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Moldova – Non-governmental organization,
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League for Defence of Human Rights of Moldova

REPORT II

on elections observation in the People's Assembly of UTA "GAGAUZ YERI"

17 March, 2008



USAID
FROM THE AMERICAN PEOPLE



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Observing the Elections in the People's Assembly of the ATU Gagauz Yeri

REPORT No. II

Period of monitoring: 11 -16 March, 2008

The Project of the elections observation in the People's Assembly of the ATU „Gagauz Yeri” is an integral part of the program for promoting free and correct elections in the Gagauzian autonomy, implemented by the NGO League for Defense of Human Rights of Moldova (LADOM) with the financial support of the Eurasia Foundation – Representation in the Republic of Moldova with the financial resources of the US Agency for International Development (USAID), Swedish International Development Agency (SIDA), OSCE Mission in Moldova and the Balkan Trust for Democracy.

LADOM will present 4 public reports of elections monitoring. This report reflects the results of the monitoring within 11-16 March, 2008. The information was collected by three long-term observers in Comrat, Ceadâr-Lunga, Vulcănești and a regional coordinator in Comrat town. The reports also contain information collected through 140 short-term observers, correspondingly accredit by the Central Election Commission from Comrat.

The observation of the electoral process takes place on the basis of the standards and principles, accepted on the international level, those provided in the Code of Conduct of the observer and in the Regulation of the Central Election Commission of the Republic of Moldova (CEC) regarding the status of the observers (Decision No. 332 of 24.10.2006), as well as the methodology used in elections monitoring, described in the OSCE/ODIHR Textbook on election observation.

The information presented in the report refers to different aspects of the electoral process, including application of the electoral legislation by the local authorities, administration methods of the elections, ways of conducting the electoral campaign and dissemination of information about it by mass-media etc.

SUMMARY AND CONCLUSIONS

CEC activities were performed according to the existing legislation and increased efforts were needed for the organization of elections due to the lack of financial resources. It is to be mentioned that CEC is open to collaboration with the qualified NGOs from Moldova. The elections in the People's Assembly of Gagauzia were organized and conducted, except for some elements, in line with the existing legislation of ATU Gagauzia due to the competence and transparency of CEC members.

CEC registered 161 candidates within the terms provided by the legislation. 6 electoral competitors gave up the electoral competition during the monitoring period. Thus, 77 independent candidates and 78 candidates representing different political parties participated in the electoral run.

62 polling stations were open, which respected the rules to ensure the secret voting and free expression of the voters' options. Still, some polling stations were not spacious enough and the ballot boxes were too transparent, so that the voting secret was in danger. The average participation rate was of about 64 per cent.

Although the voters received the invitations to the denominated polling stations 7 days before the elections (art. 45 (1)), the election lists in most polling stations were not displayed 10 days before the elections.

The ballot papers were printed at a printing house in Chisinau according to the legal requirements.

The transparency of financing the electoral candidates is still an issue.

The mayor offices in the region have corrected the data in the voters lists, which contain more than 85 thousand people with voting right. A large number of voters required to vote „where they are”, usually where they live (6600 voters). The large number of voters requiring to vote “where they are” complicated the activity of election bureaus of the polling stations.

LADOM is particularly alarmed about the following negative aspects of organizing the electoral process:

- Unjustified involvement of a representative of the local public administration in the electoral process on the elections day;
- Favoring by a local political subject of registering the candidates as independent candidates, which led to the lack of an electoral campaign that would have led to a more informed electorate, a more organized process and a conscious voting.
- Lack of transparency in competitors' financing and in their expenses for the purposes of electoral propaganda;
- Lack of equal conditions for all electoral competitors.
- Appropriate training of electoral officials;

The negative aspects mentioned in this report can dramatically affect the integrity of the electoral process if they will not be remedied.

OBSERVATIONS

1. Legal Frame

Gagauzia is an autonomous territorial unit, having a special status, which being a form of self-determination of the Gagauzian people, is an integral and inalienable part of the Republic of Moldova. The Gagauzian Autonomous Territorial Unit (ATU Gagauz Yeri) is recognized and exists de jure and de facto on the basis of the Law of the Republic of Moldova on the special status of Gagauzia (Gagauz-Yeri) No.344-XIII of 23.12.1994. This Law (art. 1 par.1) provides that Gagauzia, as an autonomous territorial unit, is a component part of the Republic of Moldova, being administered according to the Constitution of the Republic of Moldova and normative acts of the Popular Meeting (Halc Toplusu) of Gagauzia, which do not contradict with the Constitution and legislation of the Republic of Moldova (art. 2); ATU Gagauz Yeri solves independently within its competence and in interests of the whole population the issues of political, economic and cultural character. All the rights and freedoms, provided by the Constitution and legislation of the Republic of Moldova are guaranteed on the territory of the ATU Gagauz Yeri. The representative and executive bodies in ATU Gagauz Yeri operate according to the Law. The official languages in this region, according to art. 3 par. 1, are Moldovan, Gagauzian and Russian. Also, Gagauzia has its own national symbols, which are used alike the state national symbols of the Republic of Moldova. The Law on the special legal status of Gagauzia foresees that the People's Assembly of Gagauzia adopts laws, the application of which is compulsory on the territory of Gagauzia, including nomination, organizing and conduct of elections. On the other hand, according to art. 60 of the Constitution of the Republic of Moldova „the Parliament of the Republic of Moldova is the superior representative body and the only legislative authority of the state”, which indicates the contradictory legal status of the laws, adopted by the Popular Assembly of Gagauzia.

The first round of elections in the Popular Assembly were conducted according to the Law on elections in the People's Assembly of Gagauzia, adopted on 15 January, 1998 with amendments of 30 December, 2007. Even after the implemented amendments, the electoral legislation does not treat all the aspects of the electoral aspects. And this happens because the members of CEC operate temporarily, i.e. only for the period of elections. Thus the people involved directly in the legislative electoral process do not submit any initiative of modifications in the legislation.

2. Central Election Commission (CEC)

Central Election Commission was founded by the Decision of the People's Assembly of the ATU Gagauz Yeri no. XXXIV/III of 09.01.2008, according to art. 19 of the Law on elections in the People's Assembly of Gagauzia. The People's Assembly, the Executive Committee and the judicial instance of Gagauzia nominated 3 candidates each for the position of member in CEC with a total of 9 people. CEC competence is limited to the period of the corresponding electoral campaign. CEC is a state body, empowered to organize and conduct the elections. CEC is a legal entity, has a budget, bank account and its own seal (art. 19 (4)).

3. Financing the electoral campaign

The method of financing the elections in the People's Assembly of Gagauzia is provided in art. 28 of the corresponding Law, in which it is mentioned that CEC activity is financed from the regional (local) budget of ATU Gagauz Yeri. At the same time, the Gagauzian authorities

requested financial support from the state budget, motivating that these are local (regional) elections that should be financed by Chisinau. Due to non-identification within reasonable terms of the financial sources, there is a state of uncertainty in the CEC activity. For the proper conduct of elections CEC requested 900 000 lei. Previously CEC estimated the expenses to 1.2 mln lei.

CEC confirmed that according to the law 800 000 lei were transferred from the local budget for the good conduct of the elections. A real support for the good conduct of the electoral process was offered by the NGOs LADOM and ADEPT.

The transparency of financing the electoral candidates is still an issue. Due to the lack of requests, CEC did not express the necessity of granting loans to the candidates (art. 42 (2)). The electoral candidates did not ask for bank loans, using their own financial resources. The used financial resources were not declared with CEC by independent candidates or those representing political parties. CEC from Comrat was not informed according to art. 43(3) about bank representatives that operate in the locality. Having such information is not the competence of observers. The lack of such information or non-submitting it can be motivated by the lack of special accounts "Electoral fund" or by the lack of transparency in using the financial resources during the electoral campaign.

4. Administration of Elections

The elections in the People's Assembly of Gagauzia were organized and conducted in line with the existing legislation of ATU Gagauzia.

CEC registered 161 candidates within the terms provided by the legislation. 6 electoral competitors gave up the electoral competition during the monitoring period. Thus, 77 independent candidates and 78 candidates representing different political parties participated in the electoral run.

62 polling stations were open, which respected the rules to ensure the secret voting and free expression of the voters' options. Still, some polling stations were not spacious enough and the ballot boxes were too transparent, so that the voting secret was in danger.

Although the voters received the invitations to the denominated polling stations 7 days before the elections (art. 45 (1)), the elections lists in most polling stations were not displayed 10 days before the elections.

The ballot papers were printed at a printing house in Chisinau according to the legal requirements.

The mayor offices in the region have corrected the data in the voters lists, which contain more than 85 thousand people with voting right. A large number of voters voted on the additional lists according to the formula „where they are”, usually where they live. The large number of voters requiring to vote “where they are” complicated the activity of election bureaus of the polling stations.

The Audio-Visual Coordinating Council of the Republic of Moldova through decision no. 8 of 23 January, 2008 adopted according to the provisions of the Code of the Audio-Visual the Concept of reflecting the electoral campaign in mass media, and on 4.02.2008 by the Decision 8-6 CEC

adopted the Regulation on reflecting in mass media the electoral campaign for the elections in the Popular Assembly.

5. Activity of NGOs

The Central Election Commission from Comrat showed its readiness to collaborate with Moldovan NGOs, specialized in promoting and respecting the electoral right.

Within the project „Education and mobilization of the electorate for the elections in the People's Assembly of Gagauzia” the Association for Participatory Democracy – ADEPT – launched on the portal www.alegeri.md a special web-page containing information in three languages on the elections on the position of deputy in the representative body of the Gagauzian autonomy. ADEPT launched the poster “Voting step by step” and audio and video clips on the correct voting.

In the reference period CEC in collaboration and with the support of LADOM organized 3 training seminars for about 200 electoral employees in the rayon centers Comrat, Vulcănești and Ceadâr-Lunga. LADOM reactivated the „toll-free number” 0 8003 8003. The law on corresponding elections was copied and distributed to electoral employees. The monitoring program of the electoral process started in all localities of the Gagauzian autonomy.

LADOM sent 2 observers to all 62 polling stations.

6. Electoral Campaign

The electoral campaign itself started with delay and there was no increased activism by the electoral competitors. Electoral confrontations are manifested by making declarations that contain mutual blames.

The partial solving of the financial resources issue was followed by new tensions in the relationship between the central and local authorities in the context of humanitarian help offered by Russia.

The movement „United Gagauzia” accused the Chisinau authorities to demonstrate their intention of being more loyal to Russia than to the Gagauzian people.

At the end of February and during the first weeks of March, the President of the Republic of Moldova paid a visit in Gagauzia and participated in a meeting with the Gagauzian students. The chief of the state mentioned that the central authorities support the Gagauzians in the process of learning the state language – Moldovan. Thus in the State University of Comrat specially equipped auditoria will be opened in order to stimulate learning of Moldovan. Also, the State University of Comrat is the only higher education institution in Moldova that benefits from capital investments for a new building, financed exclusively from the state budget of the Republic of Moldova.

On 25 February, 2008, in a declaration of the Gagauzian journalist Fiodor Angheli, ex-deputy in the Parliament of the Republic of Moldova and ambassador plenipotentiary of the Republic of Moldova in Turkey within 1998-2001, accused the Chisinau authorities of not supporting properly the development of the Gagauzian culture.

ATU Gagauzia was also visited by the prime-minister of the Republic of Moldova, Vasile Tarlev.

The President of the Moldovan Parliament also paid a visit to Comrat. It was a perplexity that the message „Welcome” on the posters at the entrance in the Palace of Culture in Comrat for the meeting of the members of PCRM were written in Russian, English, Moldovan and no inscription in Gagauzian.

The refusal of the Chisinau authorities to distribute during the electoral campaign some humanitarian aid offered by the Russian Federation for Gagauzian was followed by picketing the presidential building by the members of „Ravnopravie” movement, conducted by V. Klimenco.

The candidates had access to the local public radio and TV stations. The candidates of the mentioned political groups are supported by the mass media they control.

The Audio-Visual Coordinating Council of the Republic of Moldova through decision no. 8 of 23 January, 2008 adopted according to the provisions of the Code of the Audio-Visual the Concept of reflecting the electoral campaign in mass media, and on 4.02.2008 by the Decision 8-6 CEC adopted the Regulation on reflecting in mass media the electoral campaign for the elections in the Popular Assembly on 16.03.2008.

7. Elections day

On elections day until noon the radio station Hit FM broadcast repeatedly an appeal of the Gagauzian bashkan. The text was prepared and registered before the elections day. The broadcasting of the mentioned appeal was suspended by the Central Elections Commission from Comrat for the reason of containing elements of electioneering on elections day.

The CEC from Comrat adopted a decision in this respect, addressing the Audio-Visual Coordinating Council to express its opinion non the actions of the corresponding radio station (Hit FM).

A large number of voters required to vote „where they are”, usually where they live. The electoral legislation in the region, but also the Electoral Code of the Republic of Moldova, do not clearly regulate how to require it, the proof of impossibility to get o the polling station, dead-lines and how such requirements are done.

For the first time in the last 7 years the use of administrative resources during the electoral campaign was avoided. A reason could be the clear distribution of responsibilities between the local legislative and executive bodies , as well as the strict control by the observers of the mentioned local authorities, as well as an advanced degree of supervising the candidates in the elections from the region.

Among the unimportant shortcomings, which do not impact on the elections results in the opinion of the observers, are:

- In the secret voting booths entered 2 people at a time, usually elderly people;
- cases of electioneering were registered on the elections day;
- In some cases the voters were brought to the polling stations with transportation means;
- voting papers were given to people who presented expired identity documents etc.

8. Taking into account the observations and the expressed concerns, the responsible working group for project implementation "Monitoring of the electoral process" recommends:

- Further abstaining of the authorities from distributing the humanitarian aid during the electoral campaign;
- Identify the sources of financing of the Central Election Commission according to the legislation;
- Forbid the use of administrative resources and levers at the disposal of some electoral competitors due to their present position;
- Make a decision on the compulsory mentioning on materials of electoral propaganda of the name of the electoral competitor, the date of printing, the circulation of the material and the name of the printing house where it was printed;
- Appropriate training of electoral officials;
- Ensure adequate conditions in the places where the elections will be organized;
- Non-discriminatory treatment of electoral competitors and ensuring equal conditions for all electoral competitors;
- Quality updating of electoral lists;
- Objective and ample information of the public opinion by mass-media about the electoral process;
- Displaying the electoral lists at least 10 days before the elections day;
- Establishing clear terms of requesting to vote "where you are";
- RESPECTING THE ELECTORAL LEGISLATION