

INTERIM REPORT No. 2
8–21 May 2007

I. EXECUTIVE SUMMARY

- The preparations for the elections continue to be carried out by the election administration in an overall orderly manner. While the political parties are generally satisfied with the work of Level 2 District Electoral Councils (DECs), Level 1 DECs are widely perceived to be amenable to influence from the governing party.
- The verification of voter lists was concluded in most areas by the legal deadline, and, with some exceptions, lists have been posted for public scrutiny. In a last-minute decision, the Central Election Commission (CEC) informed the OSCE/ODIHR Election Observation Mission (EOM) of its intention to conduct an electronic voter list pilot project in four polling stations in Chişinău.
- The election campaign remains low-key, although more visible in major cities and towns. Meetings with voters have generally been taking place without impediment, although some opposition parties have alleged harassment of their campaign staff by the police.
- The OSCE/ODIHR EOM has been receiving an increasing number of substantiated allegations of pressure and intimidation of candidates, mainly in the regions. Credible reports have been received and verified that implicate central and local authorities, as well as some members of the governing party, in putting pressure on registered candidates to withdraw.
- Media coverage of the campaign in the news has been affected by a restrictive legal provision, which is widely interpreted as prohibiting the coverage of campaign activities outside the debates and paid airtime. The activities of State officials outside the campaign context have received extensive coverage, particularly on publicly-funded *Moldova 1*. Some private broadcasters have adopted a similar pattern in their news coverage, while others have been more balanced and at times more critical.
- Despite numerous alleged election-related violations and irregularities, the number of complaints that have been formally filed with the election administration and courts is somewhat lower. Over fifty complaints have been received by the CEC thus far.
- In Chişinău, the Party of Communists of the Republic of Moldova (PCRM) and the Christian Democratic People's Party (PPCD) are disputing access to the city's main square for a rally on the last day of the campaign. The case is pending with the Supreme Court.
- Another ruling is pending from the Chişinău Court of Appeal on an appeal of the Social Democracy Party (PDS), which challenges the decision of the Rîşcani Territorial Court to ban its campaign spot deemed defamatory by the PCRM.

II. THE ELECTION ADMINISTRATION

The Central Election Commission (CEC) continued adopting decisions detailing the application of the Electoral Code, namely the decisions on the violations of procedures of electoral billboard posting and on mobile and partial voting of 11 and 8 May respectively. The latter decision clarifies the provisions of the Electoral Code on handling of absentee vote certificates (AVC) and supplementary lists. It stipulates, *inter alia*, that voters who on election day are away from their permanent residence, but remain within the same electoral district, will be able to vote for Level 2 district councils.

Two out of 37 Level 2 electoral districts, which were formally formed on *de facto* Transdnistria-controlled territories and where voting will not take place, remain without appointed electoral councils and are not operational. The CEC adopted a decision that residents of three villages disputed by the Moldovan and Transdnistrian authorities would be able to vote on supplementary lists in other designated locations¹.

The assessment of the work of lower-level electoral bodies varies. While political parties are generally satisfied with the work of Level 2 District Electoral Councils (DECs), Level 1 DECs are widely perceived to be amenable to influence from the governing party and its regional structures. LTOs report a lack of collegiality in the decision-making by a number of DECs at both levels, with chairpersons frequently taking unilateral decisions.

The CEC has thus far undertaken limited voter education and awareness raising efforts, with a single voter information spot currently being broadcast. The DECs do not appear to be carrying out any voter education activities regionally.

III. VOTER REGISTRATION

According to the Ministry of Information Development, out of 2,447,715 citizens eligible to vote in the upcoming elections², 453,500 citizens (including those residing in Transdnistria) hold either old Soviet Union passports or temporary IDs (the so-called “Form 9”) instead of Moldovan identity cards. This figure includes mostly pensioners and people who refuse current IDs on religious grounds, the latter of which also do not have a national personal identification number.

In reconsideration, the CEC has informed the OSCE/ODIHR EOM that it now intends to carry out a limited electronic voter list pilot project. On election day, voters in four polling stations in Chişinău will be marked on the centralized online electronic voter list as having voted to eliminate the possibility of multiple voting. While the CEC does not appear to have yet finalized all the technical and practical aspects, it is anticipated that the procedure will entail scanning of voters’ bar-coded plastic ID cards by devices, which are to be installed at polling stations covered by the project. As of now, it is unclear how this project will be applied to voters, who do not have current plastic IDs.

¹ Voters from Chitcani and Cremenciug will vote in Copanca, and voters from Gîsca – in Fărlădeni. All the settlements are located within Causeni Level 2 electoral district. Voters will be able to cast ballots for Causeni district councilors only.

² The figures for the number of eligible voters communicated earlier to the OSCE/ODIHR Needs Assessment Mission (NAM) and the EOM appear to have been based on the results of voter lists’ update for the year of 2006. The figure currently valid reflects the results of verification carried out up to 1 March 2007. The results of verifications carried out until 14 May are not yet available.

The verification of voter lists by mayoral offices was concluded in most areas by the legal deadline, and they are now generally posted for public scrutiny outside polling stations. However, LTO reports indicate instances of: lists not containing all the data required by the Electoral Code; citizens living abroad, but not officially de-registered, having been removed from voter lists; lists having been posted after the legal deadline; as well as lists having been posted in mayoral buildings rather than at polling stations. To date, the CEC has not been in a position to provide gender-disaggregated information on the voter register and previous voter turnout.

IV. CANDIDATE REGISTRATION

The registration of candidates was finalized on 10 May.³ LTO reports indicate that in many areas the registration process was orderly, although complaints were made by political parties that some DEC's requested more documentation than required by law. In Briceni, PPR candidate list for the village council was allegedly denied registration on such grounds. In addition, a number of appeals concerning registration procedures were lodged with courts and higher electoral bodies. In some cases, such as in Chişinău, Bălţi and Hînceşti, the DEC's allegedly registered candidates of the Party of Communists of the Republic of Moldova (PCRM) before the registration date agreed by the DEC's. In other places, such as in Căuşeni, Edineţ, Teleneşti and Ocniţa, the DEC's arbitrarily imposed the ranking of candidates and party lists. In Hînceşti, Ungheni, Cahul and Sîngerei, irregularities were alleged by various interlocutors in the drawing of lots establishing the order of electoral subjects on a ballot.

The OSCE/ODIHR EOM has been receiving an increasing number of substantiated allegations of pressure and intimidation of candidates. In Cahul, Floreşti and Criuleni, prospective candidates from opposition parties were reported to have been coerced to run as independents or to candidate for a certain political party. In Faleşti, a first-hand account corroborates similar allegations.

In addition, credible reports were received and verified by LTOs that implicated central and local authorities, as well as some members of the governing party, in putting pressure on registered candidates from opposition parties to withdraw. The OSCE/ODIHR EOM has been corroborating first-hand accounts from Briceni of intimidation of candidates from the Social Liberal Party (PSL), the Social Democratic Party of Moldova (PSDM), the Electoral Bloc "Patria Rodina – Ravnopravie (BEPRR) and the Popular Republican Party (PPR), many of whom were coerced into signing resignation letters, while others withdrew "voluntarily" presumably due to concerns of retribution. As a result of withdrawals of candidates, the lists of the respective parties were declared invalid by the Level 2 DEC as the number of remaining candidates fell below the required half of the total number of seats in the council. In case of the PSL, the CEC on 20 May overturned the decision of this DEC.

Similar first-hand accounts were received concerning candidates of the Democratic Party (PD), the Social Democracy Party (PDS), the Christian Democratic People's Party (PPCD) and the PSL in Floreşti, Drochia, Ungheni and Soroca. Several of these cases implicated members of

³ The gender analysis of candidate and incumbent lists will be carried out by the EOM once data becomes available from the CEC.

the Parliament, as well as public servants from regional education and health departments. In Hîncești, one candidate was allegedly threatened with physical violence. Furthermore, pressure on voters not to vote for opposition candidates was reported in Florești, Soroca and Hîncești.

The OSCE/ODIHR EOM has received a number of reports of mayors at various levels of public administration not abiding by the legal requirement of resigning from their posts in cases of running as candidates in elections, or of incumbents using different methods to effectively retain their positions. The CEC reported that if informed about such instances, it can call on respective individuals to step down and, in cases of non-compliance, to bring the cases to court. However, it maintains that it has no enforcement power on its own in this regard. The CEC informed the OSCE/ODIHR EOM that it has thus far not referred any such cases to the judiciary.

V. THE ELECTION CAMPAIGN

With the exception of major cities and towns, where posters are displayed as well as party and candidate supporters are actively distributing leaflets and canvassing voters, the electoral campaign has remained low-key.

Several opposition political parties have reported that their campaign staff has been harassed by the police in Chișinău and Bălți as they conducted lawful campaign activities, while PCRM supporters have not been prevented from placing posters in unauthorized locations. The 20 April CEC regulation on electoral billboards has generally not been adhered to. In Chișinău, the municipality failed to guarantee the minimum space required per candidate and per billboard. In Bălți, the municipality allocated areas for placing posters, but did not provide the necessary boards, having thus left the procurement, installation and dismantling of these boards with political parties. In both instances, these measures favored financially stronger parties.

Candidates and parties have organized meetings with voters, which have generally taken place without impediment. In Telenești, a meeting of the PSL, which was scheduled to take place on 13 May in the House of Culture, was prevented by a concomitant meeting held by the Speaker of the Parliament. The press conference by the PSL on this issue and other campaign-related complaints held on 15 May at the Parliament was obstructed.

VI. THE MEDIA

Both publicly-funded and private broadcasters have started airing regular multi-party debates. The PCRM candidate for Chișinău mayor, Veaceslav Iordan, has so far not participated in any televised debates. While the format and the quality of the debates vary, they provide an opportunity for the candidates to exchange views.

As in previous elections⁴, news coverage of the campaign has been affected by a restrictive legal provision⁵, which is interpreted by most of the broadcasters, the media regulatory body

⁴ The Final Report of the OSCE/ODIHR EOM to 25 May and 8 June 2003 Local Elections, www.osce.org/documents/odihr/2003/08/560_en.pdf, and the Final Report of the OSCE/ODIHR EOM to 6 March 2005 Parliamentary Elections, www.osce.org/documents/odihr/2005/06/14919_en.pdf.

⁵ Article 47.4 of the Electoral Code reads as follows: “It is prohibited to air, apart from the airtime granted free of charge during debates, spots and TV or radio reports, on the activities of the electoral contestant or their trustees participation in meetings with the voters...”

and the CEC, as prohibiting any coverage of campaign activities outside the debates and paid airtime. The CEC maintains that if the media covers the meetings of electoral competitors with voters and any other similar events in the news, this might give an advantage to some competitors, resulting in violations of the legal requirement of ensuring equal conditions. The CEC informed the OSCE/ODIHR EOM that on these grounds it issued a “verbal” warning to the private *Pro TV* for presenting in its news Bălți mayoral candidates.

During the reporting period, the publicly-funded *Moldova 1* provided substantial coverage of the activities of State authorities outside the campaign context in its news and current affairs programs. The OSCE/ODIHR EOM’s interim media monitoring shows that during the first two weeks of the campaign, *Moldova 1* in its prime time news devoted 93 per cent of its political and election coverage to the activities of the President (31 per cent), the Government (51 per cent) and the Speaker of Parliament (11 per cent). The governing PCRM, which is chaired by the President, received 4 per cent of the coverage, which was exclusively positive or neutral in tone. By contrast, the news programs on *Moldova 1* have thus far largely ignored the views and opinions of the opposition.

Discernable differences in the news coverage of private broadcasters were observed. Private *NIT* and *N4* have adopted a pattern similar to that of *Moldova 1*. The OSCE/ODIHR EOM monitoring shows that, for example, *NIT* devoted 45 per cent of its political and election prime time news coverage to the President, 39 per cent to the Government, 6 per cent to the Speaker of Parliament and almost 9 per cent to the PCRM, of an overwhelmingly positive tone. Another private broadcaster, *Euro TV*, also provided favorable news coverage to the activities of state authorities. As for political parties, the PPCD received the largest amount of coverage (15 per cent), which was overwhelmingly positive or neutral in tone.

By contrast, private broadcasters *Pro TV* and *TV7* have adopted a different approach. Since the start of the campaign, *Pro TV* allocated 56 per cent of its political and election prime time news coverage to the Government (28 per cent), the President (9 per cent) and the PCRM (19 per cent). In contrast, the next most covered party, the PDS, received 9 per cent of coverage which was mainly neutral and positive in tone. Unlike other monitored channels, *Pro TV* aired some critical news reports on the authorities and the PCRM. However, the potential audience of *Pro TV* and *TV7* is far smaller than that of the two main networks, *Moldova 1* and *NIT*.

The possibility for candidates to conduct the campaign in the media has so far been limited to televised debates, paid political advertising and the print media. Paid advertising has been used intensively by a number of candidates. Major TV channels have been airing a TV spot, in which the Speaker of the Parliament, Marian Lupu, is shown campaigning in favor of the PCRM mayoral candidate in Chișinău, Veaceslav Iordan. While this does not appear to be against the provisions of the Electoral Code, this might contradict the 6 April CEC Decision on media coverage of the campaign⁶.

Negative campaigning has recently surfaced in print and broadcast media. A PCRM spot has been aired targeting the PDS candidate for Chișinău mayor. A similar spot produced by the PDS campaigning against PCRM was temporarily banned by Rîșcani Territorial Court, following a complaint lodged by the PCRM claiming defamatory content. The decision was appealed by the PDS and is yet to be considered by the Chișinău Court of Appeal.

⁶ Para 18 of the CEC Decision on media coverage of the campaign states that “it is prohibited to use in the election ads, programs and pre-election discussions any images, representing the institutions of the President, Parliament, or the central and local public administration.”

To date, the print media has provided lively coverage of the election campaign. While all newspapers monitored by the OSCE/ODIHR EOM have provided a diverse range of opinions, they have invariably shown a pattern of political favoritism towards certain political entities. Thus, formerly state-owned *Moldova Suverană* and *Nezavisimaya Moldova* showed their clear support for the authorities. By contrast, *Timpul*, *Jurnal de Chişinău* and *Ziarul de Gardă* offer a platform to opposition candidates.

VII. COMPLAINTS AND APPEALS

Despite numerous alleged election-related violations and irregularities, the number of formal complaints remains relatively low. This may be explained by opposition parties' expressed lack of trust in the impartiality of electoral bodies and courts.

The CEC has received over 50 complaints regarding decisions of lower-level electoral bodies and violations of the Electoral Code. Complaints relate, *inter alia*, to candidate registration, membership of electoral bodies, political rally authorization, financial expenditures and campaign material. Notably, none of the complaints that have been adjudicated thus far were filed by the PCRM.

The CEC has demonstrated dedication and an overall professional approach in meeting its responsibilities. However, vagueness of the Electoral Code with respect to the CEC's complaint adjudication jurisdiction has resulted in ambiguities as to the degree and the nature of its authority. Written decisions on complaints generally lack transparency in that they do not thoroughly lay out the facts, evidence, and legal reasoning of the case. Furthermore, the Rules of Procedure of the CEC⁷ allow it to postpone decisions on complaints beyond the three-day deadline as required by the Electoral Code. The OSCE/ODIHR EOM has noted several instances when the CEC employed such an approach.

As for the adjudication of complaints by lower-level commissions, the LTOs reported that some DEC's lack competence when considering appeals, as well as occasionally allowing for violations of legal procedures.

The General Prosecutor's Office is following election-related prosecutions and has reported only a small number of minor infringements and no serious cases of a criminal nature. Some complaints alleged that police officers exceeded their authority during rallies by political parties, but after official investigations their actions were found to be in compliance with the need to maintain public order. A complaint alleging politically motivated prosecution of a PPR candidate has been initiated in Taraclia Territorial Court.

The Chişinău Court of Appeal has issued seven election-related judgments. Three cases alleged irregularities in the process of candidate registration. Without sound evidentiary and legal basis, the court denied the allegations, which in all cases favoured the PCRM. One significant case set aside a CEC decision, which had ordered the Chişinău Mayor's Office to authorize the PPCD, rather than the PCRM, to hold a campaign rally on the main square on 1 June, the last day of the campaign. The court ruled that the CEC had no jurisdiction in the case and it was appealed to the Supreme Court of Justice. The ruling on the case is pending.

⁷ The Rules of Procedure of the CEC are adopted pursuant to Article 22(c) of the Electoral Code (an organic law) and, as such, are subordinate to it.

The Supreme Court of Justice has issued three applicable judgments. The written decisions are generally transparent, well reasoned and legally sound. One judgment denied the European Action Movement's (MAE) appeal to register its candidates to participate in the local elections due to its late registration by the Ministry of Justice (see Interim Report No. 1⁸). The MAE is considering taking this case to the European Court of Human Rights.

VIII. DOMESTIC OBSERVERS

The League for Defense of Human Rights of Moldova (LADOM) presented, within the activities of the Civic Coalition for Free and Fair Elections – “Coalition 2007”, its first two observation reports on 10 and 21 May 2007.⁹ In addition, the CEC has accredited two other NGOs, the First Club of the Council of Europe and the European Academy of Civil Society.

IX. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting with state officials, diplomatic missions, party representatives, candidates, the election administration, court officials, media representatives and representatives of civil society. A briefing was arranged for the President of the OSCE Parliamentary Assembly, Göran Lennmarker, during his recent visit to Moldova. Two briefings for the representatives of the resident diplomatic community were held on 10 and 24 May. LTOs deployed throughout the country continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of STOs.

⁸ Interim Report No.1 of the OSCE/ODIHR Election Observation Mission to 3 June Local Elections in Moldova; http://www.osce.org/documents/odihr/2007/05/24453_en.pdf.

⁹ Both reports are available at <http://www.alegeri.md/en/2007/monitoring/>.