

**INTERIM REPORT No. 2
1 – 14 November 2010**

19 November 2010

I. EXECUTIVE SUMMARY

- The election campaign for the 28 November parliamentary elections is well underway. Twenty political parties and 19 independent candidates are running for office. While the overall campaign has generally been low key, without mass rallies or demonstrations, posters abound around the country and parties have held hundreds of small rallies and events.
- Although the campaign has generally been peaceful and well-ordered, several isolated instances of election-related violence or intimidation have been reported.
- The Central Election Commission (CEC) continues to meet regularly and has adhered to legal requirements when adopting decisions. The CEC has operated transparently, with all sessions open to the public, observers and the media.
- The 35 District Electoral Councils (DECs) have been working according to legal provisions and generally have operated in a professional manner. Precinct Election Bureaus (PEBs) were formed and have started to operate, some of them after the legal deadline of 2 November.
- The quality of the voter lists remains a concern. As a result of a highly decentralized system, voter lists are drawn up in a variety of different ways around the country and there is no effective way to cross check local lists for duplicate entries. There is a number of ways in which voters can be added to supplementary lists on election day. PEBs are required to make voter lists accessible to the public for verification between 8 and 23 November.
- There are some concerns about out-of-country voting, including that the location of polling stations abroad does not accurately reflect the distribution of citizens abroad.
- The public broadcaster, *Teleradio Moldova*, has attempted to present the electoral campaign in a balanced manner in its television and radio news programs. *NIT TV*, a private channel with nationwide coverage, has shown a clear bias in favour of the Communist Party of the Republic of Moldova (PCRM), leading to sanctions by the Audiovisual Co-ordinating Council (CCA).
- The Constitutional Court received an application by the PCRM to declare unconstitutional the article of the Election Code (EC) that establishes a new method for allocating mandates to political parties overcoming the threshold. The PCRM argues that it violates the guaranteed equality of all votes, by distributing a disproportionate number of mandates to small parties.

II. POLITICAL AND CAMPAIGN ENVIRONMENT

The CEC registered 20 political parties and 20 independent candidates to stand in the elections, but one independent candidate subsequently withdrew. The process was inclusive, with no applicants denied registration. The parties and candidates represent a plurality of views, offering voters a genuine choice.

The campaign around the country has generally been peaceful and low key. While there have not been mass rallies or demonstrations, parties and candidates continue to hold hundreds of small rallies and meetings around the country, including many which feature concerts or other forms of entertainment. The pace of campaign activity is increasing. Some parties are reaching out beyond their traditional constituencies, with voters throughout the country being approached by a wide spectrum of political contestants. Most campaigning has been via the media, although many parties are also distributing leaflets and campaigning door-to-door and on the internet, including on social networking sites. One party has featured its candidates in an on-line video game.

Candidates have occasionally used sharp rhetoric. The two biggest parties in the outgoing parliament, the PCRM and the Liberal Democratic Party (PLDM), have produced short documentaries highly negative towards their competitors. The four partners of the governing coalition Alliance for European Integration (AEI),¹ standing individually in these elections, have increased competition among themselves, sometimes disputing who deserves credit for the AEI's achievements in government. Prime Minister Vlad Filat's (PLDM) visibility in the campaign has triggered criticism from other members of the AEI.² Apart from the parliamentary parties, several smaller parties are also fairly active,³ while independent candidates are generally of low visibility.

Much of the country is adorned with party billboards and posters, including the electronic billboards in Chisinau. Placing campaign posters outside of designated areas is a common practice and a principal source of complaints. Often, electoral posters have been torn down or plastered over by other political contestants. Sporadic cases of destroyed billboards have also been observed.

In response to complaints by some electoral contestants of being denied equal access to students for electoral events, the Ministry of Education on 5 November issued a decree limiting rallies in educational institutions and in dormitories to after study-hours and prohibiting the involvement of minors. After several allegations of children distributing campaign material, the Ombudswoman for Children's Rights on 11 November requested the CEC to warn election contenders that the Law on the Rights of the Child bans the engagement of children in political activities.

There have been some isolated reports of party activists and candidates exposed to threats, violence or intimidation during their campaigning activities, which have been verified by OSCE/ODIHR EOM observers. These include:

- On 2 November, the youth wing of PCRM in Comrat filed a complaint to the Department of Internal Affairs of the Autonomous Territorial Unit of Gagauzia and to the Prosecutor claiming that a PCRM campaigner was beaten and insulted by a PLDM candidate while putting up posters.

¹ PLDM, Democratic Party of Moldova (PDM), Liberal Party (PL) and the Alliance Our Moldova (AMN).

² While state officials who are candidates had to step down, this does not apply to the Prime Minister.

³ For example, United Moldova, the European Action Movement and the Humanist Party of Moldova. The Humanist Party stands for strong links between the state and Orthodox Church, which is a novelty in Moldova; the Church has asserted that it has no role in politics.

- On 5 November, a Moldovan flag and PLDM flags and posters in front of the party's office in Balti were destroyed. The case is under investigation by police.
- On 6 November, a PLDM activist was threatened with a knife while campaigning door-to-door, allegedly by a PCRM activist. The latter punctured the tires of the PLDM activist's car, and was punished with a fine.
- On 6 November, two PLDM activists who were distributing leaflets in Singerei were intimidated by the former Head of Floresti Region. On 10 November, the culprit was interviewed by the police and fined on the basis of Article 69 of the Penal Code.
- On 7 November, during a PCRM political meeting in Bravicea (Calarasi Region), unidentified persons allegedly threw stones and eggs at the PCRM campaigner. In addition, the mayor of Bravicea village allegedly turned off the microphone and told participants to go home. A request to open an investigation has been submitted by the PCRM to the police.

III. ELECTION ADMINISTRATION

The CEC continues to meet regularly and has adopted 281 decisions. In its work, to date, it has adhered to legal requirements. The CEC has operated transparently, with all sessions open to the public, observers and the media. The OSCE/ODIHR EOM has attended all CEC sessions and held regular meetings with the CEC leadership. DEC's have generally been following required legal procedures and working in a professional manner, although in a number of cases divided along party lines.

According to the CEC, most PEBs, which have from 7 to 11 members, were formed by the DEC's and started to operate, although some were formed after the legal deadline of 2 November.⁴ PEB members are nominated by, but may not belong to, local councils and the political parties represented in Parliament. In two locations, political parties were late in appointing their representatives to the PEBs, resulting in DEC decisions to exclude them. The CEC reversed the decision of the DEC's.

There will be 2,037 polling stations for the elections, including 75 abroad, in diplomatic missions and other localities. PEBs abroad will report to the DEC in Chisinau, where the out-of-country votes will be included in the tabulation. Some leaders of political parties have voiced concern regarding the possibility of manipulations of the out-of-country vote, since they cannot afford to send party observers to monitor polling stations abroad and since these polling stations will be headed by diplomatic personnel who they do not perceive as impartial. Another concern is that the location of polling stations abroad does not accurately reflect the distribution of citizens abroad, with most polling stations having been established in Western European countries, although the largest number of Moldovans abroad is believed to be in Russia. The CEC is expected to assign some PEBs on the western bank of the Nistru/Dniestr river to serve Transdnestrrian voters, who will not be included in the basic voter list, but will be added to the supplementary voter lists on election day.

DEC's, in co-operation with the CEC, have started training PEB staff and mayors. Election materials and manuals were distributed at these training sessions. Specific training on election procedures will be conducted for PEB chairpersons and secretaries shortly before election day. Some DEC's have expressed concern about the lack of electoral materials in Russian.

The CEC has launched its public information campaign, consisting of TV⁵ and radio spots as well as information posters.

⁴ Sometimes as late as 11 November.

⁵ Including on TV channels abroad.

On 12 November, the CEC adopted the final design of the ballot paper, which will be almost one meter long. Given its dimensions, the CEC has asked mayor's offices to increase the number of ballot boxes per polling station. The CEC may supply new cardboard ballot boxes. Ballot papers will be available to PEBs in the state language and in Russian.

IV. VOTER REGISTRATION

Local authorities are responsible for compiling the voter lists (VL). By CEC regulation, the mayors were required to provide an electronic version of the VL to the CEC. As many mayors' offices did not submit the electronic version in the format requested by the CEC, the CEC, for its part, did not comply with the requirement for publication of the VL on its website. On 12 November, the CEC determined the number of registered voters to be 2,649,976.

In most cases, mayors chose to use the VLs and supplementary VLs compiled for the September referendum as the starting point for updating the VLs for the November election. In some cases, however, other methods were used, including compiling new lists from scratch or starting with a list from the State Register of Citizens. To facilitate the process, the CEC offered mayors updates on deceased citizens as well as citizens who had turned 18, changed their place of residence or received a new ID card, based on data from the State Register of Citizens. However, only two municipalities – Chisinau and Balti – accepted the offer to receive updates.

PEBs are required to make voter lists accessible to the public for verification from 8 November until 5 days before election day. The OSCE/ODIHR EOM observers noted that scheduled PEB working hours were sometimes not respected, which may have limited the ability of some voters to check the lists. For the municipality of Chisinau, a website is available for voters to check their VL data.

A number of local authorities, DEC's and political parties have expressed concerns about the high number of people living abroad who, as required by law, are registered in the basic voter lists in Moldova. Some interlocutors fear that the names of absent voters on the VLs could be used to manipulate the vote.

As in previous elections, the CEC decided to allow for voting with expired identity documents. Voters planning to be away from their place of residence on election day are entitled to ask for an Absentee Voting Certificate (AVC) from their respective PEBs until the day before the elections. The AVC allows voters to vote at any polling station in Moldova.

Overall, the quality of VLs remains a concern for many parties. As a result of the highly decentralized system, there is no effective way to cross check local lists for duplicate entries. The CEC receives lists from the mayors, but does not attempt and is not required by law to check their accuracy. There are a number of ways in which voters can be added to supplementary lists on election day, which also leads to allegations that VLs could be manipulated on election day.⁶ Political parties have also continued to raise concerns about the new procedures allowing students to vote in the locality of their university without being on the VL.

⁶ Supplementary voter lists are used for: voters not included in the basic voter lists but able to prove their domicile in the area covered by a PEB; voters voting with Absentee Voter Certificates; non-registered voters voting at the place of their last registration; homebound persons; persons under arrest or serving a prison sentence; voters under hospital treatment outside their permanent residence; students voting in the district where their academic institution is located; voters from Transdnistria voting at the specially designated polling stations; and voters abroad not included in the regular voter list of the designated PEBs.

V. MEDIA

The public broadcaster *Teleradio Moldova* has so far attempted to present the electoral campaign in a balanced manner in its television and radio news programs, focusing on contestants' press conferences and rallies in the regions. Nevertheless, the coverage of political events appears to be somewhat cautious. OSCE/ODIHR media monitoring established that some news reports have not included information on controversies among electoral contestants. While this may be an effort to ensure impartiality and balance in compliance with legal requirements, it potentially limits the range of election-related information available to the public.

Public television *Moldova 1* devoted the biggest share of its news coverage – 15 per cent of mostly neutral coverage – to the PCRM. At the same time, the PCRM also received the biggest portion of negative coverage among the five parliamentary parties, as it was often criticized by other contestants. The second most covered party was the PL with some nine per cent, followed by the PLDM with some eight per cent, both presented mostly in a neutral way. The channel devoted some 22 per cent of news time to activities of the government, mostly of Prime Minister Vlad Filat, in a neutral and positive way. Overall, *Radio Moldova* adopted a similar approach.

The private national broadcasters *Prime TV* and *2plus* in their newscasts devoted most coverage to the PCRM and PDM. While the PCRM was presented in a relatively balanced manner, the PDM received the most favourable coverage in terms of tone. Both channels are closely affiliated with a businessman who is widely known for his support of the PDM. Some other private TV channels offered their viewers more balanced, news-oriented campaign coverage. *Publika TV* and *Jurnal TV* gave significant attention to the elections and politics-related stories, including daily political talk-shows.

NIT TV, another private channel with nationwide coverage, showed a clear bias in favour of the PCRM in its news reporting, devoting 49 per cent to the party in a predominantly positive or neutral tone. In addition, the broadcaster aired in its daily news program promotional reports titled "Moldova chooses victory", in which various segments of society declared their support for the PCRM platform. In contrast, the portrayal of the parties of the AEI (mostly PLDM and PDM) and the government was overall negative, with reports often being distorted or commented on negatively by journalists, without providing alternative points of view. In response to complaints against *NIT*, as well as to findings of its own media monitoring, the CCA on 10 November sanctioned *NIT TV* with the maximum fine, the second sanction of *NIT* during the current campaign. The sanction was based on a repeated violation of the legal requirement to ensure balance and pluralism in news programs. Prior to the CCA sanction, *NIT* aired alarmist reports that the CCA planned to close down the station. None of the sanctions imposed on *NIT* have become effective since they have not yet been published in the official gazette (*Monitorul Oficial*), despite a request from the CCA chairperson for prompt publication.

The current composition of the CCA has been repeatedly challenged by one of its members, questioning the legality of the mandate of two members whose four-year terms have expired. However, such claims do not appear to be grounded, as the Law on Status of High Public Servants, adopted on 16 July 2010, provides for an automatic extension of the mandates of listed categories of officials (including the CCA members) until the appointment of replacements.

The public media has so far complied with the legal requirement on free air time and free of charge debates, and even increased the free airtime for each candidate or party to 20 and 45 minutes on television and radio, respectively. On 1 November, public TV began broadcasting debates, with four contestants in each debate, according to their registration dates with the CEC. A second round of debates will feature parties based on their results in the July 2009 elections. In addition, *Moldova*

I launched debates among young representatives of parties. Two private national broadcasters (*NIT TV*, *Euro TV*) also started broadcasting debates. The OSCE/ODIHR EOM was informed that two other channels with nationwide coverage (*Prime*, *2plus*) that are obliged to organize debates have scheduled them tentatively for the last week of the campaign.

VI. COMPLAINTS AND APPEALS

The CEC and the DEC's are generally processing complaints in a timely manner following the procedures laid out in the EC and CEC regulations. CEC decisions reviewed by the OSCE/ODIHR EOM continue to be well reasoned.

As of 13 November, the CEC received 55 complaints in total, on which it had adopted 13 decisions, issued 7 letters, including referring a complainant to a competent body, and returned 8 complaints as being submitted by unauthorized persons. The majority of decisions related to electoral campaign material not in conformity with the requirements of the EC. Three concerned the use of administrative resources by candidates who are temporarily suspended from their official functions; of these, two were rejected and one accepted.

The vast majority of complaints to the DEC's have concerned the placing of election posters in unauthorized places. In most cases DEC's issued warnings to the parties concerned and referred the cases to the Minister of Interior (MoI) for investigation. As of 10 November, the MoI had resolved 21 cases concerning the distribution of election material that did not comply with the EC and posters in unauthorized places. In all cases the persons involved were fined.

There appeared to be some confusion among territorial court judges concerning the most recent changes in the complaints procedure whereby complainants may no longer file an appeal with the courts unless their complaint has first been turned down by the CEC.

The Chisinau Court of Appeal (CoA) heard 26 election-related cases and the Supreme Court 5 appeals.⁷ The Supreme Court canceled a CoA decision rejecting a complaint from PCRM on setting up polling stations outside of embassies and returned it to the CoA for review. The Prime Minister's application to declare article 13(3) of the EC unconstitutional was denied by the Constitutional Court after a public hearing on 9 November. Article 13(3) provides that officials who are candidates for parliament must suspend their official duties during the electoral period.

The Constitutional Court began consideration of an application submitted on 5 November by PCRM to declare article 87(5) of the EC unconstitutional. PCRM argues that the new method of mandate allocation laid out in this article violates article 38 of the Constitution, which guarantees the equality of all votes. Under the new methodology, "remainder seats" are allocated on an equal basis to all parties that pass the threshold to enter parliament rather than on a proportional basis, resulting in the possible distribution of a disproportionate number of seats to small parties.⁸ The PCRM states that this methodology was adopted specifically to deny it a majority of seats even if it wins the majority of votes thus violating the principle that seats should be distributed according to the number of votes accrued. The article in question, which establishes what may be a unique system, was adopted in June 2010 during a boycott of parliament by the PCRM. The Venice Commission's Code of Good Practices points out that when changing a fundamental aspect of an

⁷ Of these, 16 CoA and three Supreme Court cases were filed by the same individual voter.

⁸ Prior to the June amendment, the d'Hondt method was used to allocate mandates.

election law, “care must be taken to avoid not only manipulation [of the election system] to the advantage of the party in power, but even the mere semblance of manipulation.”⁹

VII. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

While 27.8 per cent of the candidates are women, their visibility in the campaign is very limited. In general, women do not hold significant positions of influence in political party structures and female politicians assert that it is difficult for them to compete in the male-dominated political landscape. OSCE/ODIHR EOM observers reported that approximately equal numbers of women and men attend political rallies. Women are well represented in DEC and PEBs, although less so in leadership positions; 11 of 35 DEC chairpersons are women.

Political parties rarely make national minority issues a prominent subject of their campaigns. Voters belonging to national minorities are targeted by the majority of political parties running in the elections, but apart from the Roma Socio-Political Movement, a registered political contestant, contestants are not reaching out to a specific minority group. The leaders of Roma Socio-Political Movement claim that many voting age Roma citizens are not registered in VLS. According to the 2004 census there are 12,300 Roma in Moldova, but the Roma leaders are adamant that the actual number is much higher.

VIII. DOMESTIC OBSERVERS

Observers accredited by the CEC have the right to monitor the election process throughout the country, while observers accredited by DEC have the right to monitor in the respective district.

Two domestic observer groups are monitoring the entire electoral period and election day proceedings – “Promo-LEX” and “Civic Control - Elections 2010”. In addition, several domestic organizations are monitoring campaign financing. Observers from the “Institute for Human Rights in Moldova” are monitoring the compilation and verification of the voter lists. Voting abroad will be monitored by the “East European Foundation” in 25 of the 75 polling stations.

IX. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting with state and local officials, political parties and candidates, the election administration at all levels, media representatives, civil society and others. On 4 November, the Head of the OSCE/ODIHR EOM briefed representatives from the diplomatic community and international organizations accredited in Moldova. Long-term observers continue to follow electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers. Participating States have been requested to second 200 short-term observers.

The OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament will each deploy an observer delegation for election day observation. The OSCE Chairperson-in-Office has appointed Mr. Tonino Picula as Special Co-ordinator to lead the OSCE short-term observer mission for these elections. The PACE delegation will be led by Mr. Indrek Saar.

⁹ Venice Commission, “Code of Good Practice in Electoral Matters”, paragraph 64, [www.venice.coe.int/docs/2002/CDL-AD\(2002\)023-e.pdf](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023-e.pdf).