



OSCE/ODIHR
ELECTION OBSERVATION MISSION

ROMANIA
PRESIDENTIAL & PARLIAMENTARY
ELECTIONS
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STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Bucharest, 27 November 2000 — The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Election Observation Mission (EOM) for the 26 November 2000 presidential and parliamentary elections in Romania issues this statement of preliminary findings and conclusions.

The EOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Bureau, and other national and local authorities for their assistance and cooperation during the course of the observation.

Preliminary Conclusions

The 26 November 2000 presidential and parliamentary elections in Romania were conducted in accordance with the OSCE commitments for democratic elections formulated in the 1990 Copenhagen Document.

These elections were the fourth general vote in the country since the overthrow of Ceausescu's regime. When a transfer of government power has occurred, political participants and voters have accepted the outcome. The 2000 polls further demonstrated that democratic elections are firmly entrenched in Romania.

Important features promote an electoral process in Romania that is accountable, transparent, free, fair, and equal, including:

- The inclusive representation of political parties on election bureaus at all levels;
- The broad participation of political parties, electoral alliances, and independent candidates in the contests;
- The detailed information available at the polling station, constituency and central levels regarding the tabulation of the election results; and
- The large number of electronic and print media, at both national and local level, gave voters access to a broad range of information and opinion, and public-service broadcasters met their obligations to provide participants in the campaign with fair and balanced treatment.

While noting the overall strengths of the electoral framework in Romania, shortcomings remain to be addressed, in particular:

- The absence of a standing electoral body is an impediment to the more efficient and consistent administration of elections;
- The system of amending the electoral law through Emergency Ordinances and Decisions of the Government, thus by-passing the legislative process, and the promulgation of laws, ordinances and decisions that cannot be fully implemented risk to erode the rule of law;
- The rules regarding the observation of elections by domestic organizations are overly restrictive;
- The extensive use of supplemental voter lists promotes speculation about their integrity; and
- The treatment of signatures on petitions in support of presidential candidates is inadequate.

The EOM for the first time also examined the participation of national minorities and women in these elections, finding that the country has institutionalized a commitment to the effective participation of national minorities in its public life, though particularly in the case of Roma, there is room for improvement. However, the 6-15% representation of women on party candidate lists and the 7% in

the Chamber of Deputies as well as 1.5% in the Senate in the outgoing Parliament are lower than the OSCE and European averages.

Based on a limited observation on election day, the voting process and counting were carried out in accordance with the legal and procedural requirements.

Preliminary Findings

Background

The 2000 Presidential and Parliamentary elections were the fourth to take place since the overthrow of the Ceausescu regime in 1989, and the third under the new Constitution adopted in 1991. The peaceful and orderly transfer of power that took place in 1996 with the election of President and a parliamentary majority from the former opposition already suggested that the concept of democratic elections has firmly taken root in Romania.

The 2000 elections took place in the context of severe economic hardship for a large proportion of the Romanian population. The perceived inability of past governments to adequately address the issue of poverty dominates the Romanian political landscape, despite the signs of economic progress that have taken place in the past year. However, the recent publication of the 2000 Regular Report of the European Commission on the status of Romania's application to join the European Union highlighted the country's shortcomings, particularly with regards to structural economic reforms, weaknesses in the legislative process, and corruption.

Approximately 20,000 candidates and some 80 parties, electoral alliances and independent candidates contested the parliamentary seats in the 2000 elections. The main participants were: (1) Social Democratic Pole of Romania (PDSR), an alliance led by the Party of Romanian Social Democracy (PDSR) of former President Ion Iliescu; (2) Democratic Convention of Romania 2000 (CDR 2000), which includes the National Christian Democratic Peasants Party (PNTCD), the leading party in the outgoing Government; (3) National Liberal Party (PNL), members of the outgoing Government, and former members of the CDR alliance from 1996; (4) Party of Greater Romania (PRM); (5) Alliance for Romania (ApR); and members of the outgoing government (6) the Democratic Party (PD) and (7) the Democratic Alliance of Hungarians in Romania (UDMR).

The 2000 Presidency race was contested by 12 candidates, down from 16 in 1996. The leading contenders are outgoing Senator and former President Ion Iliescu (PDSR), outgoing Senator Corneliu Vadim Tudor (PRM), former Prime Minister Theodor Stolojan (PNL), independent candidate and outgoing Prime Minister Mugur Isarescu, outgoing Senator Gyorgy Frunda (UDMR), and outgoing Foreign Minister Petre Roman (PD).

Although the number of political participants competing in the process has been reduced compared to earlier elections, the ballots of most constituencies still contained 35-45 contestants. The higher threshold of 8-10% for electoral alliances to enter Parliament, intended to limit the number of parties actually elected to the parliamentary bodies, may be overly restrictive. The increase of the threshold for individual political parties from 3 to 5%, however, is within accepted practice. Under the current seats distribution system, less than ½ of the total number of seats in Parliament are directly distributed based on the votes cast at the constituency level. In addition, this system sometimes results in the anomaly of seats being awarded to candidates of parties within a constituency in which the party did not win a matching level of support.

Legislative Framework

The legislative framework for these elections, consisting of the Constitution, the election and other laws, and emergency ordinances issued by the Government, provide an adequate basis for democratic elections.

However, the system of amending the electoral law through Emergency Ordinances and Decisions of the Government, thus by-passing the legislative process, is less than adequate. Although constitutional provisions require ultimate review by the Parliament, often ordinances remain in effect without parliamentary consideration.

Significantly, recent ordinances have stepped beyond the realm of clarifying administrative and procedural guidelines, and have altered fundamental principles underpinning the election system. The recent change in the threshold requirements for the distribution of seats in the Parliament is an example. Although consultations with parliamentary parties occur, “political agreements” seem to prevail rather than adherence to strict constitutional order, thus infringing on the separation of executive and legislative powers.

Moreover, no deadline exists for the promulgation of ordinances, seriously impacting not only the administration of the election process, but also the decisions and preparations by parties, associations and individuals wishing to compete in the elections. Often, the same provision of law has been modified more than once. Although amendments to the law have improved some procedures, without a published consolidated law, the changes are difficult to follow and their implementation lacks uniformity and consistency.

Election Administration

As noted by the OSCE/ODIHR during the observation of the 1996 general elections, the absence of a standing electoral administration body remains an impediment. Although technical staff at the Ministry of Civil Services and Statistical Institute have provided administrative support to prior Central Election Bureaus (CEB), the system of appointing a new electoral body for each election eradicates institutional memory and continuity. As a result, problems experienced in one election are often carried over to the next election cycle. For example, the formula for the assignment of domestic observers to polling stations put in place in 1996 had to be reinvented by the newly appointed CEB. In spite of the professionalism of CEB members, the temporary nature of the CEB, combined with the recent ordinance reducing the official campaign period to only 45 days, has limited the capacity of the CEB to address systemic problems, to fully meet all requirements imposed by law, and to undertake preparations well in advance of elections. For example, the process of verifying candidate applications and the treatment of signatures in support of presidential candidates, increased by ordinance to 300,000, tested the capacity of the CEB. In view of publicized evidence that improprieties have appeared in some petitions, the CEB and the process have been the subject of public criticism.

Moreover, the shortness of the official campaign period resulted in other elements of the process occurring too late. With thousands of candidate records to be reviewed, the required disclosure of the list of candidates found to have been associated with the Securitate (security service of the Ceausescu regime) could only be published in the final days before the election, limiting opportunities for the media or the public to give full consideration to the information, and for the subject candidates to challenge the evidence prior to election day.

Participation of National Minorities and Women

With this Election Observation Mission, the OSCE/ODIHR further develops its monitoring methodology by examining the participation of national minorities and women in public life through the electoral process. With regards to national minorities, Romania has built a positive record, though concerns still remain particularly in relation to the Roma. However, the record on women’s participation in public life fares poorly, as in many OSCE participating States.

Romania has demonstrated a commitment to ensuring the protection of national minority rights and their meaningful participation in public life. The Constitution guarantees a seat in the Chamber of

Deputies to organizations representing national minorities that fail to pass the 5% national electoral threshold, though they still have to obtain a minimum share of the votes specified in law. Under these provisions, a 15-member minority group served in the outgoing Chamber of Deputies. A recent ordinance broadened the opportunities for minority organizations by allowing them to submit the same candidate list in any number of constituencies, thus increasing their potential votes. However, this ordinance was promulgated too late for most associations.

While Romania's commitment to national minority representation in public life is advanced among many OSCE participating States, concerns remain:

- In the case of the Roma – possibly the country's largest minority – participation in public life falls short. Due to administrative and cultural barriers, many thousands of Roma cannot vote as they do not possess identity documents. Others cannot register to vote as they do not have a proper address. Moreover, understanding of the voting process is particularly lacking among Romani citizens.
- Political parties and electoral alliances, with the exception of one, do not address general minority concerns in their electoral platforms.
- Finally, under the current legal requirements, members of associations representing national minorities are unlikely to be appointed to the central and constituency election bureaus, though representatives of the Hungarian minority are on these bureaus through the UDMR.

In general, women remain largely underrepresented in the political life of the country. The outgoing Parliament includes 7% women among its Deputies and 1.5% among its Senators, lower than the OSCE and European averages. By contrast, women are well represented in the judiciary, and make up over 60% of judicial representatives on the Central and Constituency Election Bureaus. However, only 19% of party representatives on these election bureaus are women. The number of women on candidate lists for seven of the major parties and alliances ranged from 6 to 15%, with women generally placed in lower positions, limiting the likelihood of their success in the distribution of seats. There is little coverage in the media of women politicians and candidates. This is in part due to the low profile that women have within the political parties and the campaign.

Domestic Observers

Although transparency mechanisms in the electoral framework grant liberal rights to political party representatives on election bureaus at all levels, provisions for observation by non-governmental organizations remain overly restrictive and burdensome. Legal restrictions that prohibit the presence of more than one domestic observer in any polling station regardless of the number of organizations who have applied, undermine the effectiveness of such observations.

By contrast, the provisions for domestic observers included in the law for the local government elections are far more liberal. That law permits the presence of up to 12 domestic non-partisan observers in a polling station, with a limit of one per organization.

On election day, the EOM encountered domestic observers at polling stations representing entities other than human rights organizations authorized by the parliamentary election law. Although most had accreditation documents, their organizations were not among those on the CEB list of registered applicants.

Voter Lists

Compilation of the voter lists has been the subject of controversy during past elections. The transfer of responsibility for voter lists to the Ministry of Interior and a network of expanded computer linkages between central, county and local communities appears to have improved the timeliness of corrections and revisions. However, provisions of the law that allow a voter to be added to a supplemental list at any polling station even if the voter is not registered in the constituency

continues to make the process vulnerable to speculation about the integrity of the voter registration and possibilities for double voting.

In addition, allowing a voter to receive a ballot and vote for a different jurisdiction other than the one in which the voter is registered weakens the nexus between the constituency and the electorate. Similar questions may be raised for citizens voting at train stations and at military installations where they receive ballots for the constituency in which the station or base is located regardless of where the voter is registered.

Since new plastic-covered citizens' identification documents were introduced in 1997, marking (stamping) these documents to prevent multiple voting could not be accomplished. Previously, identification booklet-documents made of paper were in use that could be stamped. To overcome this problem, paper-backed voter cards that could be stamped were introduced. However, some 2.2 million voters had already been issued the new plastic-covered identity documents. In contrast to prior efforts, distribution of the vast majority of the backlog of voter cards was accomplished in the past two months. Original plans called for any voter cards not yet delivered to be available at polling stations on election day. In response to political pressure, an emergency ordinance overturned this procedure just before election day, dictating that undistributed voter cards could only be retrieved at police stations. The Ministry of Interior introduced a new strategy that will allow the voter card to be produced simultaneously as each citizen applies for or renews his or her identity document. The new strategy should bring a final resolution to the problems encountered in the past.

Campaigns and the Media

The election campaign was muted for most of the official 45-day campaign period, and it failed to generate much public interest. The muted tone can partly be attributed to a protocol to refrain from personal attacks, signed by all the major parties at the beginning of the official campaign. Only during the last ten days did the campaign become more aggressive, with parties and their leaders trading accusations and personal attacks. Unlike in previous elections, the campaign was characterized by a general absence of inter-ethnic tension and anti-minority campaigning. In general, the campaign remained within acceptable limits. On 23 November, however, in a violent incident a local leader of the Democratic Party's youth organization in Craiova was stabbed with a knife and seriously injured during an argument with PRM supporters.

Romanian Television and Romanian Radio generally met their obligations as public-service broadcasters, providing participants in the campaign with air time and giving them overall fair and balanced treatment. Incumbents did not enjoy any undue advantage. In general, the large number of electronic and print media at both national and local levels gives voters access to a broad range of information and opinion. Most media provided regular coverage of party activities and major political issues. At the same time, most newspapers projected a pronounced editorial policy that showed support for specific parties and candidates. The media are not subjected to politically motivated government control. Rather, economic pressures often exert influence on editorial policy. Whereas strict guidelines require broadcast media to distinguish between campaign advertising and regular programming, no such guidelines are in place for the print media. Incidents of "paid journalism" and publication of campaign material presented as news were noted.

The National Audio-visual Council, the regulatory body for broadcast media, issued guidelines for media coverage of the election campaign. While aimed at ensuring fair campaign coverage, the vague and sometimes overly restrictive formulations of some provisions may have served to inhibit the engagement in legitimate political debate among candidates, or reporting on potentially controversial subjects. These provisions, combined with laws regarding slander and libel, considered criminal offenses, encourage self-censorship. The significant number of lawsuits regularly brought against media and journalists warrant concern, especially since journalists are often held accountable without protection from their employers.

Several print media violated the 48-hour campaign silence period by calling on their readers to vote for certain parties or by using candidates' slogans as front-page headlines.

Conduct of the Polling & Counting

Based on the limited number of EOM observer reports, the voting process was carried out in accordance with the legal and procedural requirements. Observers noted an orderly, calm and transparent process at polling stations. Family voting was noted in a high percentage of observations. At the close of polls, at least one polling station in Bucharest closed its doors and turned away long lines of voters waiting for hours. The counting of the votes was conducted in a transparent manner and in accordance with the law.

However, two problems with the design of ballots and result protocols must be noted:

- The format of the ballot is problematic because of the large number of parties, formations and independent candidates and the amount of detail included on the ballot. Ballots are prepared in booklets with no more than four choices on each page. The random order in which they are presented on the ballot (based on a lottery system in the case of parties and formations, and based on the date of registration in the case of independent candidates) makes it difficult and time-consuming for voters to find their choice. In addition, the booklet format causes major delays in the counting process as election bureau members must not only find the voter's mark, but also open each page to ensure that over-voting has not occurred. The 10% extra ballots provided to each polling station, the advanced control stamping of ballots, and the absence of security marks or sequential serial numbers on ballots, diminish the level of accountability normally associated with ballot security.
- The protocols on which the results of the counting are recorded omit information necessary for the accurate reporting of polling activity, including the use of mobile ballot boxes.

*This statement is also available in Romanian.
However, the English text remains the only official version.*

Mission Information

The EOM, headed by Ms. Linda Edgeworth (USA), issues this statement before the final certification of the election results and before a complete analysis of the observation findings. The OSCE/ODIHR will issue a comprehensive and final report approximately one month after the completion of the electoral process.

This statement is based on the observations of election preparations and the campaign by eleven election experts and long-term observers deployed in Bucharest and Cluj for four weeks, and 42 short-term observers monitoring the process on election day in reports from over 181 polling stations in 21 out of 42 constituencies. With a smaller number of observers on election day, the statistical samples collected by the EOM on polling and counting procedures are limited and cannot be generalized to draw broader conclusions. For media analysis, the EOM based its conclusions on the findings of the European Institute for the Media (EIM), an NGO based in Germany.

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