



**Liga Apărării Drepturilor Omului din Moldova**  
**League for Defence of Human Rights of Moldova**

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coaliția civică  
pentru alegeri libere și corecte

**CIVIC COALITION FOR FREE AND FAIR ELECTIONS**

**LEAGUE FOR DEFENSE OF HUMAN RIGHTS OF MOLDOVA**

## REPORT IV

### REGARDING THE MONITORING OF THE ELECTORAL PROCESS

#### 2009 PARLIAMENTARY ELECTIONS

**Monitoring period: February 25 – March 18, 2009**



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The opinions expressed in this document are those of the authors and do not necessarily reflect the positions of the donors.

## INTRODUCTION

*Monitoring period: February 25 – March 18, 2009*

The present report comprises the results of a thorough monitoring of the pre-election situation in Moldova in the period of February 25 – March 18, 2009 by the League for Defense of Human Rights of Moldova (LADOM). This report is the fourth in the series and constitutes part of the effort to monitor the pre-election situation from December 2008 to the election day of April 5, undertaken within the project "Observation of the 2009 parliamentary elections" of the Coalition for Free and Fair Elections - Coalition 2009.

The Coalition 2009 was launched on November 18, 2008 at the initiative of seven non-governmental organizations – the Association for Participatory Democracy (ADEPT), CONTACT Center, the League for Defence of Human Rights (LADOM), the Association of Legal Clinics (APCJM), the National Youth Council (CNTM), the Independent Journalism Center (CIJ) and the Association of Independent Press (API) – that joined their efforts to continue the activities started by the Coalition 2005 and Coalition 2007 to promote free and fair elections. 63 other non-governmental organizations joined the Initiative Group since. The Coalition remains further open to new members.

Domestic election observation is crucial for ensuring the integrity of the election process and the citizens' right to participate in the governing process of their country. LADOM is a non-partisan and non-governmental organization, performing domestic election observation in Moldova since 1996.

The findings presented in this report are collected by a national network of 37 long-term monitors through direct observation. The monitoring is carried out in accordance with the provisions of the Election Code of Moldova, LADOM's Observers' Code of Conduct and international standards of domestic election monitoring.

The conclusions and recommendations in this report are formulated in good faith and are presented in a spirit of professional cooperation with all the stakeholders interested in building up a transparent and fair election process in Moldova.

## EXECUTIVE SUMMARY

During the monitoring period LADOM observation effort found that the campaign activities generally adhered to the legal requirements. However, LADOM observers identified a number of shortcomings that might question the competitiveness of the electoral process.

The Central Election Commission (CEC) has generally acted in an open and transparent manner. The CEC formed the full system of election administration bodies and registered the competitors of the electoral run without deviating from the legal requirements. The CEC has also started training consistently the chairpersons of the Polling Electoral Bureaus (PEB). Also, the supplementary measures taken by the CEC towards ensuring the electoral rights of voters abroad deserve appreciation. The beginning of televised electoral debates in broadcast media was also identified as a positive development.

During the monitoring period the CEC announced that the total number of voters is 2,549,804. In 2005 this number was 2,430,537.

Apart from the positive aspects, LADOM tracked down a series of incidents that went against the practices of a competitive electoral process.

LADOM observers identified instances of harassment of representatives of electoral contestants, and instances of intimidations of a local media by law enforcement agencies.

The instances of pressure on public employees to favor certain electoral contestants and to disfavor other electoral contestants continue to occur. Some local public officials intimidate their employees into participating in the campaign activities of certain electoral contestants.

The participants of the electoral run often engage into unethical and unfair behavior, using foul language, disrespecting the requirements of electoral advertising, campaigning in a camouflaged manner and involving illegally students in campaign activities in schools. LADOM also noted repeated cases of misuse of public resources in the campaign activities of several electoral contestants.

During the monitoring period, the electoral contestants filed a number of complaints with the electoral administration bodies, including 34 complaints filed with the CEC. A high number of complaints filed with the CEC challenge the decisions of the Chisinau District Electoral Council. Other complaints refer to the actions of electoral contestants. 19 complaints filed with the CEC have been rejected on the grounds of lack of evidence.

The flaws of the voters' list system and the possibility to vote with several types of IDs, in certain conditions, leave the room for multiple voting.

LADOM will continue monitoring the election campaign throughout the country. A number of other reports covering the electoral and post-electoral period will be made public. A special report covering the election day will be released shortly after the voting ends.

## **I. FINDINGS**

### **1. Election campaign**

#### **Start of televised debates**

In March the broadcast media started the televised electoral debates. During the campaign period 23 TV stations and 7 radio stations announced their intention to organize televised electoral debates and commitment to create conditions for a fair competition of political ideas.

#### **Harassment of representatives of electoral contestants**

On February 25, 2009 two representatives of the Liberal Democratic Party (PLDM) were harassed by unidentified individuals while putting up campaign posters in the Botanica sector of Chisinau. Although a police team patrolled in the close vicinity of the incident it failed to intervene. Moreover, the two party representatives were escorted to the Police Department of Botanica, and were forced to give written explanations. The party representatives were refused the opportunity to file a complaint against the aggressors.

On March 4, in Ungheni two representatives of the Liberal Party (PL) were taken into custody by police on the grounds that, while campaigning in Floresti, these two individuals had allegedly beaten two policemen. The PL representatives said they were subsequently beaten by the police and obliged to say they had been accompanied on that day by Arhire Anatol – the PL representative in the Ungheni rayon. The PL representatives have been freed after two hours but did not file any complaints out of fear.

In Festelita village, Ștefan Vodă rayon, the representatives of Peoples' Christian Democratic Party (PPCD) from the village, prevented the representatives of other electoral contestants to carry out campaign activities. The PPCD representatives threatened the activists of other parties with physical reprisal.

The code of good practice in electoral matters, adopted by the Venice Commission at its 52nd meeting in October 2002, recommends to the state authorities to respect their duty of neutrality in electoral matters and of allowing all electoral contestants to campaign freely. The same document recommends that sanctions must be imposed if state authorities breach their duty of neutrality and voters' freedom to form an opinion.

***In the light of Venice Commission recommendations, LADOM recommends to the CEC to further investigate the reported cases.***

#### **Campaign advertising posted in unauthorized places**

In most communities the electoral contestants post their billpostings in unauthorized places. It is the duty of local authorities to either designate or create special places for campaign posters. In Basarabeasca the Centrist Union (UCM), the Party of Communists (PCRM) and the PLDM put up their posters on street-light poles, while PCRM and Alliance Moldova Noastra (AMN) do the same in Causeni. In Semionovca and Brezoaia villages of the Ștefan Vodă rayon the PCRM posters are put up everywhere: trees, poles, walls, monuments, and other places. In Vulcănești and Taraclia the electoral posters of PCRM, Democratic Party (PDM) and of PL were put up on trees, walls and poles. In Riscani, the Social Democratic Party (PSD) placed electoral advertising over that of PPCD and PCRM. In Niorcani village the electoral posters of European Action Movement (MAE) were posted on poles, while those of PDM on the walls. In Chisinau the posters of AMN, PPCD, PLDM, MAE and UCM were posted on concrete walls. Moreover, in several communities (Chișinău, Orhei, Criuleni, Bălți and other) the electoral billboards of several electoral contestants have been

demolished.

***LADOM reminds the electoral contestants of the legal requirement to post electoral advertisement in authorized places.***

### **Unethical behavior of electoral contestants**

Some representatives of electoral contestants use foul language when talking about other electoral contestants. In Vulcănești and Taraclia the representatives of PCRM, PL and PDM use foul language during their campaign meetings when talking about other contestants. In Edinet, President of the country used vulgar expressions when talking about general mayor of Chisinau Dorin Chirtoaca, of PL. In Leova, representatives of AMN, PPCD, PCRM and PDM used foul language when talking about other electoral contestants.

***LADOM recommends to the electoral contestants to adhere to the ethical principles and to the principles of common sense in their electoral behavior.***

### **Camouflaged campaigning**

During the monitoring period some electoral contestants have undertaken activities that can be classified as camouflaged campaigning. Thus, on February 22 PL brought an icon to the church in Abaclia village, Basarabeasca rayon, while on February 24 PL donated a TV set to a school in Carabetovca villave, Basarabeasca rayon. In Ciorescu village PLDM and PCRM organized free excursions to monasteries during weekends. At the meetings between representatives of UCM and inhabitants of Ciocîlteni, Păhărnicieni and Ivancea villages, on February 28 and March 1 were donated packages with grocery products and other items, and voters were offered free lunches.

### **Campaigning in schools**

Students have repeatedly been forced to attend campaign activities of some electoral contestants. In Cimislia, an AMN representative, the principle of “Mihai Eminescu” high school, regularly uses the office space and facilities to conduct campaigning on the premises of the school. In Criuleni, the principle of vocational school nr. 2, Maria Calinchin, attended the campaign meeting of the President of the country Vladimir Voronin accompanied by entire classes of students who had been dismissed from lectures. In Jeleboc village, Mura Galina, has been engaging students into campaign activities of PCRM. Students of “A. Pușchin” high school were dismissed from classes in order to attend a campaign meeting of Vladimir Voronin. In Orhei the meeting with V. Stepaniuc, of PCRM, was attended by persons under voting age. In Siret village, the students and teachers of the local school were told that the Minister of Ecology would hold a meeting on the school premises and would screen a movie about environment, but instead the meeting was led by representatives of PCRM who screened their campaign movie.

***The electoral contestants have to keep in mind that political campaign activities in schools are forbidden by the Law on education (Art. 56), and by the Art. 6 of the “Code of Conduct on caring out and covering in mass media 2009 parliamentary campaign”. LADOM also reminds that electoral campaigning in schools is not an internationally accepted practice.***

## **2. Undue influence on voters**

### **Intimidation of public employees**

Local public employees are intimidated by the authorities into refraining from cooperation with some electoral contestants. Thus, the chairman of Ștefan-Vodă rayon pressured the management of “Maria Biesu” School of Arts trying to force them into terminating the rent contract with a local branch of a party. Also, the mayor of Codru-Nou community, Telenești rayon forbade the director

of a House of Culture giving the hall for a campaign meeting of an electoral contestant. In Briceni, the head of the Police Department of Briceni rayon was fired after he had openly expressed his political options.

### **Differentiated treatment of electoral contestants**

Local authorities discriminate against some of the electoral contestants while favoring other electoral contestants. The officials of Leova administration treat some electoral contestants in a preferential manner, collaborating with the representatives of parties that appointed them to office, while paying less attention to the rest of electoral contestants. In Stefan Voda, the rayon authorities insist that the administration of "Maria Biesu" School of Arts terminates the rent contract with the Stefan Voda branch of PLDM.

### **Coercing voters into attend campaign activities of certain contestants**

Employees are forced by their supervisors to attend campaign meetings of certain electoral contestants. Medical staff from Basarabeasca and Cahul were obliged to participate at the campaign meetings with Larisa Catrinici, the Minister of Health, those in Cahul being promised 100 lei each on the occasion of International Women's Day. In Glodeni the forestry employees were obliged to attend the campaign meeting of a PCRM candidate A. Popușoi. The public administration from Rîșcani put pressure on voters to attend in a mandatory manner the PCRM campaign meetings.

***It is recommended to the authorities to refrain from exercising pressure on public employees, to ensure an equal treatment of all electoral contestants and to refrain from coercing voters into attending campaign activities.***

## **3. Pressure on civil society and mass media**

Starting with February 25 „Albasat TV,” a local TV station from Nisporeni, has been repeatedly harassed by the police. The Ministry of Interior employees have unwarrantedly searched the office of the TV station; the accounting books of the TV station were arrested, while the managers were summoned to the police office and interrogated. The management of the local TV station said that the harassment of the police had an electoral connotation and was a continuation of the series of previous harassment actions of law enforcement agencies.

During the monitoring period the harassment of civil society continued. The case of PCRM vs. „Obiectiv” attachment published by the Association of Independent Press followed up in the hierarchy of electoral bodies, and further at the Chisinau Court of Appeal. The decision taken initially against “Obiectiv” has not been reversed. The decision labeled as campaign materials a story published in „Obiectiv” which contained the analysis of PCRM 2005 promises versus the achievements of the government.

***It is recommended to the authorities to ensure freedom of speech and to refrain from harassment of mass media, especially during the election campaign. LADOM reminds the authorities about their duty of neutrality in electoral matters.***

## **4. Use of public resource in campaign activities**

### **Leadership of the country continues using public resources for electoral purposes**

The leadership of the country continued to misuse public resource to gain electoral advantages

(office cars, security, escorts, etc.) and to engage local public administration in organizing campaign meetings. In the monitoring period eight such cases have been noted.

### **Use of office cars for electoral purposes**

Some public officials use office cars for campaign activities. During the monitoring period such cases were noted with regard to Serafim Urechean (AMN), Member of Parliament (MP); Buliga Valentina (PDM), MP; Larisa Şavga (PCRM), Minister of Education and Youth; Ion Nasalciuc, head of Administrative Control Direction of Ministry of Public Administration, and other public officials.

***LADOM reminds the electoral contestants that misuse of public resources to gain electoral advantages contravenes the Code of Conduct, Art. 6, para 2 (I).***

## **II. REGISTRATION OF ELECTORAL CONTESTANTS**

### **The process of registering electoral contestants has ended**

On March 5, 2009 the CEC announced the end of registration period for electoral contestants. Out of 23 applicants, 21 parties and independent candidates were registered and two independent candidates were rejected. Thus, the run for Parliament will engage 21 contenders, including 15 parties and 6 independent candidates.

To be noted that the registration process of electoral contestants was conducted within legal requirements.

## **III. VOTERS' LISTS**

### **The process of voters' lists update has ended**

During the monitoring period the CEC announced that the total number of voters was 2,549,804. In 2005 the number of voters was 2,430,537. According to the legal provisions the local public administration is responsible for compiling and updating the voters' lists. The local authorities are also responsible for displaying the lists for verification by voters at the premises of polling stations by March 16, 2009. To date, not all the mayoralties have verified the voters' lists through a door to door canvassing. The observers noted that several mayoralties have been working with the outdated voters' lists.

***LADOM encourages voters to verify their entry in the voters' lists. It is recommended to PEBs to verify the voters' lists until March 31 to make sure they are accurate.***

As a result of the Venice Commission and ODIHR 2004 joint opinion, the Electoral Code had been modified extending the period of voters' lists verification from 10 to 20 days before elections. Yet, the joint opinion recommended that the verification period lasts several months, to give the parties and the voters a real opportunity to verify the accuracy of the voters' lists.

***In the long run, LADOM recommends to the CEC to follow the joint recommendations of Venice Commission and ODIHR and advocate for a further extension of the period for the verification of the voters' list.***

### **Declaration of voters' place of living**

The procedure of declaring the new place of stay in order to register on the voters' lists at the new place of living continued posing difficulties to the local public administration. The procedure of

receiving the declarations had not been regulated and the local authorities have received these declarations without proper control mechanisms. As a consequence, voters failed to include their contact information in the written declarations and the errors and unclear entries could not be properly corrected. Thus, these voters could face obstacles in exercising their right to vote.

***LADOM reminds the CEC that the voting procedure for the voters who declared their new place of stay had not been properly regulated, which could generate problems during the voting process.***

#### **IV. VOTING ABROAD**

##### **CEC formed polling stations and issued a regulation on voting abroad**

The supplementary measures taken by the CEC in order to ensure and guarantee the voting rights of voters abroad deserve appreciation. During the monitoring period, the CEC formed 34 polling stations abroad and adopted a Regulation on the out of country conduct of elections. According to this Regulation voters will be able to vote disregarding their legal residence status abroad. The election officials abroad are forbidden by the Regulation to investigate the legal statuses of voters during the entire electoral period. Also, the voters will be able to vote abroad with their national passports including with an expired validity date.

At the same time the measures taken by the CEC have a limited character. The number of polling stations abroad is small while the costs of traveling to these polling stations are high. Yet, the interest of the voters abroad for this election seems to be high. On March 7-8 representatives of Moldovan Diaspora met in Italy to discuss, among other, the out of country voting issues. Additionally, some stakeholders in Moldova have solicited the opinion of the European Court for Human Rights on the issue of out of country voting.

The issue of out of country voting raises concern because of the high number of Moldovan voters living abroad. According to official data release by the CEC quoting the Border Control Service, 627,959 Moldovans live constantly abroad. Taking into consideration that the number of voters abroad represents at least 20% of the total number of voters, according to some conservative calculations, it is necessary to take extraordinary measures to ensure the voting rights of the citizens abroad who express an increased interest for these elections.

Additionally, the provisions of the Electoral Code and of the Regulation on voting abroad suggest that there is a possibility of double voting in certain circumstances. If a citizen travels during the election day he or she could, in theory, vote with different Identification Documents both at a polling station abroad and at the place of official residence.

***LADOM reminds the CEC that the Constitution and International treaties on human rights, guarantee voting rights to all citizens, disregarding their geographical location. These documents have a direct applicability, which offers ways to overcome the restrictive limitations of national legislation.***

#### **V. ELECTION ADMINISTRATION**

##### **Electoral system**

The system of electoral bodies responsible for conducting elections includes the Central Election Commission, District Electoral Councils (DEC) and Polling Electoral Bureaus (PEB). The CEC is a permanent body, the DEC's are formed not later than 55 days before the election day, and the PEBs are formed 20 days before the election day.



On March 16 the process of forming the bodies of election administration has ended. Thus, the entire system of electoral administration is currently in place.

The CEC is training in a consistent manner the electoral officials of all levels. Following the training of trainers and of members of DEC's conducted in late 2008, the CEC is currently training the PEB chairpersons.

During the monitoring period the political parties initiated recalls of several electoral officials, members of the 36 DEC. 11 amendments to the composition of DEC's have been made. Repeated recalls of electoral officials, especially at the initiative of the parties, can put under pressure the impartiality of the electoral officials.

***Although the practice of recalling DEC members does not contravene directly the legal provisions, the Venice Commission Code of Good Practices in Electoral Matters recommends that institutions that appoint members of electoral bodies should avoid recalling them.***

#### **Performance of the Central Election Commission**

Generally, the CEC conducted its activity in an open and transparent manner.

LADOM acknowledges the intentions of the CEC to reduce some of the obstacles to voters voting at polling stations abroad by allowing them to vote with their national passports, including with an expired validity date.

## **V. COMPLAINTS**

### **Reports of violations, complaints filed**

During the monitoring period the electoral contestants, public authorities and citizens reported to the electoral bodies various violations of electoral legislation: actions of demolishing electoral billboards, harassment of representatives of electoral contestants, use of public resources, obstacles in organizing campaign activities such as meetings with voters and other violations. So far the complaints have been examined timely. Various electoral violations have been detected and sanctioned by law enforcement agencies. Police have filed numerous administrative violation reports, while courts have applied fines to hundreds of citizens for posting electoral advertising in unauthorized places.

### **Large number of complaints filed with CEC rejected on the grounds of lack of evidence**

During the monitoring period CEC examined 34 complaints, while rejecting 19 on the grounds of lack of evidence. Generally, the complaints refer to actions of electoral contestants or challenge decisions of lower electoral bodies. The complaints have been filed by the following contestants: PCRM filed 7 complaints, out of which 4 were rejected; AMN – 13 complaints, 9 rejected; PLDM – 4 complaints, 1 rejected; PDM – 3 complaints, 1 rejected; PL – 2 complaints, 0 rejected; UCM – 1 complaint, 0 rejected; PPCD – 1 complaint, 1 rejected; and 3 other complaints were filed and rejected.

In some cases the CEC showed a certain degree of inconsistency in rejecting complaints on the grounds of lack of evidence. In two cases, when faced with insufficient evidence, the CEC requested additional information (Decision nr. 2233, nr. 2296), while in some other cases, when faced with insufficient evidence CEC rejected the complaint without requesting additional evidence (Dec. 2214, 2235).

**Complaints filed with the Chisinau DEC**

During the monitoring period the Chisinau DEC received a larger number of complaints than other DEC's individually, and many of Chisinau DEC decisions have been challenged at the CEC. Out of 34 complaints filed with the CEC during the monitoring period 12 complaints challenged the decisions of Chisinau DEC. Upon the subsequent decisions of the CEC at least 6 of the Chisinau DEC decisions challenged by electoral contestants were recognized by the CEC as exceeding the DEC competence, and were reversed.

***LADOM recommends to the CEC to seriously consider paying more attention to training members of DEC's on how to examine complaints.***

## **Annex 1. LIST OF RECOMMENDATIONS**

- 1. *In the light of Venice Commission recommendations, LADOM recommends to the CEC to further investigate the reported cases.***
- 2. *LADOM reminds the electoral contestants of the legal requirement to post electoral advertisement in authorized places.***
- 3. *LADOM recommends to the electoral contestants to adhere to the ethical principles and to the principles of good sense in their electoral behavior.***
- 4. *The electoral contestants have to keep in mind that political campaign activities in schools are forbidden by the Law on education (Art. 56), and by the Art. 6 of the “Code of Conduct on caring out and covering in mass media 2009 parliamentary campaign”. LADOM reminds that electoral campaigning in schools is not an internationally accepted practice.***
- 5. *It is recommended to the authorities to refrain from exercising pressure on public employees, to ensure an equal treatment of all electoral contestants and to refrain from coercing voters into attending campaign activities.***
- 6. *It is recommended to the authorities to ensure freedom of speech and to refrain from harassment of mass media, especially during the election campaign. LADOM reminds the authorities about their duty of neutrality in electoral matters.***
- 7. *LADOM reminds the electoral contestants that misuse of public resources to gain electoral advantages contravenes the Code of Conduct, Art. 6, para 2 (I).***
- 8. *LADOM encourages voters to verify their entry in the voters’ lists. It is recommended to PEBs to verify the voters’ lists until March 31 to make sure they are accurate.***
- 9. *In the long run, LADOM recommends to the CEC to follow the joint recommendations of Venice Commission and ODIHR and advocate for a further extension of the period for the verification of the voters’ list.***
- 10. *LADOM reminds the CEC that the voting procedure for the voters who declared their new place of stay had not been properly regulated, which could generate problems during the voting process.***
- 11. *LADOM reminds the CEC that the Constitution and International treaties on human rights, guarantee voting rights to all citizens, disregarding their geographical location. These documents have a direct applicability, which offers ways to overcome the restrictive limitations of national legislation.***
- 12. *Although the practice of recalling DEC members does not contravene directly the legal provisions, the Venice Commission Code of Good Practices in Electoral Matters recommends that institutions that appoint members of electoral bodies should avoid recalling them.***
- 13. *LADOM recommends to the CEC to seriously consider paying more attention to training members of DEC on how to examine complaints.***