



„ELECTION PROCESS MONITORING”

Report nr. 2

Monitoring period: 04 December 2004 - 15 January 2005, Chisinau 2005

“Election process monitoring” is a project developed in association with 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 NGO’s Civic Coalition for Free and Fair Elections “Coalition 2005”, composed of over 150 members.

The present report reflects the monitoring results for the period of December 4, 2004 – January 15, 2005. The information was collected by long term observers (LTO) at the national level: one observer in each of the 32 rayons (on the right bank of Nistru) and 7 regional coordinators in Chisinau, Balti, Soroca, Orhei, Cahul, Comrat, and Causeni. The monitoring of the election process is being conducted based on internationally accepted standards and principles as stated in the Project’s Code of Conduct and the Regulation of the Central Election Commission (CEC) regarding the status of observers.

The information presented in this report was collected using two types of questionnaires. The first questionnaire was a weekly collection of information concerning the course of the election process, i.e. implementation of the election law by central and local authorities, the conduct of electoral administration, press coverage, and the conducting of campaigns. A second questionnaire was developed to obtain information about the legal requirements of preparing voter lists. This information was collected by a telephone interview between an LTO and city officials in approximately 600 out of 900 towns and villages.

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Executive summary

During the observed period, there were some positive developments, such as the selection of March 6, 2005 as Election Day, and the government’s invitation to OSCE/ODHR and other international organizations to observe the upcoming election. In addition, the CEC adopted the “Regulation Regarding the Status of Observers” that guarantees the rights of observers to monitor the entire electoral process. Another positive development was that the government approved an appeal made by the Coalition 2005 to guarantee the right to vote for those citizens who, for identification purposes, have only old Soviet passports and not the newer types of identification.

There were also significant negative developments. Most of the recommendations jointly made by the Council of Europe (CE) and the Organization for Security and Cooperation in Europe (OSCE) were not implemented by Parliament. Considerable use of state financial and material resources to benefit the ruling party continues. A large number of local authorities have not met their



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obligations to provide updated voter data to the CEC, calling into question the accuracy of voter lists. There are no clear and understandable procedures for the resolution of electoral disputes.

The restrictive nature of the concept of reflection of the election by mass media approved by the Coordinating Council for Audiovisual (CCA) and CEC is endangering the accurate and fair coverage of the electoral campaign.

Other developments noted were: the harassment and intimidation of opposition leaders, campaign workers, and observers; the disregard of rules and procedure relating to the electoral process; involvement of the police in the election process; several issues relating to the voting rights of citizens, such as no real effort to solve the problems concerning student voting, adequate voting facilities for voters in the Transnistria region and for Moldovan citizens working abroad. All of the above raise serious concerns about the government's commitment to the requirement of a free and fair atmosphere during the course of the electoral campaign.

As the result of our observations, we have serious questions about the integrity of the electoral process and the fairness of the elections. Foremost are concerns about equal treatment of candidates, access and impartiality of the media, fairness of the electoral administration, and unfair use of public resources.

We will continue to monitor the course of the Moldovan elections, with particular emphasis on those problems noted above.

Findings

1. Legislative framework / International standards

According to the CE and OSCE joint recommendations adopted by the Venice Commission in June 2004, the electoral legislation of the Republic of Moldova had to be revised. We welcome the cancellation of the annual obligation of political parties to submit membership lists to the Ministry of Justice and the decrease of the mandatory minimum number from 600 to 150 members per rayon in at least half of Moldova's 32 rayons, both in accordance with the joint recommendations.

Nevertheless, we regret the failure to implement the recommendations regarding the fundamental revision of the Electoral Code. This failure raises concerns regarding the impartiality of the Central Election Commission due to its composition criteria, respect and safeguarding of the rights of electoral contestants to campaign freely, the guarantee of secrecy of the vote, the transparency and accuracy of counting and tabulation of votes and the impartiality of mass media.

We welcome the invitation of OSCE/ODIHR observers as well as other international monitoring missions by Moldovan officials. We believe that a wide presence of international and domestic observers at the March 2005 elections will contribute to the integrity of the electoral process in the Republic of Moldova.

2. Central public authorities

The Government of the Republic of Moldova approved an appeal made by Coalition 2005 to guarantee the right to vote for those citizens who, for identification purposes, have only old Soviet passports and not the newer types of identification documents. The Soviet passports will be valid until July 1, 2005. At the same time, the list of other acceptable identification documents needed to vote has not been clarified.

The Parliament selected the date of the elections for March 6, 2005, in accordance with Moldovan legislation. However, the announcement declaration of the Election Day was inappropriate and the procedures for approval and entering into force of the decision nr. 444/2004 of the Parliament establishing the date of the elections was not respected.

Criminal cases opened against some opposition leaders before the start of the electoral campaign raise concerns of politically motivated prosecutions. This suspicion was supported by the release by the opposition Bloc Moldova Democrata (BMD) of a video made by an officer in the Center for Combating Economic Crimes and Corruption (CCCEC), in which he told of pressure from the highest levels of state to bring unsubstantiated charges against the leader of BMD, Serafim Urechean.

Observed difficulties in implementing programs to provide gas in Boscana (Criuleni rayon) and Razeni, Cigirleni, Molesti (Ialoveni rayon), where the mayors represent the opposition or are not politically affiliated, as well as the abuses committed in Cosernita (Criuleni rayon) raise questions about the non discriminatory distribution of natural gas. The same conclusions can be drawn regarding in the distribution of reparations to businesses in Dubasari rayon.

During our monitoring we observed cases of misuse of public funds by the ruling party in many rayons. In Criuleni, Rezina, Nisporeni, and Chisinau PCRM representatives used official "working visits" for campaign purposes. In Straseni, Rezina, Criuleni, Dubasari, Calarasi, Nisporeni, Ialoveni, Taraclia, Cimislia, PCRM representatives used Chisinau city government funds for transportation. In Straseni the postal service distributed campaign materials.

Cases of pressure on state employees were reported. Colonel Eduard Maican, a candidate on the BMD list for parliament, was intimidated and threatened with dismissal by his superiors from the Ministry of Interior. A police officer from Briceni allegedly was fired because he assisted at a BMD's meeting. He was reinstated after he went on hunger strike. In the village of Ustia in Dubasari rayon, after a BMD meeting the police officer and the chief of the rayon council were told by a representative of the ruling party from Chisinau not to authorize such meetings in the future.

We are particularly alarmed by cases of intimidation of our observers. It was insinuated to Carolina Otgon, the long term observer in Rezina rayon; by Serafima Borgan (a member of the PCRM fraction in the Parliament) that she could loose her job after the elections because of her current observer activities. Sergiu Iordan, the LTO in Ungheni, was summoned to the Ungheni office of the Service for Information and Security and questioned about his activities. A large number of observers throughout the country were refused access to public information regarding election statistics and the compilation and updating of voter lists. There were reports that police officers were given orders to attend gatherings of opposition parties and to record them.

3. Local authorities

Article 22(q) of the Electoral Code requires the local authorities to provide yearly updated voter list information to the Central Election Commission (CEC). The majority of local authorities interviewed by LTOs were not aware of the existence of such provision in the law and had not fulfilled their obligation. A considerable number of mayoralties do not have any computers, printers, or other office equipment which would simplify this task; thus, any updating would be time consuming. During this monitoring period the process of updating voter lists has not yet started in the majority of jurisdictions.

Despite the Election Code empowering local authorities to act, many observers report that the habit of waiting for directives from the central authority persists.

In many localities, Moldovan citizens working abroad without a legal permit were excluded from voter lists during the local elections in 2003. This situation both infringes on their constitutional right to vote and leads to a significant decrease in the size of the official electorate. This discrepancy between eligible voters and official voters enables turnout requirements to be artificially and inaccurately satisfied. Such cases were reported in Singerei, Straseni, Soldanesti, Riscani, Soroca, Rezina rayons.

In Donduseni rayon, the local authorities rejected the BMD's request to hold a public meeting in the "Casa de cultura" (Public house of the locality), and in Dubasari attempted to hinder opposition candidates from organizing meetings.

Cases were reported in which residents of villages were forced to subscribe to *Comunistul*, the PCRМ party newspaper. The president of the rayon council in Floresti allegedly asked the mayor of the village of Temeleuti to find 200 residents to subscribe to the newspapers *Drapelul* and *Comunistul*. Other mayors were asked at rayon council meetings to report on the measures they had taken to increase the number of subscribers to these publications.

4. Election administration

On January 6, 2005, 10 days after the start of the election period, the CEC approved the Concept for the Reflection of the Election Campaign by Mass Media. This 10 day delay gave the PCRМ the unfair advantage of running uncontested campaign commercials during this period. (Case of favoring PCRМ on 03 01 2005, Teleradio Moldova News program). Another related issue is that the Concept is restrictive. There will be no organized public debates between contestants during the first month of campaign. The total time approved for public debates during the second month is insignificant (a total of 8 hours per each TV or radio station shared equally between contestants, which means approximately 30 minutes for each contestant during the entire election period at each TV or radio station). The restrictive nature of the Concept is endangering accurate and fair coverage of the electoral campaign.

At the time this report, the decisions of the CEC, including the Concept for the Reflection of the Election Campaign by Mass Media, were not published in the official bulletin. This questions the transparency of the CEC decision-making process, and has led to poor coordination between the CEC and local authorities. For example, the CEC did not receive updated voter list information from the local authorities and did not take any measures to obtain such information. The issue will be closely monitored.

5. Election contestants / Campaign

Cases of electoral activity before the start of the official electoral period were observed. One example was in the Flux newspaper:-- the special edition from 28 November 2004 has on its first page the PPCD electoral sign and stamp above it, which represents an indirect voter appeal. According to articles 1 and 47 (1), (14) of the Election Code electoral activities should be conducted only after the registration of the candidate with the CEC and up to until one day before Election Day.

On the other hand, on January 12, 2005 a representative of PPCD was hindered in distributing electoral materials in the center of Chisinau. The campaign worker was stopped by the security service of a bank, the police were called, and the worker was accused of illegal campaigning, even though PPCD was already registered with the CEC.

In Criuleni rayon, there was electoral activity before the registration of the electoral contestant and also misuse of state facilities. Campaign materials from the PCRМ were displayed on December 28 in the regional office of the Department of Education, before the registration of PCRМ with the CEC. Many persons asked that the campaign materials be removed, but these requests were ignored.

6. Mass media

Cases of self-censorship were registered after the start of the election period. The local public station *Euro TV* and *Antena C* suspended several programs like "*Hour of the local counselor*", "*Social boomerang*", "*Press review*", "*Vox populi*" in order to avoid possible confrontations from the CCA. In

addition, *Pro TV* and *Pervii canal v Moldova* refused to broadcast electoral advertising. After these developments, only two TV stations with national coverage – *Moldova 1* and *NIT*, and one radio station *Radio Moldova* – remained to cover the electoral campaign.

Cases of partisanship behavior on the part of mass-media were reported: *Moldova1*, *Radio Moldova*, publications *Moldova Suverana*, *Nezavisimaia Moldova* – continued to reflect excessively the activity of the ruling party. A reportage produced by *Moldova 1* on December 16, reflecting the distribution of gifts by the President Voronin, was broadcasted during the New Year holidays on January 3rd --- 18 days after the event. *Euro TV-Chisinau*, radio *Antena C*, the publications *Capitala*, *Ora locala* favor the BMD. Publications *Meleag natal*, *Administratia publica*, *Pasul nou*, *Drapelul*, *Cimpia Glodenilor*, *Svet* gave excessive space to the PCRM.

Concerns

Our findings, as presented, raise serious concerns that the integrity of the electoral process could be jeopardized. The most problematic issues include:

- **Guarantee of impartiality and fair conduct of the CEC** – not respecting the Venice Commission joint recommendations lead to a non-proportional representation of parties in the CEC and to a poor mechanism of guaranteeing the independence of the CEC members.
- **Providing equal opportunity to all electoral contestants.**
- **Protecting the constitutional right to vote for all eligible voters** – there should be an effective and impartial voter registration mechanism.
- **Preventing multiple voting** – the non-existence of a list of acceptable identification documents needed to vote, the lack of a clear voting procedure for persons having different domicile and residence, the lack of a time limit for the delivery of voter certificates to polling stations, the lack of a system verifying supplementary lists, and the lack of the obligation for the CEC to publish a detailed tabulation of results by polling station.
- **Timely and fair resolution of electoral disputes** – There are no clear and understandable procedures for the resolution of electoral disputes.
- **Safeguarding the rights of national observers to monitor the entire electoral process.**
- **Preventing politically motivated intimidation** – all citizens with no restriction should be able to freely express their political affiliation.

Recommendations

On the basis of the findings and concerns expressed above, the implementation working group of the “Election Monitoring Project” recommends the following:

Central authorities:

- to guarantee the right to vote to all eligible voters of the Republic of Moldova including: students, Transnitrian residents, persons working abroad;
- to provide transportation for Transnitrian residents from the region to the special stations on the right bank of Nistru and to develop an information campaign on the left bank;
- to present objectively the results of programs to provide communities with gas, including the contribution of the beneficiaries and the difficulties of implementation;

Local authorities:

- to assure equal conditions to all electoral contestants in organizing meetings with voters and to guarantee a minimum space for electoral advertising;
- to professionally conduct the process of updating voter lists;
- to post voter lists at polling station not later than 10 days before the Election Day;
- to provide residence to all registered students eligible to vote in the locality of study;

Election administration (CEC):

- to adopt by-laws which would implement all the recommendations of CE and OSCE;
- to amend the concept of reflection of the election by mass media by making it less restrictive;
- to act when necessary to safeguard the rights of the national observers to monitor the electoral process as prescribed by the CEC Regulation regarding the statute of the observer (CEC decision 590);
- to publish CEC decisions in the official bulletin and to assure the transparency of the election process;
- to approve a list of accepted identification documents for voting and to approve an acceptable procedure of using identification documents for persons who have different domicile and residence;
- to implement methods for prevention of double or multiple voting. i.e. invisible spray, UV lamps;
- to implement transparent ballot boxes;

Courts

- to solve electoral disputes in a fair way and within reasonable time frame;

Contestants

- to avoid the misuse of public funding for the campaign;
- to respect the conditions prescribed by law for the electoral publicity prescribed by art. 47 (5) of the Election Code;

Mass media

- to guarantee the objective and comprehensive informing of the public on the election process, including regularly scheduled public debates and analytical programs with the participation of experts, leaders of public opinion, candidates, etc;