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League for Defence of Human Rights of Moldova

REPORT III

on elections observation

in the People's Assembly of UTA "GAGAUZ YERI"

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

REPORT No. III

Period of monitoring: 17 -31 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 presented 3 public reports of elections monitoring. This report reflects the results of the monitoring within 17-31 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 58 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

The Central Election Commission showed its readiness to collaborate with the qualified Moldovan NGOs. 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.

In the second tour of elections in the People's Assembly of the ATO Gagauzia that were conducted on 30 March, 2008 the NGO League for Defense of Human Rights of Moldova (LADOM) delegated 58 independent national observers to the existing 32 polling stations. LADOM volunteers observed integrally the voting process at the corresponding polling stations and informed the Central office of LADOM on how the elections were conducted. The final results received from the polling stations on the basis of the copies of the minutes, approved by LADOM allowed to have again a quick count of votes.

Due to the lack of an adequate electoral campaign the voting process on the elections day was conducted according to the stipulations of the Electoral Code of the Republic of Moldova, of the Law on the elections in the People's Assembly of Gagauzia and principles of free and fair elections.

Also the LADOM observers noticed some negative aspects that became traditional in Moldova, which though did not affect the integrity of the electoral process:

Similarly with the elections on 16 March, 2008, some shortcomings repeated such as some small deviations of the Gagauzian legislation from the stipulations of the Electoral Code of the Republic of Moldova; the updating of the electoral lists is still an issue for organizing a transparent and equitable electoral process; opening in short delay some polling stations; unmotivated entering in the secret voting booths of 2 people at a time; long stay of unauthorized people in the polling stations; “organized” campaigns to vote “where you are”, usually at home;

At the polling stations there was a free atmosphere. The voters were not impeded to exercise their right to the universal, equal, direct, secret and freely expressed vote.

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 is 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 People's Assembly of Gagauzia.

The first round of elections in the People's 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)).

In order to avoid eventual manipulations Gagauzian CEC adopte don 25 March a decision on the application in the second tour of elections of the control seal twice on the verso of the ballot papers. The seal was applied on the ballot paper's verso before the voter entered in the secret voting booth. The second time the seal was applied on the ballot paper's verso after the voter went out of the voting booth with the filled ballot paper, before inserting it in the ballot-box.

3. 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.

Thus, 22 independent candidates and 12 candidates representing different political parties participated in the electoral run.

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

4. Electoral Campaign

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.

Although the Chisinau authorities refused to distribute the humanitarian aid offered by the Russian Federation for the Gagauzians during the first tour of elections in Gagauzia, In the period between the campaigns this material aid was transported to the Gagauzian autonomy and the executive body from Comrat sent a thank you letter to the Russian Federation.

LADOM observers informed that during the electoral campaign in some localities express renovation of roads and access ways took place.

The newspaper from Chisinau “Moldavskie Vedomosti” investigated the subject on the financing from the state budget of the Republic of Moldova the renovation of some local roads, supposing that this would have been done in electoral purposes. In the article “One more time about the electoral methods in Gagauzia” Moldavskie Vedomosti cite indication no. 0913-223 of 20 February, 2008 of the prime-minister, Vasile Tarlev, addressed to the Ministry of Transportation and Road Administration, according to which, following the request of some deputies in the People's Assembly of Gagauzian Autonomy, financial resources were allocated for the renovation of 18 km of local roads and streets in localities that voted for the candidate sustained by the central authorities.

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.

During the public meeting of 18 March, 2008, CCA adopted a decision by which it recommended to all broadcasters and service distributors to strictly respect the laws and the normative acts that regard the activity of the audiovisual institutions during the electoral campaign: Audiovisual Code, Electoral Code, Concept of reflecting the electoral campaign for the elections in the People's Assembly of ATU Gagauzia of 2008 by the audiovisual institutions.

The decision was made after CCA was informed by a few people about the case registered on 13.03.2008 in Comrat town. Thus at 8:15 p.m. the cable TV „Eni Ildiz” (founded by „Media PS Grup” SRL) the retransmission of the Public Company programs “Găgăuziia Radio

„Televizionu” was replaced with the registration of the pre-electoral congress of the movement „United Gagauzia”, thus infringing the existing legislation. The incident happened at the end of the electoral campaign and through its intervention the cable TV channel „Eni Ildîz” has got involved illegally in the electoral propaganda, infringing the stipulations of Concept of reflecting the electoral campaign for the elections in the People’s Assembly of ATU Gagauzia of 2008 by the audiovisual institutions.

The representatives of the mentioned studio submitted an explanation, in which it is said that this interruption happened automatically and the signal of the channel “Găgăuziia Radio Televizionu” was replaced with the signal of the TV channel „Eni Ai”.

The local newspapers, controlled by the ruling party announced rough figures for the results of the first tour of elections in the Gagauzian autonomy. Thus instead of 3 seats in the People’s Assembly, they announced that the communist Party won 7 seats from 18 candidates, elected in the first tour. They probably did so in order to convince the voters that the Communist Party will win in the second tour too, thus encouraging them to vote for PCRM.

5. Elections day

LADOM sent 58 observers to all 32 polling stations. Results in the Annexes 1,2 3).

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;
- voting papers were given to people who presented expired identity documents etc.

Taking into account the observations and the expressed concerns, the work group responsible for the project implementation “Monitoring the electoral process” will write recommendations on the improvement of electoral legislation of Gagauzia, its adjustment to the provisions of the Electoral Code of the Republic of Moldova and of the OSCE Principles on the organization of free and fair elections.