



**INTERNATIONAL ELECTION OBSERVATION MISSION
REPUBLIC OF MOLDOVA
ELECTIONS TO THE PARLIAMENT
25 February 2001**

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Chişinău, 26 February 2001 – The International Election Observation Mission (IEOM) for the 25 February elections to the Parliament of the Republic of Moldova is a joint effort of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe.

PRELIMINARY CONCLUSIONS

The 25 February 2001 Parliamentary elections met international standards for democratic elections, consolidating a trend that should continue. 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 honouring of commitments and obligations of Moldova as a member State of the Council of Europe.

Moldova's Electoral 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) endeavored to implement 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 Electoral Code, and the need for a clearer provision in the 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 Electoral Code governing the conduct of media during election campaigns.

The IEOM 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 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 of 69 per cent indicated confidence in the democratic process.

The Transnistrian region is not under *de facto* control of the Moldovan Government. Unfortunately, elections could not be conducted in this area due to lack of co-operation of the Transnistrian authorities. As in earlier elections in 1994, 1996, and 1998, a small number of special polling stations were set up on the right bank of the river Nistru, and Transnistrian residents were invited to cross the river to vote. The voting at these stations was conducted in a proper manner. However, only a very small percentage of the Moldovan citizens living in Transnistria 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.

PRELIMINARY FINDINGS

Background

The 25 February elections were the third Parliamentary elections in Moldova since independence in 1991. The country has shown a certain degree of political maturity in reacting calmly to election results and changes of power.

Reacting to President 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 Lucinschi signed a decree to dissolve Parliament in accordance with Article 78 of the Constitution, and set the date of 25 February for the 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. However, despite this lack of confidence, around 69 per cent of registered voters cast ballots, thus showing their willingness to influence the outcome of the poll.

Legislative Framework

The 1994 Moldovan Constitution, the 1997 Electoral Code as amended, as well as the instructions and regulations issued by the CEC provide an adequate base for the conduct of

democratic elections that meet international standards. The legislation is characterized by non-discriminatory procedures for registering candidates, anti-fraud measures during voting and counting, transparency of the tabulation of voting results (with full access for both international and domestic observers), and provisions for timely and detailed voting results to be made public at all levels of the election administration.

The Electoral Code has been amended repeatedly in an attempt to improve voting and counting procedures, incorporating some of the recommendations suggested by the international community. For instance, the decision to print a single-sheet ballot paper containing all 27 contestants instead of a booklet is an improvement compared to previous elections. The introduction of a small stamp to mark each ballot “voted” is another innovative feature. These improvements have simplified procedures for voters, and facilitated the count by making the voter’s choice easier to determine.

Recent amendments to the Electoral Code have increased the threshold representation percentage for parties and blocs from four to six percent, while reducing it 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. Instead, it may result in increasing the number of votes that will not be represented at all in Parliament. Additionally, the election of independent candidates in a nationwide constituency leaves almost no chance for them to overcome the three-percent threshold.

Election Administration

The Central Election Commission (CEC), appointed in 1997 for a term of six years, is a professional body with substantial experience, having conducted the 1998 Parliamentary elections and the 1999 local elections. It carried out its functions in a nonpartisan, transparent, organized, and timely manner and endeavored to implement the electoral legislation efficiently. The IEOM wishes to thank the CEC and other election commissions for their excellent co-operation and responsiveness with international observers.

Registration of candidates was accomplished impartially and in a timely and inclusive manner. Twelve political parties, five electoral blocs, and 10 independent candidates were included on the ballot. Only one independent candidate was rejected after numerous support signatures were found by the CEC to be invalid. However, the procedure for checking signatures should be regulated more precisely and made more transparent.

Voter Lists

The degree of accuracy and completeness of the voter lists has been a subject of concern during past elections in Moldova. Little improvement has been noted during the current elections. The plan to compile computerized citizens’ registers based on the new identification documents has not materialized. Moreover, following the May 1997 decision of the Constitutional Court declaring the former residence visa (propiska) unconstitutional, many citizens have come to view their domicile registration as no longer necessary. In such a situation the development of accurate voter lists has not proved possible. Most mayoralties

simply used the voter lists from the last elections, attempting to update them by canvassing house-to-house in their precincts.

An additional problem has been caused by the emigration of Moldovans. There is no accurate figure of the number who have left the country in recent years, but many observers estimate it at several hundred thousand. In an effort to take this situation into account in updating the voter lists, the CEC advised that persons who have been absent from their domicile for more than six months should be excluded from the lists. As a result, the total number registered on the voter lists was reduced by over 55,000 electors in comparison with the June 1999 local elections.

Participation of National Minorities

National minorities, namely Ukrainians, Russians, Romas, Bulgarians, and Gagauz represent approximately 30 percent of the Moldovan population according to the 1989 census. 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. Some parties made a special effort to reflect the composition of the population in their lists. Additionally, as the Russian language is predominantly used by national minorities, the easy availability of ballot papers and election-related documents in Russian ensured their access to information and facilitated their participation in the electoral process.

The OSCE/ODIHR recommended in 1998 that the electoral system should be reviewed in order to secure a more fair representation of the regionally based minorities. The system in Moldova of one nationwide constituency, with a proportional distribution of seats, was not considered helpful to national minorities. Moldova has not yet addressed this problem. Moreover, changes to the Law on Political Parties have led to further difficulties for regional representation. Political parties or socio-political organizations must now document at least 5000 members from half the districts in the country, with at least 600 members from each district. Consequently, ethnically-based parties representing the interests of a locally concentrated group, like the minority in Gagauzia, have failed to register, as they are unable to collect sufficient support outside their own region.

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 Electoral Code requiring a minimum quota of 30 percent women on candidates' lists was not successful.

Women have made some progress in political representation since the 1998 elections where nine women gained seats in the 101-seat Parliament. The main political parties have to some degree addressed the gender issue, and more women have been elected to local governing bodies. However, women remain under-represented both on national and local levels, and 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.

Election Campaign and the Media

In circumstances of limited financial resources, the election campaign was very 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 violent incidents were reported. Nonetheless, accusations and negative campaigning against other candidates, including minor cases of "black campaigning", dominated the campaign itself.

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, there are no longer provisions in the Electoral Code requiring candidates holding public positions to suspend their activities during the campaign period. The Code would benefit from a clearer provision on the status of contestants holding public positions.

Article 47 of the Electoral Code provides a detailed framework for media coverage of the electoral campaign. Although well intended, parts of this article are unnecessarily restrictive. The limitations prevented the media from properly reporting on most activities of electoral contestants. Consequently, voters did not have ready access to sufficient information to make a fully informed choice.

During the campaign, the State-owned media, TV Moldova (TVM) and Radio Moldova, carefully adhered to the provisions of the Electoral Code 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. However, the private TV channel ORT Moldova supported the Prime Minister and his Alliance. Toward the end of the campaign, TV Catalan clearly violated the Electoral Code by far exceeding the time legally allotted to the National Liberal Party. As a result, in a severe sanction by the media watchdog Audio-Visual 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.

The print media extensively presented party platforms. Most newspapers overtly supported individual political parties and acted as partisan media. For instance, *Moldova Suverana* and *Nezavisimaia Moldova* 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 the other parties in a negative manner. Truly independent media that could offer objective and comprehensive information were rare.

Transdnistria

The Transdnistrian region is not under *de facto* control of the Moldovan Government. Unfortunately, elections could not be conducted in this area due to lack of co-operation of the Transdnistrian authorities. Only a very few candidates from Transdnistria appeared on

party lists, and campaigning did not take place. As a result and despite adequate access to broadcast information, only a very small number of Moldovan citizens living in Transdnistria 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 river Nistru, and Transdnistrian residents were invited to cross the river to vote.

The CEC attempted to persuade Transdnistrian authorities to allow the opening of polling stations in the enclave. These authorities refused on the grounds that "Transdnistria 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 Transdnistrian authorities discouraged participation in the elections.

According to the CEC, there are some 180,000 Moldovan citizens residing in Transdnistria, including more than 80,000 registered voters. The Transdnistrian authorities claim that there are only 30,000 eligible voters. In the 1996 presidential elections, slightly over 9,000 voted, while only 3,738 managed to participate in the 1998 Parliamentary elections.

The international observers gave extra close attention to the river crossing points and special polling stations for the Transdnistrian voters. On election day, voting at these stations was conducted in a proper manner. A number of special buses did bring Transdnistrians to polling stations. There were a few reports of buses being blocked at checkpoints.

Election Day (Polling and Counting)

Despite difficult circumstances, including freezing temperatures and lack of heating in most of the polling stations, the voting process was carried out seriously, 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. Observers noted that the counting of the ballots was conducted in a transparent manner and in accordance with the law. 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.

*The statement is also available in the Moldovan language.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGMENTS

Dr. Kimmo Kiljunen, OSCE Chairman-in-Office's Special Co-ordinator for the OSCE Election Observation Mission in Moldova, leads the short-term OSCE observer mission. Mr. Bjorn von der Esch leads the Parliamentary Assembly delegation of the Council of Europe. Ambassador Charles Magee heads the OSCE/ODIHR Election Observation Mission.

The OSCE/ODIHR Election Observation Mission was established on 26 January in Moldova with 17 international experts and long-term observers, covering the entire country except for Transdnistria where the elections did not take place. Their findings include monitoring of CEC activities, pre-election preparations, the election campaign, the monitoring of the media, and the handling of election complaints. On election day, the International Election

Observation Mission (IEOM) deployed more than 140 short-term observers, including 35 parliamentarians from the OSCE Parliamentary Assembly and eight from the Parliamentary Assembly of the Council of Europe. Observers reported from over 700 out of the 1,963 polling stations.

This statement of preliminary findings and conclusions is issued before the final certification of results, and before a complete analysis of the observation findings. The OSCE/ODIHR will issue shortly a comprehensive report covering the 25 February Parliamentary elections.

The IEOM 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.

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