

INTERIM REPORT No. 2
8 July – 17 July 2009

22 July 2009

I. EXECUTIVE SUMMARY

- The candidate lists of 10 political parties were registered by the Central Election Commission (CEC) by the deadline of 12 July. However, one political party withdrew from the race and another has declared its intent to do so. Two independent candidates were not registered by the CEC due to incomplete documentation.
- The electoral campaign remains low key, mainly limited to small rallies and door-to-door canvassing. The campaign atmosphere remains strained. The governing party and the opposition predominantly trade accusations regarding the events of 7 April and their aftermath. At campaign events across the country, the Party of Communists of the Republic of Moldova (PCRM) shows the film “Attack on Moldova”, portraying the opposition parties as masterminds of the 7 April demonstrations. Likewise, the Liberal-Democratic Party (PLDM) and the Alliance “Our Moldova” (AMN) are showing films at their campaign events depicting the events as instigated by the PCRM.
- In some regions, OSCE/ODIHR EOM observers confirmed that the PCRM organized campaign events on publicly owned premises and that public sector employees were asked to attend during working hours.
- All Precinct Election Bureaus (PEBs) had been created by 14 July but, contrary to the legal requirements, only a few had started operating by the time of writing. District Election Councils (DECs) started training for the leadership of PEBs in the regions.
- The CEC effort to eliminate multiple entries on the voter lists has been hampered by technical problems and delays in the submission of voter lists to the CEC. Given the short time remaining before election day, it is unclear whether the CEC will be able to conduct the envisaged checks in an effective and timely manner.
- The preliminary findings of OSCE/ODIHR EOM media monitoring show that almost all monitored media have made an effort to provide coverage of all contesting political parties. At the same time, discernable differences were observed regarding the tone of the coverage.
- The CEC has been diligent in deciding on complaints in an expeditious fashion. Hearings have sometimes led to heated debates between the CEC members representing different parties. Written decisions were mostly well reasoned.
- As of 15 July, the Supreme Court had decided on 18 appeals and the Chisinau Court of Appeals on 28 cases. The majority of these were appeals against CEC decisions on such issues as the right of reply to media reports, media regulations adopted by the CEC and student voting. The majority of appeals were rejected by the courts.

II. POLITICAL AND CAMPAIGN ENVIRONMENT

The process of registration of candidate lists for the early elections was concluded on 12 July 2009, with eight political parties registered to run. These include the PCRM, the Christian-Democratic People's Party (PPCD), AMN, the Liberal Party (PL), PLDM, the Democratic Party of Moldova (PDM), the Social-Democratic Party (PSD), and the Green Alliance (PEMAVE). Initially, ten parties were registered with the CEC; however, the National Liberal Party (PNL) withdrew on 17 July, and the European Action Movement (MAE) expressed its intent to campaign only until 22 July.¹ In both cases, the parties said they were withdrawing in favour of other opposition parties. The CEC rejected the registration applications of two independent candidates due to their failure to submit complete documentation.

As of 17 July, the proportion of candidates on the lists of political parties that were women ranged from 18 per cent (PLDM) to 37 per cent (PEMAVE). Women are mainly placed at the lower positions on the lists.²

While all parties are engaged in the campaign, the campaigns being run by the PCRM, PLDM, PDM and PL are the most visible. Campaigning remains low-key, limited largely to small rallies and door-to-door canvassing. At the same time, the campaign atmosphere continues to be strained. The governing party and the opposition have traded accusations, mainly regarding the events of 7 April and their aftermath. At campaign events throughout the country, the PCRM is showing the film "Attack on Moldova", which portrays the opposition parties as the masterminds of the 7 April events, with some foreign involvement. Likewise, at their campaign events the PLDM and AMN are showing films depicting the 7 April events as instigated by the PCRM. The opposition PL, AMN and MAE parties are using footage from 7 April linking the PCRM with aggression against citizens, including youths.

In response to a number of complaints lodged by the opposition parties regarding the offensive content of the film "Attack on Moldova" used in the PCRM campaign, the CEC declared that there was no evidence that the film was produced by the PCRM and, hence, cannot be considered campaign material. However, other films for which the PLDM and AMN have acknowledged authorship, have also not been deemed campaign material. All three parties state that they use the films for "educational purposes".

The PDM's campaign is centered around its lead figure, Mr. Marian Lupu, a well-known former representative of the PCRM who joined PDM after the last elections. He is calling for an end to the disputes between the governing and opposition parties.

As of 17 July, the OSCE/ODIHR EOM has observed 31 rallies held by six contesting parties. In one instance, on 16 July, an opposition rally in Balti was disrupted by individuals identified by the OSCE/ODIHR EOM observers as members of the local PCRM office. One

¹ Had the PNL not registered with the CEC, it would have faced the risk of dissolution. Article 22 (2c) of the Law on Political Parties stipulates that if a party does not partake in two consecutive elections, the Ministry of Justice will request dissolution of the party. 22 July was the deadline for withdrawal from the parliamentary elections.

² AMN and PDM have no women among the first 10 candidates, and PPCD and PSDM have no women among the first five candidates. After the 5 April 2009 elections, the International Republican Institute (IRI) conducted an awareness raising campaign for political party leaders to promote the inclusion of women in winnable positions on candidate lists.

man guarding a PLDM billboard was reportedly stabbed by unknown perpetrators. In some regions (including Edinet and Ocnița on 7 July and Orhei on both 7 and 10 July), the OSCE/ODIHR EOM observers confirmed that the PCRM had organized campaign events in publicly owned premises, including regional administration buildings and hospitals, and that public sector employees were asked to attend during working hours.

According to a financial report released by the CEC on 6 July, three of the contesting parties (PCRM, PPCD and PDM) had collected a combined 2.7 million Lei (approximately 173,000 euro) for campaigning.³ Of this amount, almost 2.4 million Lei (approximately 154,000 euro) had already been spent by these parties. The CEC reprimanded PLDM, PL and AMN for failing to submit their financial reports on time, as required by Article 38.8 of the Election Code. Reportedly, after some delay, all three parties complied with the requirement.⁴

III. ELECTION ADMINISTRATION

The CEC continued adopting decisions detailing the application of the Election Code. The CEC announced the number of polling stations (PSs) for the early parliamentary elections to be 1,987 – a slight increase over the number in April – following the establishment of additional PSs in precincts that were above the limit set by the Code for the maximum number of voters.⁵

Eleven PSs were created for Transnistrian voters on the western side of the Nistru/Dniester.⁶ These voters are not included on the regular voter lists and will be entered on special supplementary lists; separate ballot boxes will be used and the ballots will be counted and reported separately. Thirty-three polling stations for Moldovan citizens living abroad will be established at Moldovan embassies and consular offices under the authority of the District Election Council in Chisinau, and one PS will be opened in the disputed village of Corjova on the eastern bank of the Nistru/Dniester.

All Precinct Election Bureaus had been formed by the deadline of 14 July but, contrary to the legal requirements, only a few had started operating at the time of writing.⁷ In several locations, some political parties failed to appoint their representatives to the PEBs⁸. The mayoral offices have provided the voter lists to the PEBs. The OSCE/ODIHR EOM observers noted that contrary to the legal requirement, in most PEBs visited the voter lists were not posted. In the municipality of Chisinau, an Internet-based program is available for voters to check their inclusion on the voter lists.⁹

Voters planning to be away from the place of their registered residence on election day are entitled to request an Absentee Vote Certificate (AVC) from their respective PEBs up to the day before the elections. The AVC permits voters to cast their ballots at any polling station in Moldova. The CEC has distributed the AVCs to the regions based on a quota of one AVC per 100 voters.

³ The financial report drawn up by the CEC on the revenues and expenses of electoral contenders in the election campaign for the 29 July 2009 early parliamentary elections, as of 6 July 2009.

⁴ The CEC failed to provide data on AMN, PL and PLDM. The next report was to be made available on 21 July 2009.

⁵ The number of voters per polling station should not exceed 3,000.

⁶ CEC decision #2738 of 14 July, 2009.

⁷ The Chisinau Municipal Council approved the nominations of PEB members after the deadline, on 14 July, 2009.

⁸ For example, local councils in Gagauzia had to fill the positions of commission members in 63 out of 64 PEBs from the reserve list. Similar cases were reported by the OSCE/ODIHR EOM observers from Soroca, Falesti and Hincesti.

⁹ See www.chisinau.md.

DECs, in co-operation with the CEC and assisted by the International Foundation for Election Systems (IFES), started training the leaders of PEBs in the regions. Election materials and manuals are being distributed at these training sessions.

The CEC is developing a computer network to link Chisinau with all the DECs for the transmission of preliminary election results to the CEC on election night. The system is being set up with the assistance of United Nations Development Programme (UNDP) and will provide an online display of preliminary results, broken down by polling stations.

IV. VOTER REGISTRATION

By 6 July, local authorities were obliged to provide the CEC with an electronic version of the voter lists in order for the CEC to cross check all received data for multiple entries.¹⁰ In most cases, the voter lists from the 5 April elections were used as a basis for compiling the lists for the upcoming elections and, in most areas observed by the OSCE/ODIHR EOM, these voter lists were merged with the supplementary lists from April elections. However, the compilation of voter lists in Dondusheni was started from scratch, as local authorities felt this would help them achieve greater accuracy. In Orhei, the 5 April supplementary voter lists were not available.¹¹ According to the Ministry of Information Development (MID), the CEC had requested updates on deceased citizens and on voters who had turned 18 or changed their place of residence since the April 5 elections. OSCE/ODIHR EOM observers reported that the degree to which door-to-door verification, provided for in the CEC decision of 9 June, was conducted varied.¹²

By 8 July, the CEC had obtained electronic copies of the voter lists from 1,043 of the 1,978 precincts. It subsequently issued a decision extending the deadline for the submission of the lists to 11 July. As of 15 July, the submission of 117 voter lists was still pending. Delays were partially caused by the fact that the CEC initially distributed an Excel template to be used by local administration offices, which was later replaced by a Word template. Not all administrations were aware of this change, and subsequently the CEC received the lists in at least two different formats. Other reasons for the delays were the lack of computer equipment and skills, particularly in some rural areas.¹³ Given the short time until election day, it is unclear whether the CEC will be able to conduct the envisaged checks for multiple entries in an effective and timely manner and to report the findings back to the respective precincts.

V. MEDIA

Preliminary OSCE/ODIHR EOM media-monitoring findings show that almost all monitored media made an effort to provide coverage to all contesting political parties. At the same time, discernable differences – mainly regarding the tone of the coverage – have been observed.

¹⁰ The project was designed with technical assistance from UNDP, following criticism of the quality of the voter lists after the 5 April 2009 elections.

¹¹ According to the Election Code, copies of voter lists are archived at local courts. The district court in Orhei rejected the request of the Mayor to provide the 5 April supplementary voter lists.

¹² In Causeni, no door-to-door verification of voter lists was performed. In Cahul, the local administration tasked a team of volunteers to carry out the verification.

¹³ In Mana and Lucaseuca, villages in the Orhei region, the voter lists were scanned and e-mailed, while the CEC requested that data be provided electronically so that it would be able to process them. At DEC 6 in Briceni, villages of Balcauti, Sirauti, Trestieni and Tabani, the mayoralties did not have Internet access to send the voter lists.

The public broadcaster *Teleradio Moldova* (TRM) has so far focused mainly on press conferences involving the contestants in its radio and television news programs. The PCRM received the largest share of news coverage on the television channel *Moldova 1*, amounting to 23 per cent (approximately 119 minutes). The coverage was predominantly positive or neutral in tone. The second most-covered party is the PLDM, at some 13 per cent (about 68 minutes), followed by the PL, with some 10 per cent (about 50 minutes). The coverage of AMN, PD, PL and PLDM was mostly neutral or negative. *Radio Moldova*, also operated by TRM, adopted a similar approach in its news reporting, both in terms of quantity and tone, with the PCRM dominating with 23 per cent (some 59 minutes) of coverage, which was mostly neutral or positive in tone, while each of the other parties received below 9 per cent of coverage, mostly neutral in tone.

Article 47.4 of the Election Code prohibits privileged treatment of electoral candidates holding official positions. The Media Regulation adopted by the CEC on 23 June specifies that high-ranking officials who are registered as candidates cannot give interviews and make statements on their field of activity, to prevent them from gaining undue advantage from their official positions.¹⁴ The preliminary findings of the OSCE/ODIHR EOM media monitoring indicate that most of the monitored media, including public broadcaster TRM, generally adhered to this provision. The amount of time devoted in the news reports of both *Moldova 1* and *Radio Moldova* to the activities of the President, who is running at the top of the PCRM list, was less than one per cent (approximately five minutes and one minute, respectively) of subject-related¹⁵ news coverage. At the same time, the government as a state body received some 22 per cent of coverage on both (approximately 112 and 55 minutes, respectively), with a significant portion devoted by public TV to the Deputy Prime Minister, Mr. Iurie Rosca, from the PPCD (24 per cent of time devoted to the government; some 29 minutes), who is not standing as a candidate.

The second nationwide private channel, *NIT*, showed a clear bias in its news in favour of the PCRM, which received 37 per cent (some 282 minutes) of coverage of positive or neutral tone, whereas most of the other contestants were presented in a predominantly negative tone (PD, AMN, PL, PLDM) or were ignored. In addition, the channel dedicated a significant amount of time in its news to the President and the government (26 per cent jointly, some 196 minutes), with the reports almost exclusively positive or neutral in tone. While private *N4* provided similarly biased coverage, *Pro TV* and *TV 7* offered its viewers a more balanced reporting of campaign events. *Prime TV*, the third channel with nationwide coverage, decided not to cover the election campaign at all.

On 15 July, the Court of Appeals obliged the PCRM to withdraw electoral spots in which the buildings of state institutions were shown. The CEC Media Regulation prohibits the use of images of Moldovan state administration buildings in campaign spots, combinations of “colors and/or sounds that evoke the national symbols of the Republic of Moldova or those of another state”, or “video and audio materials that include historic personalities of Moldova and other countries”. These restrictions have previously been questioned as regards their compliance with constitutional guarantees of freedom of expression.

According to the Broadcasting Code, only the Audio-Visual Coordinating Council (CCA) is competent to impose sanctions on media outlets. However, on 7 and 8 July, the Council

¹⁴ While the Media Regulation appears to have provided conditions for campaign-related news reporting, Article 47 (4) of the Election Code, which was interpreted in 2007 as limiting media coverage of the campaign exclusively to free and paid airtime, remained unchanged.

¹⁵ The following are considered to be subjects covered by the media monitoring: all contestants in the elections, the President and Government, including ministers, members of local public administrations and election commissions at all levels.

refused complaints from AMN and, instead, referred the complainant to court. The CEC Media Regulations stipulate that courts should be the instance of adjudication for media-related complaints. On 13 and 16 July, the CCA issued two press releases of a general and commendatory nature in which it reminded the broadcasters of their legal obligations.

The Election Code obliges public media to offer all electoral contestants equal and free airtime in the form of debates. Two electoral contestants, PEMAVE and MAE, which were registered after the start of debates on 9 July, were provided with compensatory free airtime and were paired together to debate each other. The public broadcasters have so far complied with their legal obligation to provide free airtime. Nevertheless, the debates, which have consisted mostly of discussions between two contestants, have been criticized by interlocutors of the OSCE/ODIHR EOM for their lack of interactive and meaningful exchanges of opinions and their questionable informational value for voters.

Thus far, six out of eight election contestants have purchased paid advertisements in the public broadcasting media. A number of electoral contestants are using negative campaigning in their spots. The OSCE/ODIHR EOM noted that the price set by the public TV for advertising spots (480 euro per minute) is the highest among operating broadcasters.

VI. COMPLAINTS AND APPEALS

The CEC informed the OSCE/ODIHR EOM that it had received 28 complaints as of 15 July. The ODIHR/OSCE EOM reviewed the decisions in 21 of these cases. Approximately 45 per cent of these were related to illegal campaigning – mostly regarding campaign materials or rallies. Another 45 per cent were related to media coverage of the campaign – mostly regarding the right of reply and the use of “unethical” language in campaign materials, pamphlets and TV spots. The CEC stated that such allegations were not within its jurisdiction and referred the parties to the courts, quoting Article 16 of the Civil Code, which governs lawsuits for defamation.

The CEC has been diligent in deciding on complaints in an expeditious manner. Hearings have sometimes led to heated debates between the CEC members representing different parties. Some of these debates have arisen due to the lack of written rules and guidelines on procedure.¹⁶ However, written decisions were mostly well reasoned.

The DEC has received numerous complaints concerning alleged misuse of administrative resources by the PCRM, particularly with regard to the conduct of campaign meetings in public institutions, where public employees have been shown the film “Attack on Moldova”. All of these complaints were rejected based on the fact that the film was not considered a campaign material.

As of 15 July, the Supreme Court had decided on 18 appeals and the Chisinau Court of Appeals on 28 cases. The majority of these were appeals against CEC decisions on such issues as the right of reply to media reports, media regulations adopted by the CEC and student voting. The majority of appeals were rejected by the courts.

AMN and PL challenged the CEC’s refusal to facilitate voting by students by allowing them to vote at either of their temporary residence or their permanent address. While the temporary residence prevails legally, the parties argued that the short timeframe and the summer break at universities may prevent students from undergoing the necessary registration and/or de-

¹⁶ Concerns about the vagueness of the Election Code and the overlap of the jurisdiction of the courts and the election administration bodies in the areas of complaints, appeals and sanctions remain.

registration, or to obtain AVCs. The Supreme Court rejected the complaint, arguing it lacked the authority to order the CEC to issue such an instruction, as the Election Code is sufficiently clear on the matter.

Several complaints of election-related administrative offences have been filed with the police and courts according to the Ministry of Interior, the Prosecutor's Office and OSCE/ODIHR EOM long-term observers (LTOs). In Balti, three persons have been charged with damaging PDM billboards. In Orhei, two persons were fined 600 lei (approximately 140 euro) each for throwing paint on a billboard. In Chisinau, several cases of destruction of billboards have been referred to the police for investigation. In Orhei, two cases have been referred to the regional Prosecutor's Office for investigation, one concerning a fire at the PL office and another the vandalizing of the car of the PL chairperson.

VII. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities and met senior state officials, representatives of political parties and independent candidates, and representatives of the judiciary, election administration, media and civil society. A briefing for members of the diplomatic missions and international organizations accredited in Moldova was conducted on 14 July. LTOs continue to observe electoral preparations and the campaign in the regions, and are preparing for the deployment of short-term observers. The OSCE/ODIHR EOM maintains regular contacts with the resident OSCE Mission. It has also briefed the Head of the Delegation of the OSCE Parliamentary Assembly, Mr. Petros Efthymiou, who was appointed Special Co-ordinator to lead the OSCE short-term observer mission by the OSCE Chairperson-in-Office.