



Office for Democratic Institutions and Human Rights

REPUBLIC OF MOLDOVA

**PARLIAMENTARY ELECTIONS
25 February 2001**

FINAL REPORT



**Warsaw
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TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION AND ACKNOWLEDGEMENTS.....	2
III.	POLITICAL BACKGROUND	2
IV.	LEGAL FRAMEWORK	3
	<i>A. General Outline</i>	<i>3</i>
	<i>B. Election System.....</i>	<i>3</i>
	<i>C. Eligibility to Vote and to Stand as Candidate.....</i>	<i>4</i>
V.	PRE-ELECTION PHASE	5
	<i>A. Election Administration</i>	<i>5</i>
	<i>B. Registration of Candidates, Parties, and blocs.....</i>	<i>5</i>
	<i>C. Complaints and Appeals</i>	<i>6</i>
	<i>D. Voter Registration.....</i>	<i>6</i>
	<i>E. Media and the Elections.....</i>	<i>7</i>
	<i>F. Election Campaign</i>	<i>8</i>
	<i>G. Transnistria.....</i>	<i>11</i>
VI.	ELECTION DAY	12
	<i>A. General Assessment</i>	<i>12</i>
	<i>B. Vote Count</i>	<i>12</i>
VII.	FINAL RESULTS.....	13
VIII.	RECOMMENDATIONS.....	13
ANNEX 1	MEDIA MONITORING RESULTS.....	15
ANNEX 2	REPRESENTATION OF WOMEN ON LISTS OF CANDIDATES	17
ANNEX 3	NUMBER OF WOMEN ELECTED TO PARLIAMENT	18

REPUBLIC OF MOLDOVA
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25 February 2001
OSCE/ODIHR Election Observation Mission
Final Report¹

I. EXECUTIVE SUMMARY

The 25 February 2001 parliamentary elections in the Republic of Moldova met international standards for democratic elections, consolidating a trend already evidenced during the previous elections. These third parliamentary elections since the country's independence in 1991 were conducted in accordance with the OSCE commitments for democratic elections enshrined in the 1990 Copenhagen Document and in the framework of the obligations of Moldova as a member State of the Council of Europe.

Moldova's election code provides an adequate framework for political parties and electoral blocs to enter the political arena on an equal basis. The Central Election Commission (CEC) implemented the electoral legislation efficiently, and carried out its functions in an impartial, transparent, organized, and timely manner.

The election process can be further improved by addressing some shortcomings such as the inaccuracy and incompleteness of voter lists, the excessively restrictive provisions on media in the election code, and the need for a clearer provision in the election code on the status of contestants holding public positions.

The pre-election period was marked by a largely low-key campaign in which many candidates and parties nonetheless conducted negative attacks on their opponents. The State media –TV Moldova and Radio Moldova – met their obligations as public broadcasters, strictly following the provisions of the election code governing the conduct of media during election campaigns.

The OSCE/ODIHR Election Observation Mission examined the participation of national minorities and women in these elections, finding that the authorities are generally committed to the participation of national minorities in public life. However, despite some progress in recent years, women remain clearly under-represented both on national and local levels.

On election day, voting and the counting process were carried out professionally, in accordance with the laws and regulations. The counting was conducted in a transparent manner. A high voter turnout indicated confidence in the democratic process.

The Transdniestrian region is not under *de facto* control of the Moldovan Government. Elections could not be conducted in this area due to lack of cooperation of the Transdniestrian authorities. As in earlier elections in 1994, 1996, and 1998, a small number of special polling

1 This report is also available in Moldovan. However, the English version remains the only official document.

stations were set up on the government-controlled right bank of the river Nistru, and Transdnestrian residents were invited to cross the river to vote. The voting at these stations was conducted in a proper manner. However, only a small percentage of the Moldovan citizens living in Transdnestria managed to exercise their right to vote.

The OSCE/ODIHR, the OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe stand ready to continue their dialogue with the authorities and civil society of Moldova, in an effort to address the concerns arising from these parliamentary elections.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign Affairs of the Republic of Moldova, the Organization for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission on 26 January 2001. Ambassador Charles Magee (USA) was appointed as Head of the OSCE/ODIHR Election Observation Mission. Dr. Kimmo Kiljunen of the OSCE Parliamentary Assembly (OSCE PA) was appointed by the OSCE Chairman-in-Office as his Special Co-ordinator to lead the short-term observation.

This report consolidates the findings of 17 international experts and long-term observers deployed throughout the country and 140 short-term observers from 31 OSCE participating States, including 37 parliamentarians and staff from the OSCE Parliamentary Assembly, representatives from Chisinau-based diplomatic missions, and from international governmental and non-governmental organizations. In addition, polling was observed by a delegation of eight parliamentarians from the Parliamentary Assembly of the Council of Europe (PACE) under the leadership of Mr. Bjorn von der Esch. On election day, observers visited 778 polling stations out of 1,963. On 26 February 2001, the OSCE/ODIHR, the OSCE PA, and the PACE delegation, constituted as an International Election Observation Mission (IEOM), issued a joint statement of preliminary findings and conclusions.

The OSCE/ODIHR wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities of the Republic of Moldova for their assistance and co-operation during the course of the observation.

III. POLITICAL BACKGROUND

The 25 February elections were the third parliamentary elections in Moldova since independence in 1991. As in February 1994, these were early elections, leaving the March 1998 parliamentary elections as the only ones regularly scheduled. During previous elections, election results were accepted and change of power operated smoothly.

Reacting to President Petru Lucinschi's attempt to transform Moldova into a presidential republic, the Parliament on 5 July 2000 voted with an overwhelming majority to have the President elected in the future by the Parliament itself. At the same time, the powers of the President were reduced, while those of the Government and Parliament were strengthened.

In the months that followed, the Parliament failed to elect a President with the required three-fifths majority of 61 votes. In a second voting attempt, Communist Party leader Voronin

received 59 votes, falling just two votes short. Finally, on 31 December 2000, President Petru Lucinschi signed a decree to dissolve Parliament in accordance with Article 78 of the Constitution, and set the date of 25 February for early elections. One of the first tasks of the new Parliament will be to elect the President.

Despite some positive economic signs, the February elections took place in a climate of hardship and allegations of large-scale corruption. Distrust has increased toward politicians who failed to adequately address the basic issues of poverty, unemployment, and harsh living conditions. Despite this lack of confidence, however, 67.52 percent of registered voters cast ballots. Voters had to choose among 27 electoral contestants representing the entire political spectrum – 12 political parties, five electoral blocs comprised of another 14 parties, as well as 10 independent candidates. The main participants were the Communist Party, the “Braghis Alliance”, the Christian Democratic Popular Party, the Party of Rebirth and Conciliation, and the Democratic Party.

IV. LEGAL FRAMEWORK

A. GENERAL OUTLINE

The Constitution of the Republic of Moldova, adopted in 1994 and amended in 1995, provides for a multi-party parliamentary democracy, including the separation of legislative, executive, and judicial powers. The Parliament is the supreme representative body and sole legislative authority. It consists of 101 members who are elected for four-year terms.

In addition to the Constitution, parliamentary elections are primarily regulated by the election code of 1997, as amended in 1999 and 2000; the Law on Political Parties, adopted and amended in 2000; the Law on Audiovisual Broadcasting, adopted in 1995; the Administrative Code, in force since 1995; and various regulations and instructions issued by the CEC.

Following OSCE/ODIHR recommendations after the 1998 Parliamentary elections, a comprehensive election code regulates parliamentary and local elections as well as national and local referenda, ensuring a more consistent electoral administration, with similar administrative and technical arrangements for all types of elections.

B. ELECTION SYSTEM

The election code provides for a pure proportional system using the d’Hondt method for apportioning seats in a single multi-mandate constituency. The same system is applied for both parliamentary and local elections. Political parties, electoral blocs, and independent candidates can compete. Recent amendments to the election code have increased the threshold percentage requirement for parties and blocs in parliamentary elections from four to six percent of the valid votes, and have reduced the requirement for individual candidates from four to three percent.

Although not regulated by international standards, the six-percent threshold for parties and blocs seems high. It is questionable whether this will contribute to a more stable political scene by discouraging very small parties or forcing them to join coalitions. Only three political parties managed to overcome the six-percent threshold. This system also results in an increase in the number of votes not represented at all in Parliament – in the case of the present election, close to

30 percent. Additionally, independent candidates running in a nationwide constituency have little chance to overcome the three-percent threshold.

Another shortcoming of the present system is a lack of geographic and national minority representation. The OSCE/ODIHR recommended in 1998 that the electoral system should be examined with a view to securing a more fair representation for regionally based national minorities. Since then, the higher threshold requirement has further lessened the chances for national minority or regional parties to be represented in Parliament.

Moreover, amendments introduced in the Law on Political Parties in 1999 have added further impediments for regional representation. Political parties or socio-political organizations must now register at least 5,000 members from six out of the 12 districts in the country, with at least 600 members from each district. This has resulted in ethnically-based parties representing the interests of locally concentrated groups, such as the minority in Gagauzia, failing to register their parties as they are unable to collect sufficient support outside their own region. In this case, the party for the Gagauz could not participate in the elections. Representatives of the Gagauz authorities complained, pointing out that the legislation in force does not provide sufficient possibility for the Gagauz population to elect their own representatives. These authorities had threatened to boycott the 25 February elections if this issue was not addressed beforehand. In the end, this action was not pursued due to a lack of support among the Gagauz population.

A number of electoral systems can secure appropriate geographical and minority representation. For example, representation of minorities can be guaranteed by eliminating the threshold requirement for parties representing minority groups (Germany) or by using a multi-constituency proportional system with specially designed constituencies that reflect ethnic or other specifics (Belgium). Another solution is to reserve a fixed number of seats for minority representatives (Greece, Romania, Hungary). Still another alternative would be to establish a mixed system with single mandate constituencies and one nationwide constituency. Several other electoral options are also available for ensuring minority representation.²

C. ELIGIBILITY TO VOTE AND TO STAND AS CANDIDATE

Every citizen aged 18 or more on election day is entitled to vote, with the exception of specific categories: persons declared incapacitated or deprived of voting rights, and those sentenced to imprisonment. The right to vote is also granted to Moldovan citizens living abroad. For the 25 February elections, only 3,782 voted abroad, despite the large-scale emigration of Moldovan citizens in recent years, estimated by some observers at several hundred thousand.

Every Moldovan citizen eligible to vote and permanently residing in the country has the right to stand as a candidate for parliamentary deputy. Military personnel on active duty and persons with unsettled criminal records are prohibited from running.

² For further discussion on this subject, see ODIHR Guidelines to Assist National Minority Participation in the Electoral Process, Warsaw, January 2001.

PRE-ELECTION PHASE

A. ELECTION ADMINISTRATION

The election code provides for a three-tiered election administration: the Central Election Commission, District Election Councils (DECs), and Precinct Election Bureaus (PEBs). Election commissions at all levels have a non-partisan composition; officials must not be members of any political parties running for the elections and may not engage in any political activities. The election code stipulates that election officials must refrain from expressing any opinions for or against candidates. In addition, all electoral contestants can be represented in election commissions at all levels by one member-representative entitled to a consultative vote.³

The CEC, appointed in 1997 for a term of six years, is a professional body with substantial experience, having already conducted the 1998 parliamentary elections and the 1999 local elections. Its nine members are nominated in a proportional number by the President, the Parliament, and the Supreme Council of Magistracy. Only the Chairperson, Deputy Chairperson, and Secretary serve on a permanent basis. Members may be reelected but cannot serve more than two consecutive terms. The CEC carried out its functions in a non-partisan, transparent, organized, and timely manner and implemented the electoral legislation efficiently.

Electoral councils and bureaus are temporary bodies established before the elections and dissolved usually after the publication of the final results. DECs have between seven and 11 members appointed by the CEC. Three must be judges and another three, lawyers. The PEBs have between five and 11 members, nominated by the local council and appointed by the respective DEC. In some instances, PEBs nominated by local councils dominated by one political party did not remain impartial.

The responsibilities and competencies of all electoral bodies, as well as their relationship to other governmental bodies and executive bodies, are well defined. Decisions are taken by absolute majority.

B. REGISTRATION OF CANDIDATES, PARTIES, AND BLOCS

The legal provisions governing the registration of electoral candidates are simple and clear. Political parties registered with the Ministry of Justice and blocs of political parties may nominate lists of candidates. In addition, citizens may nominate themselves as independent candidates and must collect 2,000 signatures in support of their candidacy. The election code, however, does not indicate any specific procedure for verifying petitions of signatures. The registration of candidates was accomplished impartially and in a timely and inclusive manner. Only one candidate was denied registration after the CEC found a considerable number of support signatures invalid.

³ Regular members of electoral commissions are entitled to a deliberative vote.

COMPLAINTS AND APPEALS

Decisions of the PEBs and DECAs can be appealed to the higher level electoral body or to the District Court or the Tribunals respectively. CEC decisions can be appealed to the Court of Appeals.

The deadlines for handling election-related cases are shorter than for other administrative cases. Appeals should be lodged within three days. Decisions should be rendered within five days after receipt of the complaint on a CEC decision, and three days on a lower-level decision, but no later than election day. Similar deadlines apply to post-election complaints, allowing their review before certification of election results by the Constitutional Court.

Only a few complaints were filed for the 2001 elections. These were handled efficiently and within the time frames provided for in the legislation. In order to prepare for these cases, the Supreme Court organized training for all relevant judges, outlining specific procedural issues related to electoral complaints.

The CEC has a small range of sanctions at its disposal in case of election violations. The only possible sanction in case of violation of the election code is the de-registration of candidates. Only the Court of Appeals can impose such a severe sanction on a CEC request. The Law on Audiovisual Broadcasting, however, provides the CEC-appointed Audiovisual Coordination Council (ACC) with a wider range of sanctions against the media, including warnings, fines, suspension, or withdrawal of broadcast licenses. In one case discussed below under Media Monitoring, the ACC revoked the broadcast license of the private television channel TV Catalan.

D. VOTER REGISTRATION

The degree of accuracy and completeness of the voter lists has been a subject of concern during past elections in Moldova. Although some effort was made to improve the accuracy of the lists, in most cases observers noted little or no improvement. A plan to compile computerized citizens' registers based on new identification documents has not materialized. Most mayoralties simply used the voter lists from the June 1999 local elections, attempting to upgrade them by canvassing house-to-house in their precincts. The CEC also decided that electors who had not resided in Moldova for more than six months should be excluded from the lists. These measures had relatively little results. The total number registered on the voter lists was reduced by around 55,000 electors in comparison with the 1999 figure. On election day, 107,301 voters out of 2,379,491 registered voters were included in supplementary voter lists; this large number offers a clear indication that much work needs to be done to improve the existing lists.

The election code provides for the right of the elector to become familiar with the voter list and to seek corrections if necessary. However, the election code does not establish any procedure for correcting errors or omissions. CEC instructions have remedied this, but appeals and requests for inclusion, deletions, or corrections can only be done in person up to 15 days before election day.

E. MEDIA AND THE ELECTIONS

1. Media Environment

In general, the Moldovan population has only limited access to information through the media. Chisinau residents enjoy higher living standards and have better and broader media access. Moldova is a relatively poor country, to the point where TV sets and even radios may be considered luxury items. For some, even the price of newspapers is prohibitive. Television and radio stations often lack sufficient power to broadcast clear signals throughout the territory. Equipment breakdowns are common. In addition, significant parts of the country lack reliable electricity service. In particular, the northern regions of Soroca and Edinet suffered major electricity outages on an almost daily basis during the electoral campaign period.

2. Legal Framework

Freedom of opinion and expression is guaranteed by Article 32 of the Constitution. The media in Moldova are regulated by comprehensive legislation, the most important being the Law of the Press and the Law on Audiovisual Broadcasting.

The use of media during electoral campaigns is governed by the election code and additional regulations adopted by the CEC. After an electoral campaign in 1998 that was marked by unbalanced coverage, the media provisions in the election code went through a number of changes. Despite good intentions, the resulting Article 47, together with CEC and Audiovisual Coordination Council regulations, is unnecessarily restrictive. Private electronic media in particular have only very limited opportunities to report on campaign activities and to broadcast analytical commentaries. Most of the complaints filed with the CEC were allegations that candidates had exceeded the allotted broadcasting time.

3. Media Monitoring

The Election Observation Mission carried out media monitoring of television channels and print media outlets from 26 January to 1 March. The monitored TV channels included TVM (the Moldovan National Television), and the privately owned ORT Moldova, PRO TV, NIT, TVC 21, and TV Catalan. Monitored newspapers included *Flux*, *Komsomolskaia Pravda*, *Moldova Suverana*, *Nezavisimaia Moldova*, and the weeklies *Jurnalul de Chisinau* and *Ekonomicheskoe Obozrenie*. The EOM occasionally analyzed other local print media as well. The basic elements monitored were: the time and space given to key electoral figures, the manner in which these figures were portrayed, analysis of topics treated in election news, and the appearance of incorrect or unfair news stories.

During the campaign, the State-owned media TV Moldova (TVM) and Radio Moldova⁴ strictly followed the election code and CEC regulations governing the use of media in election campaigns, and provided voters with unbiased information on political contestants. TVM was careful to present only general information on voter education and reports on CEC meetings. In

⁴ Radio Moldova was monitored by the European Institute for Media (EIM), an NGO specialised in the media and based in Dusseldorf (Germany).

its main news programs, for example, 95 percent of all election information concerned the CEC and its activities. The State TV also invited CEC members to participate in special editions of analytical programs on voter education and the election process. During the last days of the campaign, TVM broadcast three roundtable discussions to which all contestants were invited.

Most privately owned media favored individual candidates. ORT Moldova, for example, clearly supported Prime Minister Braghis and his Alliance. In its main news programs, the channel gave almost no coverage to other contestants. During the final week of the campaign, efforts by ORT to promote the Braghis Alliance reached a climax. Besides far exceeding time limits for advertisements in favor of the Prime Minister, the station aired a number of documentary films that portrayed Braghis in an especially positive light.

PRO TV shunned election-related advertising spots or news items, except for brief reports about the upcoming elections without showing contestants. In the run-up to the elections, PRO TV aired a number of get-out-the-vote campaign spots.

Toward the end of the campaign, TV Catalan clearly violated the election code by far exceeding the time legally allotted to the National Liberal Party. As a result, in a severe sanction by the media watchdog Audiovisual Coordination Council, the station had its license revoked. However, the sanction was not enforced until after election day, which allowed TV Catalan to resume broadcasting for the final days of the campaign. During these days the channel openly aired only political advertisements favoring the National Liberal Party. On the final day of the campaign, the total time of the advertisement spots on TV Catalan for this party was 86 minutes instead of the legally allowed two minutes.

The print media extensively presented party platforms. Most newspapers openly supported individual political parties and acted as partisan media. For instance, *Moldova Suverana* and *Nezavisimaia Moldova*⁵ published articles in favor of the Braghis Government and presented the Prime Minister in a particularly favorable light. However, *Flux*, with the highest circulation among Romanian-language papers, favored the Christian Democratic Popular Party, while portraying all other parties, especially the Communists, in a negative manner. Truly independent print media that could offer objective and comprehensive information were rare; one that made a commendable effort was the weekly *Jurnalul de Chisinau*.

F. ELECTION CAMPAIGN

1. Legal Framework

The campaign and the elections took place within a legal framework that is consistent with internationally recognized standards. The Constitution guarantees fundamental rights, and the election code provides for the conduct of democratic elections as formulated in the OSCE Copenhagen Document.

⁵ *Moldova Suverana* and *Nezavisimaia Moldova* were earlier funded by the Moldovan Government and are generally viewed as government newspapers. In recent years, however, neither paper has received any funds from the State budget. Accordingly, the CEC allowed both papers to publish paid political advertising of contestants during the campaign.

2. Tone of the Campaign

In circumstances of limited financial resources, the election campaign was largely low-key and did not arouse extensive public interest. Candidates favored door-to-door campaigning and public meetings with voters. Unlike previous elections, inflammatory language was largely absent and no serious violent incidents related to the elections were reported. Nonetheless, accusations and negative campaigning against other candidates, including minor cases of “black campaigning”, dominated the campaign. The Christian Democratic Popular Party issued a “Black Book of Corruption”, accusing politicians from several other parties of illegal activities. However, no hard evidence was presented. Regrettably, almost all electoral contestants concentrated their campaign efforts on attacks against each other instead of focusing on their platforms.

The electoral period was also marked by accusations that some State officials took advantage, for campaign purposes, of office premises and other facilities connected to their position. Those accused included the Prime Minister and other Ministers of the Government, as well as judges and lower-level public authorities. Contrary to the 1998 elections, the election code no longer has provisions requiring candidates holding public positions to suspend their regular activities during the campaign period. The election code allows candidates to take a leave of absence with a stipulated salary during the time of the campaign. Observers reported that some candidates took leaves of absence, but continued using office premises and other facilities connected to their positions.

3. Participation of National Minorities

According to the 1989 census,⁶ national minorities, namely Ukrainians, Russians, Roma, Bulgarians, and Gagauz represent approximately 30 percent of the Moldovan population on the right bank of the Nistru river and around 35 percent in the entire Republic including the Transdnestrian region. Ukrainians are concentrated in the northern counties where they represent 10-25 percent of the population. Russians live predominantly in the larger cities, while the Gagauz and Bulgarians live in concentrated settlements in southern Moldova. The Republic of Moldova has built a positive record regarding the participation of these citizens in the electoral process, but minorities are still under-represented in public institutions.

In 1994 and 1998, all the major national minorities with the exception of the Roma were represented in Parliament, although only Bulgarians and Gagauz managed to gain a proportional representation. In 2001, some parties made a special effort to have their lists of candidates reflect the ethnic composition of the population. Two of the minorities are represented in the new Parliament. As a result, the number of non-Moldovan deputies increased from 16% in 1998 to about 30% in 2001. Although six Gagauz and two Bulgarians will be represented in the new Parliament, only one deputy from the Gagauz Autonomous Region and none from the Bulgarian-dominated Taraclia county were elected to Parliament. In total over 70 percent of the newly elected parliamentarians are from Chisinau. The regionally concentrated minorities in particular are still under-represented in Parliament. Given the multi-ethnic character of

⁶ No census has been undertaken in Moldova after 1989 and the new passports and identity cards contain no information regarding the ethnic identity of the bearer. Thus, no up-to-date data is available regarding national minorities.

Moldova, further consideration could be given to the more effective representation of national minorities in the Parliament.⁷

Another pertinent issue is the use of minority languages. In Moldova, Russian functions as the language of inter-ethnic communication and is used widely not only by Russians, but by the other minorities as well. According to the Law on Languages, every citizen of the Republic of Moldova has the right to address the official authorities in the State language or in Russian. Article 48 (6) of the election code states that the ballot papers have to comply with the Law on Languages. Accordingly, 30 percent of the ballot papers were printed in Russian. Official documents directly related to the electoral process (voter rolls, supplementary lists, lists for support signatures) were also issued in both languages. However, only selected decisions of the Central Election Commission were translated into Russian, and not all instructions for the Precinct Election Bureaus were available in Russian. The easy availability of ballot papers and election-related documents in Russian nevertheless ensured the access of non-Moldovans to information, and facilitated their participation in the electoral process.

Overall, the electoral campaign was conducted in both Moldovan and Russian, giving all voters the opportunity to follow its developments. No complaints were registered regarding possible discrimination against national minorities during the campaign.

4. Participation of Women

The Law on Political Parties provides that parties and socio-political organizations shall promote the principle of equality between women and men in decision-making organs at all levels. A 1997 initiative to introduce a provision in the election code requiring a minimum quota of 30 percent women on candidates' lists was not successful.

Women made some progress in political representation in the 1998 elections when nine women gained seats in the 101-seat Parliament. The 2001 elections showed a slight improvement, with a total of ten women deputies elected.⁸ Women are well represented on many electoral commissions. On the level of Precinct Election Bureaus, approximately half of the members are women. Most of the secretaries in the PEBs are women, whereas the majority of PEB chairpersons are men. At the District Election Council level, women are also well represented. However, only one of the nine members of the Central Election Commission is a woman.

The main political parties have addressed to some degree the gender issue. However, the candidates' lists presented for these elections did not reflect a pronounced goal of increasing the number of women in Parliament. Some 18 percent of the candidates on the current lists were women, with most of the upper positions going to men.⁹ One of the ten independent candidates was also a woman. One woman was appointed prefect of a judet (administrative district), and one minister in the Braghis Government was a woman – the Minister of Justice. Political representation of women has made some progress on the local level, gaining more influential

⁷ See ODIHR Guidelines to Assist National Minority Participation in the Electoral Process, Warsaw, January 2001.

⁸ See Annex 3.

⁹ See Annex 2.

positions in the last few years, with an increasing number of mayors. Overall, however, women remain clearly under-represented both on national and local levels.

G. TRANSDNIESTRIA

The Transdniestrian region is not under *de facto* control of the Moldovan Government. Elections could not be conducted in this area due to lack of cooperation of the Transdniestrian authorities. Only a very few candidates from Transdniestria appeared on party lists, and campaigning did not take place in the territory. As a result and despite adequate access to broadcast information, only a very small number of Moldovan citizens living in Transdniestria exercised their right to vote. As in earlier elections in 1994, 1996, and 1998, a small number of special polling stations – in this case, eight – were set up on the right bank of the Nistru river, and Transdniestrian residents were invited to cross the river to vote.

The CEC attempted to persuade Transdniestrian authorities to allow the opening of polling stations in the enclave. They refused on the grounds that “Transdniestria is now a separate state”, adding that they would not hinder their residents who wished to take part in the elections. However, there were reports that prior to election day, Transdniestrian authorities discouraged participation in the elections.

According to the CEC, of the roughly 180,000 inhabitants of the Transdniestrian region who have registered as Moldovan citizens, some 80,000 voters have been registered. However, on 31 January 2001, in accordance with the Law on Citizenship, the CEC ruled that every voter from the Transdniestrian region who could prove residence in Moldova prior to 23 June 1990, date of the declaration of Moldovan sovereignty, was entitled to vote. In the 2000 local elections in Transdniestria, over 400,000 voters were registered.

In the 1996 presidential elections, slightly over 9,000 Transdniestrian residents voted, while only 3,738 managed to participate in the 1998 parliamentary elections. In February 2001, 4,265 cast their ballots in the eight special polling stations set up on government-controlled territory.

International observers gave extra close attention to the river crossing points and special polling stations for the Transdniestrian voters. On election day, voting at these stations was conducted in a proper manner. A number of special buses brought Transdniestrians to polling stations. However, these buses did not circulate in all villages on the left bank, and the information provided by the Moldovan authorities to the Transdniestrian voters seemed not to have been sufficient. The Transdniestrian authorities have established a stricter border regime in recent years, making crossing into the territory in general more difficult than in 1998. As in 1998, there were reports of some buses being blocked at checkpoints, and more Transdniestrian militia than usual were present at the demarcation line. The attempts to block or delay the special buses, however, were fewer and less severe than in 1998. Transdniestrian authorities, both before and during election day, discouraged many residents from exercising their right to vote.

VI. ELECTION DAY

A. GENERAL ASSESSMENT

Despite difficult circumstances, including freezing temperatures and lack of heating in most of the polling stations, the voting process was carried out in accordance with the legal and procedural requirements. Nevertheless, the secrecy of the vote was not always ensured while stamping the thin ballot papers prior to insertion in the ballot box. Commission members appeared well trained and voters showed a good understanding of the voting procedures. In addition, the large presence of domestic observers helped to guarantee the conduct of transparent and democratic elections.¹⁰

On a number of occasions, observers noted that the voter lists were incomplete, omitting old passport data or identification numbers, and frequently containing incorrect names and other data. Without totally reliable voter registers, and without a computerized method for checking entry data, commission officials lacked the means to prevent multiple voting. The process of identifying voters is only vaguely described in both the election code and CEC instructions. Given the variety of documents in Moldova to prove identity as well as citizenship and residence, a more precise formulation is needed of the documents to be presented by the voter in order to receive a ballot.

B. VOTE COUNT

Observers noted that the counting of the ballots was conducted in a transparent manner and in accordance with the law. The documentation produced by the different electoral bodies after the tabulation was comprehensive, and allowed a correct, reliable and rapid determination of the results. A computer system for producing the preliminary results worked according to CEC plans. This allowed the CEC to announce preliminary results based on 97 percent of the votes counted by eight a.m. on Monday, 26 February, and complete preliminary results by early that afternoon. In both cases these results were put on the web page www.elections.md immediately after their announcement by the CEC.

Article 57 of the election code provides a detailed description of the types of ballots that should be considered invalid. Chairpersons and members of the PEBs appeared well trained in what to look for in evaluating ballots of questionable validity. Nevertheless, observers reported many cases of ballots being judged invalid where the intention of the voter was perfectly clear, for example where the voter stamp was not applied within the prescribed circle, but elsewhere within the rectangle containing a contestant's name and symbol. In the 1998 parliamentary elections, 3.42 percent of all ballots cast were judged invalid. On 25 February, according to the CEC, the total number of invalid ballots was 41,883 out of 1,605,853 ballots cast, or 2.6 percent. Although a considerable improvement, this is still a relatively high figure and remains cause for concern.

¹⁰ IFES sponsored a Moldovan NGO, Ladom, to recruit and deploy 200 domestic observers on election day.

VII. FINAL RESULTS

The official results are as follows:

Electoral Contestants	Number of Votes	Percentage	Number of Mandates
Communist party	794,808	50.07%	71
Braghis Alliance	212,071	13.36%	19
Christian Democratic People's Party	130,810	8.24%	11
Party for Rebirth and Conciliation	91,894	5.79%	0
Democratic Party	79,757	5.02%	0
National Liberal Party	44,548	2.81%	0
Social Democratic Party of Moldova	39,247	2.47%	0
Party for Democratic Forces	19,405	1.22%	0

VIII. RECOMMENDATIONS

The following recommendations are offered for consideration.

General

- The electoral system should be reformed with a view to facilitating the more effective representation of national minorities in Parliament. This could be achieved through a number of electoral mechanisms.¹¹
- Together with the previous recommendation, the system allowing independent candidates to run for Parliament should be reviewed, with a view to sharply reducing, or eliminating altogether, the three-percent nationwide threshold requirement that gives them very little chance to be elected.

Legal Framework

- The CEC should establish suitable procedures to ensure that the verification of lists of signatures supporting independent candidates is carried out in an impartial, consistent, and fully transparent manner.
- The election code should include a clear provision on the status of contestants who are running for office while holding public positions.
- A wider range of sanctions for violations of the election code should be introduced.

¹¹ See also the ODIHR Guidelines to Assist National Minority Participation in the Electoral Process, Warsaw, January 2001.

Election Administration

- A simple, transparent lottery procedure should be established for determining the order in which contestants appear on the ballot paper. This would replace the present system (Article 48, election code) which provides that contestants are entered on the ballot in the order of the time of their registration. The lottery should be organized after the end of the registration period in the presence of all contestants or their authorized representatives.
- The election code and CEC instructions should be revised to detail more precisely which documents must be presented by voters in order to prove identity, citizenship, and residence.

Voter Registers

- As a high priority, the national authorities should produce a new, permanent, centralized civil register, with computer capabilities for detecting multiple entries. Data for future voter lists would be extracted from the central civil register and updated, as required, to allow all voters to be registered in advance of each election.
- A clear procedure should be laid down in the election code in order to redress mistakes and omissions in voter lists.

Media

- Article 47 of the election code, together with CEC and Audiovisual Coordination Council regulations governing the use of broadcast media during electoral campaigns, should be revised and made less restrictive, securing equal access to the media for all contestants without unnecessarily restricting voter access to information.

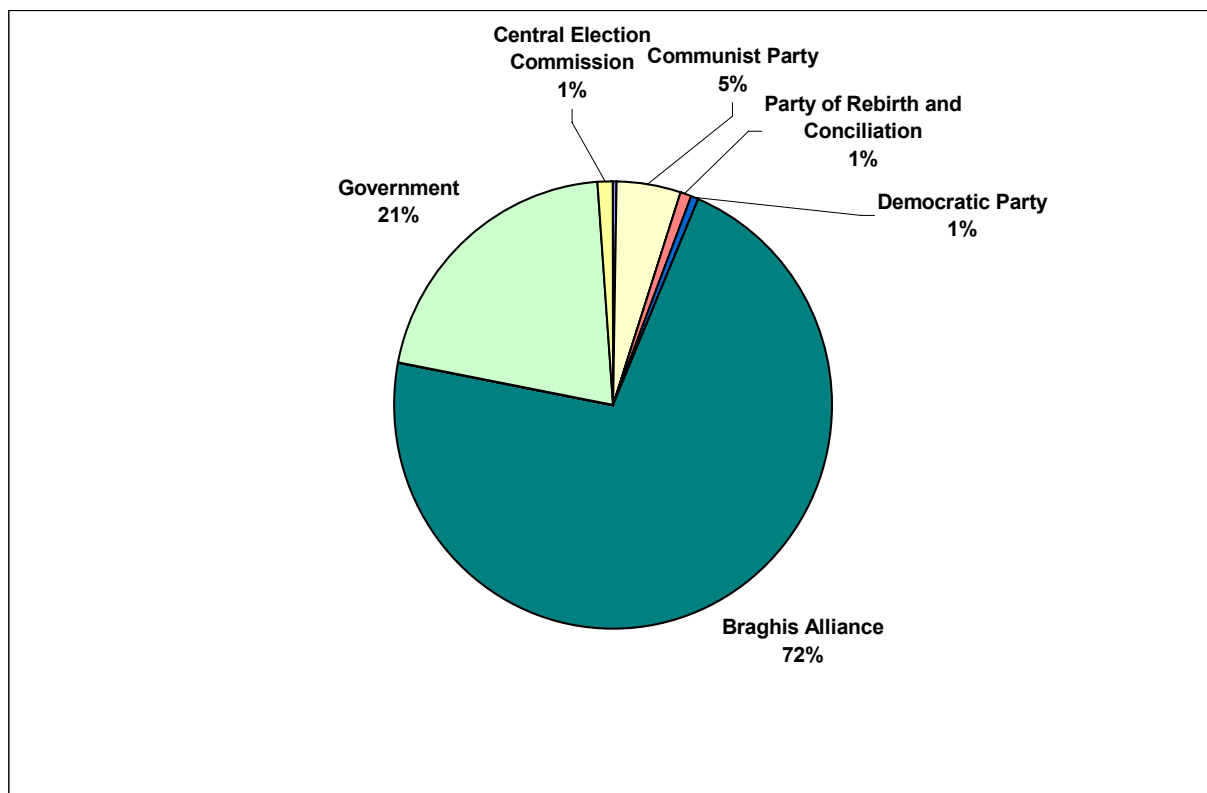
Voting and Counting Procedures

- To better preserve the secrecy of the vote, a thicker, higher quality ballot paper or envelopes could be used.
- Votes should be considered as valid as long as the voter's will is expressed in a clear and unambiguous way. To ensure consistency in judging the validity of ballot papers, chairpersons and members of PEBs should be given special training that stresses this principle.
- To increase the transparency of the counting process, a copy of the PEB and DEC protocols should be posted for public scrutiny. A copy of the DEC protocol should be distributed to all observers representing contestants.
- To secure a better reconciliation of the counting results, the total number of votes found in the ballot box should be established before counting the numbers of votes allocated to the different contestants.

ANNEX 1 Media monitoring results from 27 January to 23 February 2001

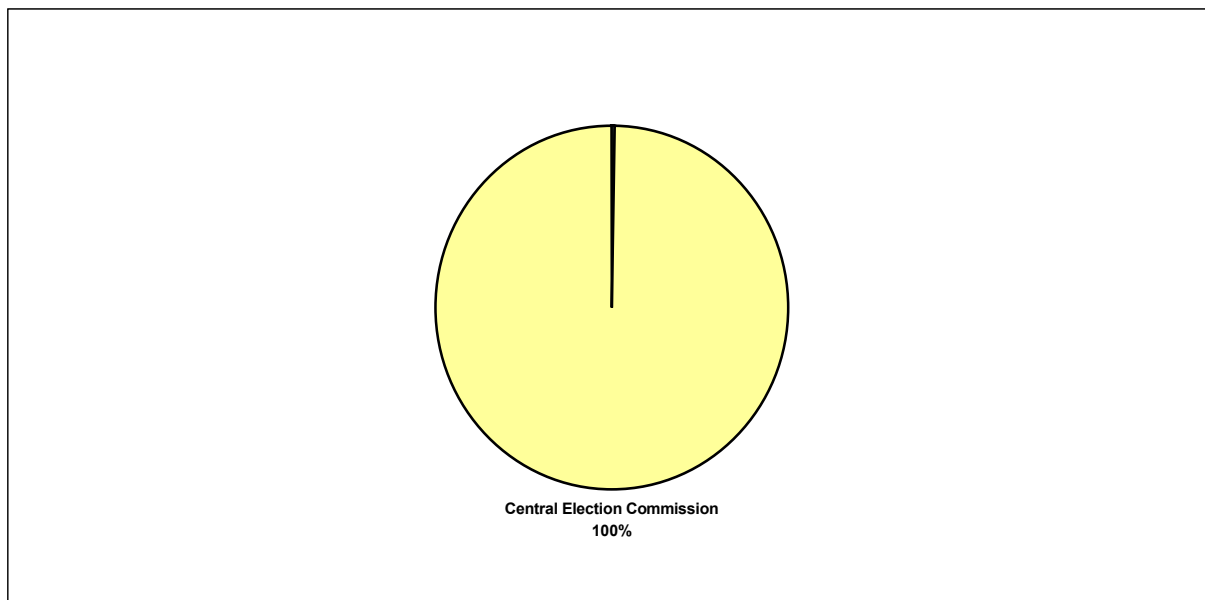
Privately-owned ORT Moldova

The diagram shows that ORT Moldova clearly favoured the Braghis Alliance of the Prime Minister



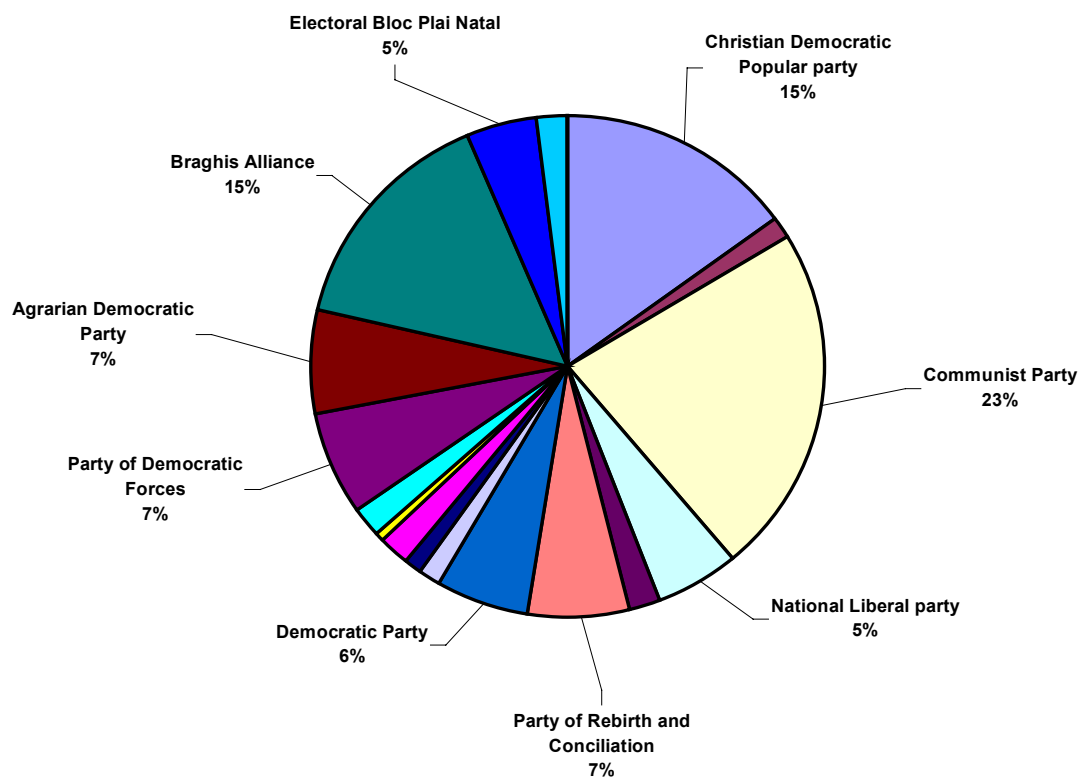
State-owned TV Moldova

The chart illustrates that TV Moldova strictly followed the provisions of the election code as well as regulations. TVM only reported on CEC meetings and broadcast general information on voter education.



Jurnalul de Chisinau – weekly newspaper

This newspaper offered the most balance coverage of the election campaign.



ANNEX 2 Representation of Women on Lists of Candidates

Political Parties	Total number of candidates	Number of women	Percentage %	Among the first 15 on the list
National social-political organization "Ravnopravie"	71	36	50.70%	3
People's Christian Democratic Party	103	25	24.27%	1
National Liberal Party	103	24	23.30%	2
Bloc "Edinstvo"	86	20	23.25%	1
Bloc "Lawyers and Economists Alliance"	102	22	21.56%	0
Democratic Party of Moldova	103	20	19.41%	2
Party of Democratic Forces	103	19	18.44%	3
Social Democratic Party of Moldova	80	14	17.5%	2
Bloc "Belief and Justice"	101	17	16.83%	2
Bloc "Plai Natal"	103	15	14.56%	3
Christian Democratic Party of Peasants of Moldova	103	15	14.56%	0
Bloc "Braghis Alliance"	102	14	13.72%	2
Party of Communists of the Republic of Moldova	103	12	11.65%	1
Social-political organization "For Order and Justice"	89	10	11.23%	1
National Christian Democratic Peasants' Party	101	11	10.89%	0
Party of Rebirth and Conciliation of Moldova	103	11	10.67%	1
Agrarian Democratic Party of Moldova	101	5	4.95%	0
TOTAL	1657	304	--	24
Average	--	--	18.34%	9.41%

ANNEX 3 Number of Women Elected to Parliament

Political Party	Number of deputies elected	Number of woman Deputies	Percentage
People's Christian Democratic Party	11	1	9.09%
The Communist Party of Moldova	71	7	9.85%
Braghis Alliance	19	2	10.52%
TOTAL	101	10	9.9%