

**INTERIM REPORT No. 1
24 April–7 May 2007**

I. EXECUTIVE SUMMARY

- The Parliament of the Republic of Moldova has called local elections for 3 June 2007. Voters will elect mayors and members of district, municipal, town, commune and village councils. As in previous elections, voting will not take place in Transdniestria, which *de facto* has not been under the control of the Moldovan authorities since 1992.
- The elections will be administered by a four-tiered election administration, comprising the Central Election Commission (CEC), 37 Level 2 District Electoral Councils (DECs), 899 Level 1 DECs, and some 1,967 Precinct Electoral Bureaus.
- The CEC holds regular meetings which are open to the public and the media. Voter lists are currently being updated and were to be posted for public scrutiny by 14 May.
- The deadline for the submission of candidacies expired on 3 May. The registration at the DEC level was due to be finalized by 10 May. Some contestants have alleged that their prospective candidates were pressured not to take part in the elections, or alternatively to run as independent rather than party list candidates.
- As of 7 May, 32 complaints have been filed with the CEC. All but two complaints out of 21 considered by the CEC were rejected, mostly on grounds of lack of evidence. A number of these complaints were made over the procedures for candidate registration. In addition, several cases were filed with the courts.
- The election campaign has commenced, however it remains low-key thus far. Campaign billboards and posters are visible, and some canvassing activities, rallies and meetings with voters have been observed.
- The main domestic observation effort has been launched by the “Coalition 2007”, comprised of 12 non-governmental organizations.

II. INTRODUCTION

The Parliament of the Republic of Moldova has called local elections for 3 June 2007.¹ Following invitations from the Ministry of Foreign Affairs and European Integration and the Central Election Commission, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 24 April 2007 established an Election Observation Mission (EOM) for the upcoming local elections in the Republic of Moldova. The deployment of the OSCE/ODIHR EOM was also subsequent to the conduct of a Needs Assessment Mission during 21-23 February.² The OSCE/ODIHR EOM, led by Ambassador Dieter Boden, consists of a 13-member core team based in Chişinău and 12 long-term observers (LTOs), who were deployed

¹ The date of the elections was set by the Parliament on 23 March 2007. The decision entered into force with its publication in the Official Gazette on 30 March.

² http://www.osce.org/documents/odihr/2007/03/23662_en.pdf

on 2 May and are based in six locations throughout the country. The core team members and LTOs are drawn from 19 OSCE participating States. The participating States have been requested to second 100 short-term observers to observe voting and counting.

III. THE POLITICAL CONTEXT

The upcoming elections will be the fourth local elections since Moldova gained its independence in 1991, and the third national ballot since the Party of Communists of the Republic of Moldova (PCRM) came to power in 2001. In the 2005 parliamentary elections, the PCRM obtained 46 per cent of the votes and 56 out of 101 seats in the Parliament. Following these elections, the PCRM reached an agreement with several opposition parties, including the Democratic Party of Moldova (PDM), the Social Liberal Party (PSL) and the Christian Democratic People's Party (PPCD), which gave it the necessary support for the re-election of Vladimir Voronin as President of the Republic on 4 April 2005.

Moldova's political landscape has changed noticeably since 2005. The opposition "Moldova Democrată" Bloc (BMD), gained 29 per cent of votes in the 2005 elections. However, it disintegrated within weeks following the polls after the PDM and the PSL split from the Bloc, leaving the "Moldova Noastră" Alliance (AMN) on its own. While the PPCD and the PDM have maintained a degree of collaboration with the ruling PCRM, the PSL has openly denounced its previous support for the PCRM. The remaining centrist and centre-right opposition is mainly composed of the Social Democratic Party of Moldova (PSDM), the Social Democracy Party (PDS), the Popular Republican Party (PPR) and the National Liberal Party (PNL)³. The leftist opposition is mainly represented by the Party of the Socialists of the Republic of Moldova "Patria Rodina" (PSRM) and by the Socio-Political Republican Movement "Ravnopravie".

IV. THE ELECTION SYSTEM

In the 2007 local elections, voters will elect 899 mayors of municipalities, towns, communes and villages, and 11,967 members of *rayon* (district), municipal, town, communal and village councils. Mayors and councillors will be elected for four-year terms. Councillors will be elected according to a proportional representation system without a threshold. Mayors are elected using a majoritarian system, with a runoff between the two top-scoring candidates if no candidate wins an absolute majority of the valid votes cast in the first round. Runoffs take place two weeks after the first round. Independent candidates can run for mayor and councillor.

The turnout requirement for all types of elections was lowered from 33 to 25 per cent of the number of registered voters, and removed altogether for second rounds and repeat voting.

V. THE LEGAL FRAMEWORK

The conduct of all elections in the Republic of Moldova is regulated primarily by the Electoral Code, which was adopted in November 1997 and has since undergone a series of significant revisions. Other relevant legislation includes, *inter alia*, the Law on Political Parties and Socio-

³ PDS and PNL were registered by Dumitru Braghîş and Vitalia Pavlicenco, respectively, in June and December 2006, following the former's departure and the latter's expulsion from AMN in October 2005 and October 2006.

Political Organizations, the Law on the Organization and Conduct of Meetings, the Law on the Territorial-Administrative Organization, and the Law on Local Public Administration.

The current election legislation generally provides an adequate basis for the conduct of democratic elections, if implemented in good faith. Recent amendments incorporated a number of joint recommendations of the OSCE/ODIHR and the Council of Europe's Venice Commission. However, some recommendations remain to be addressed. The authorities have expressed the will to further amend the Electoral Code after the upcoming elections.

VI. THE ELECTION ADMINISTRATION

The territory of Moldova is subdivided into 902 Level 1 administrative units (towns, communes and villages), and 37 Level 2 units (32 *rayons*, the municipalities of Chişinău, Bălţi and Bender, the Autonomous Territorial Unit of Gagauzia with the municipality of Comrat, and the "units left of the river Nistru/Dniestr", i.e. Transdnistria, with the municipality of Tiraspol).

The forthcoming local elections will be administered by a four-tiered structure, composed of the Central Election Commission, 37 Level 2 District Electoral Councils, 899 Level 1 DEC (at the level of towns, communes and villages)⁴, and some 1,967 Precinct Electoral Bureaus (PEBs). Electoral districts as a rule coincide with the respective administrative units. The Central Election Commission of Gagauzia (CECG), which administers the electoral process on the territory of Gagauzia, has the status of a Level 2 DEC.

As in previous elections, voting will not take place on the territory of Transdnistria, which *de facto* has not been under the control of Moldovan authorities since 1992. While the CEC formally established Level 2 DECs for the "localities on the left bank of the Nistru/Dniestr" and for the municipality of Bender, these DECs do not have members and are not operational.

Following the July 2005 amendments of the Electoral Code, the composition of election commissions at all levels permits nominations from political parties proportional to their representation in the Parliament. At the same time, members of election commissions may not be members of political parties.

The CEC has the central role in the implementation of the election legislation. It consists of nine members: one appointed by the President, one by the Government, and seven by the Parliament, including five members nominated by the opposition parties.

Since the start of the electoral period on 30 March, the CEC adopted a range of decisions as well as explanations and clarifications of various provisions of the Electoral Code, *inter alia* on the activities of DECs and on candidate registration.

The CEC holds regular meetings twice a week, but has also held numerous extraordinary sessions. CEC meetings are open to the public and the media. The agenda is posted on the CEC website, although sometimes later than the required 12-hour deadline. The CEC meetings are generally conducted in a collegial manner, and most decisions are adopted unanimously. The decisions are posted on the CEC website, in Moldovan and Russian languages, but not always within the 48-hour period as required by law.

⁴ Three of 902 first-level administrative units are communes under Transdnistrian control, where no elections will take place and where no Level 1 DECs have been established.

The CEC informed the OSCE/ODIHR EOM that Level 2 and Level 1 DEC's were formed within the legal deadlines, i.e. 50 and 40 days before election day respectively. Level 2 DEC chairpersons, deputy chairpersons and secretaries have already been trained by the CEC. The trainings for Level 1 DEC staff are scheduled to be held shortly.

VII. VOTER REGISTRATION

Voter lists are based on the information extracted from the permanent State Population Register maintained by the Ministry of Information Development (MID). Based on the data provided by the MID, the CEC announced that 2,449,164 citizens will be eligible to vote in the upcoming local elections. While the number of registered voters increased by 8 per cent compared to the 2005 parliamentary elections, it should be noted that 159,869 voters were reported as having been entered into the supplementary lists in 2005 (representing 7 per cent of the total number of registered voters at the time)⁵. According to the MID and the CEC, the voters residing in Transnistria are mostly not registered in the State Population Register and, hence, do not appear on the voter lists.

The most recent annual review and update of voter lists took place in January and February 2007. The second verification, which is performed in electoral years only, was carried out by the local authorities and was due to be finalized by 14 May, when voter lists were to be posted for public scrutiny.

Voter registration on election day remains possible. The continued use of supplementary lists and the absence of sufficient safeguards against multiple voting have raised concerns regarding possible manipulations. Plans to introduce a centralized electronic voter register, to which PEBs would have access on election day to mark voters as having voted, have been postponed until the parliamentary election scheduled for 2009, reportedly due to the lack of funding.

VIII. CANDIDATE REGISTRATION

The right to nominate candidates in local elections is granted to political formations registered with the Ministry of Justice, as well as to Moldovan citizens through self-nomination. Independent candidates are allowed to run for both councillors and mayors. Unlike political parties and socio-political organizations, independent candidates are obliged to submit signature support lists in order to get registered.

A total of 27 political parties and socio-political organizations are registered with the Ministry of Justice and can thus compete in the upcoming elections. Only one electoral bloc was registered with the CEC - "Patria Rodina – Ravnopravie", composed of the PSRM and the Socio-Political Movement "Ravnopravie".

In the run up to the election, one socio-political organization – the European Action Movement – was denied registration by the Ministry of Justice. The Ministry's decision was overruled by the Chişinău Court of Appeal, which required the Ministry to register the organization. The Supreme Court on 5 April 2007 upheld this ruling. However, the movement was registered only on 12 April, after the local elections were called, and was thus prevented from registering its

⁵ The Final Report of the OSCE/ODIHR on the 6 March 2005 Parliamentary Elections; http://www.osce.org/documents/odihr/2005/06/14919_en.pdf.

candidates in the upcoming elections. The movement continues to seek legal redress on this issue.

The period for the submission of candidate documentation to Level 1 and Level 2 DEC's ended on 3 May. The registration of candidates was due to be finalized by 10 May, with three days for appeals.

The OSCE/ODIHR EOM has received allegations from political parties that in some cases their prospective candidates were pressured not to take part in the elections, or alternatively to run as independent rather than party list candidates. In addition, complaints were made over the procedures applied for receiving candidate registration documentation and over the drawing of lots, both of which serve to determine the order in which candidates will appear on the ballot. In Bălți, the DEC decision to register the PCRM candidate as the first contender to have submitted the required documents, which would have placed his name first on the ballot, was overturned by the CEC.

IX. THE CAMPAIGN ENVIRONMENT

The official campaign period for parties and candidates starts with their registration by the respective DEC's. In Chişinău, the campaign started on 20 April 2007 with the registration of the first ten candidates. While the campaign has thus far remained low-key, some billboards and posters are visible and canvassing activities, rallies and meetings with voters are being organized.

Under the Electoral Code, the electoral contestants are obliged to open a special bank account ("Electoral Account"), which must be used for all campaign-related financial transactions. Both natural and legal persons may contribute to candidates' campaign funds. Parties must report on their campaign finances to the CEC at regular intervals. To fund their campaigns, parties and candidates may also receive loans from the State, ranging from 1,000 Moldovan Lei (MDL) for candidates for commune councils to MDL 40,000 for a political party⁶. The Code also establishes a spending ceiling of MDL 7.5 million (approximately EUR 450,000) for political parties. Spending ceilings for independent candidates have also been established; their amount varies depending on the position sought.

The EOM met with most parliamentary and some non-parliamentary parties, including the PSDM and the PPR. In these meetings, a number of political parties have voiced strong concerns with regard to alleged pressure and intimidation of their candidates and supporters. Several parties have also expressed misgivings about the limited access to the media and the perceived lack of political neutrality on the part of the election administration. The OSCE/ODIHR EOM is following up on such concerns and allegations.

X. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

While the legislative framework generally provides a sound legal basis for equal participation of women in the electoral process, women generally remain underrepresented in politics in Moldova. Four out of 27 registered parties have female leaders and at least two parties informed the OSCE/ODIHR EOM of their intention to include at least 30 per cent of female candidates on their lists. Out of 19 registered mayoral candidates in Chişinău, five are women.

⁶ Between EUR 60 and EUR 2,400.

With regards to election administration, there is one female member on the CEC, who holds the position of Deputy Chairperson. Women represent some 45 per cent of the members of Level 2 DEC's.

According to the 2004 census, national minorities account for some 24 per cent of Moldova's population. Under the Moldovan Constitution and the Electoral Code, minorities have equal rights and may not be discriminated against. However, registration requirements in the Law on Political Parties and Socio-Political Organizations adversely affect the ability of national or ethnic minorities to form political parties, especially if they are concentrated in particular areas. Minorities, particularly Roma, reportedly remain under-represented in public life.

XI. THE MEDIA

While television is the most important source of information, radio also reaches a significant audience, especially in rural areas. Newspaper coverage is limited, in particular outside urban areas, and most newspapers have a small circulation.

Despite a broad range of media operating in the country, including public and private broadcasters and print media, a number of domestic interlocutors and international organizations⁷ have expressed concern with regard to its ability to provide diverse information and their independence. Reportedly, major TV channels favor in their coverage Government policy positions, and frequently do not air alternative views. The interlocutors highlight as particularly problematic the recent re-organization of two broadcasters, which prior to a tender were owned by the Chişinău Municipal Council and were known for their independent editorial line.

Since 4 May, the OSCE/ODIHR EOM has been conducting quantitative and qualitative monitoring of six TV stations⁸ and nine daily or weekly newspapers⁹. In addition, the OSCE/ODIHR EOM will analyze the coverage of the campaign by two radio stations¹⁰ and the main news of certain regional channels. Further information on OSCE/ODIHR media monitoring will be forthcoming in subsequent OSCE/ODIHR reporting.

The Electoral Code contains provisions governing media conduct during an election campaign, *inter alia* providing for the allocation of free and paid airtime to all contestants on equal terms. When reporting on the activities of candidates, who are currently holding a public office, the media is prohibited from offering them any privileged treatment over their opponents. Furthermore, under the Broadcasting Code, which regulates the activities of the electronic media, the broadcasters are required to "encourage and facilitate a pluralistic exchange of opinions" and to observe "principles of balance, fairness and impartiality".

Compliance with these provisions is overseen by the Audio-Visual Coordinating Council (CCA), which is the key regulatory body for the broadcast media, as well as the CEC. In line with Article 40 of the Broadcasting Code, the CCA adopted on 29 March the concept of media

⁷ See, *inter alia*, the press release by the OSCE Mission to Moldova (http://www.osce.org/documents/mm/2006/12/22734_en.pdf), Freedom House report on "Media Freedom in the World 2007" (www.freedomhouse.org) and the Joint Statement of the diplomatic community in Moldova (<http://chisinau.usembassy.gov/pr031407.html>).

⁸ Moldova 1, NIT, Euro TV, Pro TV, TV7 and N4.

⁹ *Komsomolskaya Pravda*, *Argumenty i Fakty*, *Nezavisimaya Moldova*, and *Moldovskie Vedomosti*, *Flux*, *Timput*, *Jurnal de Chişinău*, *Moldova Suverană*, *Ziarul de Garda*, and *Săptămîna*.

¹⁰ *Radio Moldova* and *Antena C*.

coverage of the campaign by all the media outlets. Based on this concept and to supplement the Electoral Code requirements, the CEC in co-operation with the CCA adopted a decision on 6 April, which provides further details on the principles of allocation of free and paid time to the contestants, as well as guidelines for organizing debates between candidates. Apart from an obligation to follow the CEC and CCA general regulations, each media outlet wishing to cover the campaign is obliged to adopt its own internal regulations on the principles of coverage and to have it approved by the CCA.

According to their internal regulations, the public broadcasters *TV Moldova 1* and *Radio Moldova* will be organizing regular debates, in which candidates running in various parts of the country will be able to participate. Debates are to be aired six times per week, each scheduled to last at least 90 minutes. *Moldova 1* and *Radio Moldova* will each organize six debates among the candidates for Chişinău mayor. A number of other national and regional TV and radio stations also plan to organize debates and discussions among contestants. These debates could provide an important forum for candidates to exchange their views and for voters to receive information about candidates and their platforms.

XII. ELECTION OBSERVATION

Moldovan election legislation provides for domestic and international observation. The main domestic observation effort is carried out by the “Civil Coalition for Free and Fair Elections – Coalition 2007”, which comprises 12 non-governmental organizations (NGOs). Any NGO can join the Coalition if it subscribes to its statutes and the Charter for Free and Fair Elections¹¹.

Within Coalition 2007, member NGOs carry out specific activities, including long-term and short-term election observation, media monitoring, training of election officials, and public-awareness and voter-education campaigns. The Coalition also plans to conduct a parallel vote tabulation exercise in major urban centers. It has published its first reports, with more expected to be released during the campaign period. The Coalition currently does not intend to include a systematic analysis of participation of women or minorities in its observation, although plans to offer some conclusions on the observations in these areas in its final report.

XIII. COMPLAINTS AND APPEALS

Voters and electoral contestants may contest the actions, inaction and decisions taken by DEC and PEBs to the higher-level electoral body and local courts. Complaints against actions or decisions of the CEC must be filed with the Chişinău Court of Appeal. The possibility to lodge complaints both to a higher-level electoral body and to the judiciary may result in confusion and inconsistencies. On 2 April, the Supreme Court of Justice issued an explanation to courts of law in order to improve the implementation of the Electoral Code.

As of 7 May, 32 appeals have been filed with the CEC, of which one was withdrawn, three were forwarded for consideration by lower-level electoral bodies, and seven were still pending. The vast majority of complaints concerned allegations by electoral contestants that DEC did not properly announce the starting date for candidate registration or other improper application

¹¹ The Charter for Free and Fair Elections is available at <http://www.e-democracy.md/files/elections/local2007/coalition-2007-charter-free-fair-elections-en.pdf> and the Coalition 2007 statute at <http://www.e-democracy.md/files/elections/local2007/coalition-2007-regulation-en.pdf>.

of candidate registration procedures. The CEC rejected all but two complaints, mostly on the grounds of lack of evidence.

The Chişinău Court of Appeal heard three cases against CEC decisions and one case against a Territorial Court decision overruling a DEC decision. In all cases, the court ruled against the electoral contestants. These decisions have not yet been analyzed by the OSCE/ODIHR EOM.

XIV. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM has established regular contact with the Ministry of Foreign Affairs and European Integration, the CEC and other election administration bodies, the main political parties, civil society representatives and the diplomatic community. The Head of Mission has also met with the Deputy Prime Minister and Minister of Local Public Administration, the Minister of Foreign Affairs and European Integration, the Minister of Information Development and the Minister of Reintegration. A first briefing for representatives of the diplomatic community was held on 10 May.