presence, although sporadic, of the phenomenon when there are used administrative resources. The phenomenon is manifested under different shapes:
 - Embezzlement of the aim of some official visits carried out by certain public office workers on territories and circumscription of some interests with electoral character (An example was recorded in Soroca district. Within the meeting of the prime-minister of the Republic of Moldova, Vasile Tarlev, with the mayors from this district, this made a direct appeal towards the local public office workers to support the governing party in the future legislative ballot;
 - Conditioning some preferential treatments by accepting the quality of party member (In Floreşti district there was recorded a case when the young from families with low-incomes were promised facilities to enter higher educational institutions if they were to join the governing faction);
 - Discriminating treatment of mayors depending on their political affiliation by certain representatives of district authorities (For Glodeni district it was reported the discriminating treatment of mayors elected in the name of the CPRM by the district authorities under financial and logistic support);
4. Tergiversation by certain court instances of the investigation of certain cases filed at the request of some public office workers who accuse of being dismissed under political grounds (Such a case was recorded for Floreşti district);
5. Partiality of certain local mass-media (e.g., TV Bălţi; Flor TV and publication “Drapelul” from Floreşti, paper “Plaiul Orheian” from Orhei);
6. Existence of certain cases when some local public office workers are intimidated on political grounds (e.g., some local public office workers within the Străşeni town hall).

Moreover, the special concern of the CCCEC in cases of corruption from Chişinău municipality, intensification of financial control activities in the case of Nisporeni Town Hall and the recent SIS growing interest in the activities of the representatives of international and nongovernmental organizations from Cahul district are perceived by the observers as potential factors able to generate new difficulties, that is, to bring prejudices to the integrity of the election process.

11. Conclusions

The pre-election context in the Republic of Moldova is confuse, and is determined by the supporting spirit of the main public media institutions and by a strained relationship between the principal political forces, facts which can dramatically affect the integrity of the election process, if these won't be remedied.

Attachment

The structure of the elections monitoring network

CHDOM – ADEPT – LADOM

