



OSCE/ODIHR
ELECTION OBSERVATION MISSION
Local Elections, Republic of Moldova
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STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Chisinau, 26 May 2003 – The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Election Observation Mission (EOM) for the 25 May 2003 local elections in the Republic of Moldova issues this statement before the official announcement of results, before election-day complaints and appeals have been addressed, and before a complete analysis of election-day observation findings.

PRELIMINARY CONCLUSIONS

The conduct of the 25 May local elections in Moldova is a source of concern. The administration of the election, the legislative framework, and the conduct of voting on election day were generally in accordance with international standards and OSCE commitments. However, in a regressive development, interference by the authorities and state-media bias marred the campaign period.

Positive elements observed include:

- an adequate legal framework for holding democratic elections;
- experienced election administration at all levels;
- public confidence in the process on election day; and
- expeditious and competent handling of most complaints.

However, the following serious problems were noted during the election campaign:

- arrests and threats of arrest created an atmosphere of apprehension;
- there were allegations of widespread misuse of power by the authorities;
- state-media bias distorted information provided to voters; and
- strict policing of public safety eventually prevented a more lively campaign.

The election administration performed its tasks in a professional manner. The Central Election Commission (CEC) operated transparently. Its decisions were generally well-considered and deliberations were open to observers and the media.

The generally low-key campaign was marked by incomplete separation of party and government, creating a perception that public employees are dependent on the ruling party. The EOM is concerned about numerous reports that administrative sanctions were used against the opposition. Opposition parties alleged widespread abuse of power by the authorities, including misuse of public resources for campaign purposes and threats against candidates and party members. Many contestants and analysts expressed a lack of confidence in the impartiality of a number of governmental institutions and the judiciary.

Upon registering their candidacies for re-election, two incumbent mayors were arrested on charges of corruption. This raised legitimate questions about the timing of these actions. In the capital's hotly contested mayoral race, Chisinau's longtime mayor, Serafim Urechean, who was running for

re-election, was threatened with detention five days before voting day for failing to heed a summons to be a witness in an investigation. All three of these candidates were from the opposition.

A variety of media, at least in the capital, provided a wide range of information about the candidates. However, state-owned television failed to provide neutral information, often serving merely as the voice of state authorities and the ruling party; it also provided scant access to opposition representatives. Regarding the Chisinau mayoral race, state television used its editorials to attack the incumbent without granting the opportunity for rebuttal.

Polling took place in general accordance with the Election Code. The EOM observers visited 25 per cent of polling stations countrywide and 83 per cent of them were assessed as good or excellent. The greatest concerns reported were the secrecy of the ballot not always protected, instances of family voting and the presence of police inside the polling stations.

The following key recommendations are offered for consideration by the authorities:

- more precise rules and interpretation of legislation are needed to achieve consistency in the implementation of legal provisions, notably with respect to compilation of voters' lists and safeguarding the secrecy of the vote;
- the law on political parties must be revised, as it stipulates excessive requirements and infringes upon citizens' right to privacy;
- media regulations for the electoral campaign remain too restrictive and need revision; and
- voter-turnout requirements should be reconsidered to avoid the possibility of an endless cycle of repeat elections.

The OSCE/ODIHR is ready to assist Moldovan authorities and civil society in addressing the shortcomings identified in this statement.

PRELIMINARY FINDINGS

Political Context

The 25 May local elections took place in the middle of the term of the current Parliament, elected in February 2001, where the Party of Communists of the Republic of Moldova (PCRM) holds a constitutional majority. In April 2001, the Parliament elected the First Secretary of the PCRM, Vladimir Voronin, as President of the Republic of Moldova and approved a Government led by Prime Minister Vasile Tarlev. Only two other parties are represented in the Parliament: the center-left Braghis Alliance, led by former Prime Minister Dumitru Braghis (now the Social Democratic Alliance of the Republic of Moldova), and the right-wing Christian Democratic People's Party (PPCD). These elections can be seen as a snapshot of where the country's political parties stand midway between parliamentary elections.

Although initially the transition in Moldova marked some success, especially in land privatization, the pace of reforms slowed in the late 1990s. While the current Government has avoided a large-scale reversal of reforms, it has been criticized for certain political and economic decisions, such

as a short-term ban of the PPCD's activities in early 2002 and cancellation of a number of major privatization deals concluded by previous governments.

The status of the Transnistrian region remains an unresolved issue. Since a short armed conflict between the Moldovan Government and separatist forces in 1992, the region has not been under the *de facto* control of the central government. As a result, these elections were not held in the Transnistrian region.

The 25 May elections were the third multi-party local polls in the Republic of Moldova. They were called shortly after a territorial-administrative reform in February 2003 replaced the 10 administrative units (*judet*) introduced in 1998 with 32 *raions*, thus reverting to the pre-1998 administrative system. In addition, the number of units of local self-government increased from 644 to 898.

Previous elections observed by the OSCE/ODIHR and the Council of Europe were held generally in accordance with OSCE commitments and international standards. However, the Bashkan (Governor) elections in the Territorial Autonomous Unit of Gagauzia in October 2002 raised serious concerns, as a number of irregularities were reported.

Legislative Framework

The legislative framework meets international standards and provides an adequate basis for democratic elections. However, more precise regulations are needed to interpret legislation, in particular with regard to secrecy of the vote, mobile voting, the rights of election observers, and display of voters' lists. For an election to be valid, the law requires that one third of the registered voters for each electoral unit must vote, including the voters on the supplementary lists. As the turnout requirement also applies to repeat elections, such a provision may lead to an endless cycle of elections if the turnout continues to be below the threshold.

The opposition, NGOs, and international experts have strongly criticized recent amendments to the law on political parties for stipulating excessive requirements and for violating citizens' right to privacy. Among other issues, the amendments require all parties to submit to the Justice Ministry on an annual basis a list of all their members, including personal information.

Election Administration

Local elections in Moldova are administered by a three-tier election administration: the Central Election Commission (CEC); District Election Councils (DECs) at the *raion*, municipal, and local levels; and Polling Boards. The CEC is responsible for the overall organization and conduct of the elections. While members of electoral bodies may not be members of political parties, contesting parties, electoral blocs, and independent candidates may appoint representatives with a consultative vote to the CEC; they can also appoint non-voting representatives to lower-level electoral bodies.

Despite recent amendments to the Election Code that shortened the electoral period from 90 to 60 days, the election administration carried out their tasks professionally at all levels. The CEC

operated in a transparent manner; in general, its decisions were well-considered and in accordance with the law. Media and observers had access to CEC sessions.

Voters' Lists

Voters' lists are compiled by the respective Office of the Mayor, and their accuracy is verified by a door-to-door check. Although the system for compiling voters' lists needs improvement, no eligible voter is disenfranchised on election day. Voters whose names are missing from the lists but who can provide identification proving that they reside within the area of a polling station are added to supplementary lists. However, additional safeguards may be useful to prevent potential multiple voting. In local elections, all voters must vote at the polling station in their area of residence. There is no out-of-country voting, and the Election Code stipulates that military personnel on active duty cannot vote for local authorities.

In total, 2,231,683 voters were registered for these elections. An estimated 600,000 to 700,000 Moldovan citizens are out of the country. The one-third turnout requirement encourages local authorities to take off the voters' lists those whose residence could not be confirmed during door-to-door checks and who will possibly not be present on election day.

Candidates

With 25 parties registered by the Ministry of Justice, only 19 chose to participate in the 25 May elections. Of these, 11 entered the race individually, while the rest were united in two electoral blocs. In addition, a number of independent candidates ran for mayoral posts and council seats.

Among the parties running separately were the ruling PCRM, the PPCD, and the Democratic Party of Moldova (PDM), which came in fifth in the 2001 elections but failed to pass the 6 per cent threshold. All other parties running individually in these local elections either did not participate in the 2001 elections or took part but received less than 2 per cent of the vote.

Of the two electoral blocs, the Social Liberal Alliance "Our Moldova" united the Social Democratic Alliance of Moldova, the Liberal Party, the Alliance of Independents, and three smaller parties. The Social Democratic Party – Social Liberal Party (PSD–PSL) included the two parties indicated in the bloc's name.

A total of 3,466 candidates were registered to run for 898 mayoral posts; another 43,790 candidates were registered to compete for 11,935 seats on *raion*, municipal and local councils. In Chisinau, there were eight candidates for mayor, including the incumbent, Mr. Urechean, who was supported by "Our Moldova".

Most national minorities living in the Republic of Moldova were represented by candidates running for council seats and, to a lesser extent, for mayor. However, the Roma community was underrepresented, with only a few Roma competing for office.

The Campaign

Due to a series of public holidays in late April and early May, the election campaign had a slow start. Although most parties intensified their campaign activities in the last two weeks before the elections, overall, the campaign remained low-key. While these were local elections, most parties ran campaigns that also focused on national issues. Many opposition parties portrayed the elections as a no-confidence vote in the Government, while the PCRM campaigned mostly using the image of its leader, President Vladimir Voronin.

At times, the campaigning was negative and even aggressive. In Chisinau, the PCRM campaigned more against the incumbent mayor than in favour of its own candidate, accusing Mr. Urechean of mismanagement and incompetence.

Opposition parties complained to the EOM of abuse of power by the central authorities, including the misuse of public resources for campaign purposes. The mission also received reports about alleged intimidation and harassment of candidates and party activists, as well as of the detention of PPCD street campaigners and a film crew shooting a campaign spot for the PSL. While it was impossible to prove most of the allegations, the EOM is concerned about what appears to be a pattern of using administrative sanctions against opposition representatives.

The EOM also noted that in most cases of alleged harassment, the individuals and parties concerned chose not to take their case to court. In general, the independence of the judiciary is questioned in Moldova. The impending reform of the judicial system – one level of courts will be abolished, and a number of current judges will not be re-appointed – may further undermine the separation of powers, should appointments be based on political considerations.

At least two incumbent mayors standing for re-election were detained during the campaign period. The highest-profile case involved Vasile Colta, the Mayor of Hincesti and a member of the Liberal Party, who was arrested on charges of large-scale theft two days after he had registered for re-election; he remained in detention of election day. The Mayor of Vadul lui Voda, Nicolae Ciobanu, running as an independent candidate, was arrested on corruption charges. The mayor was released but, after he failed to appear at the investigator's office, a new arrest warrant was issued shortly before election day, and the police are looking for him. Regardless of the substance of the accusations, the timing of the arrests raises serious concerns.

After demonstrations on 13-14 May in front of the home of Vasile Zgardan, the PCRM mayoral candidate in Chisinau and Transport and Communications Minister, the organizer of the demonstrations, NGO activist Valeriu Ciobanu, was sentenced to 10 days' administrative detention and fined 540 lei (€ 34) for unauthorized assembly, hooliganism, and uttering insults. On 20 May, a second-level court annulled the detention sentence but not the fine.

On 20 May, Mayor Urechean was summoned to testify as a witness in the case of a senior City Hall official arrested on embezzlement charges. Mr. Urechean requested a postponement of the questioning and stated publicly that he expected to be arrested before election day if he did not appear as a witness. This attracted the attention of the international community, including the Council of Europe. The Interior Ministry announced in a press release on 22 May that Mr. Urechean would not be arrested or forced to testify. Concerned that a standoff between the Mayor

and the Government may have had an impact on the elections in Chisinau, the EOM will continue to monitor developments in this matter.

The restrictive interpretation of legal and administrative provisions by the police impeded free campaigning. Though the police appear to have acted in accordance with the law, their actions were criticized for preventing a potentially more lively campaign.

Provisions in the Election Code stipulating that printed campaign materials must contain information about the date of publication, the print run, and the name of the printing house were often disregarded by contesting parties, including the PCRM and the PPCD. Of particular concern were actions taken by the Interior Ministry to enforce these provisions or to prevent the distribution of campaign materials by the opposition, although these were administrative violations rather than criminal acts.

The Media

Due to the weak economy and small advertising market, the Moldovan media lack real financial independence. The majority of electronic media rebroadcast programmes from Russian or Romanian media outlets, and many newspapers are barely able to survive. Most political parties complained to the EOM about the control of the ruling party over state media, while independent analysts indicated that increasing economic and political pressure on journalists might result in self-censorship.

The EOM monitored seven television channels and 10 print-media outlets to assess the coverage of contestants and other relevant political figures during the election campaign. The campaign in the media was generally low-key and intensified only in the closing days of the pre-election period when most contestants used their free airtime on state television. In accordance with regulations, parties and candidates were offered free airtime on state broadcast media and had the option to buy advertisements in both state and private broadcast media. However, many contestants complained to the EOM that the regulations for media coverage of the election campaign were too restrictive, as they provided very little free time for campaigning.

In addition to dedicating a significant amount of time to the President and Government, the broadcast media focused most of their attention on the mayoral race in Chisinau. Towards the end of the campaign, some local media, including Chisinau-based Euro TV, broadcast candidate debates, thus providing voters with an opportunity to make a more informed choice.

Although broadcast media were not allowed to present candidates and campaign activities in their news programmes, some contestants received news coverage because of the office they hold, for example, Chisinau Mayor Urechean, and to some extent Transport and Communications Minister Zgardan. Thus, both enjoyed the advantage of incumbency over the other candidates running for Chisinau mayor.

By comparison with the 2001 parliamentary elections, in which state television provided voters with unbiased information on political contestants, the only nationwide state channel, M1, failed to provide neutral information and acted as a mouthpiece for the state authorities and the ruling party. M1 dedicated 45 per cent of its political news coverage to the President and a further 43 per

cent to the Government. The nature of this coverage was overwhelmingly positive. M1's popular analytical programme *Rezonans* was used for negative campaigning against Mr. Urechean, who was not granted an opportunity for rebuttal.

Euro TV, controlled by the Chisinau municipality, dedicated 73 per cent of its political news coverage to Mr. Urechean, presenting him in an overwhelmingly positive light, while the other candidates received less than 2 per cent. Private broadcasters Channel 1 in Moldova and NIT dedicated the largest part of their news programmes to the President and the Government, portraying them in a positive or neutral light.

While contestants' access to broadcast media was limited, they were generally able to present their platforms freely in the print media, which provided sufficient information and analysis. The two state-owned newspapers, *Moldova Suverana* and *Nezavisimaia Moldova*, dedicated more than 70 per cent of their political coverage to the President, Government, and Parliament, portraying these institutions in overwhelmingly positive terms, while coverage of Mr. Urechean was mostly negative. In contrast, the President and the Government were presented negatively in *Flux*, *Moldovskie Vedomosti*, and *Accente*.

In violation of the Election Code, the newspaper *Stolitza (Capitala)* published an opinion poll on 17 May according to which 68 per cent of voters would vote for Mr. Urechean. Acting on a PCRM complaint, the CEC confirmed that such polls may not be published during the last 10 days of the campaign and noted that the newspaper had violated the law. The CEC took no measures against Mr. Urechean because his involvement could not be established.

Disputes, Complaints and Appeals

Some 40 formal complaints were submitted to electoral bodies and courts prior to the elections. These complaints, mostly of a technical nature, were handled in a generally adequate and expeditious manner.

The most substantial complaint that the CEC dealt with was the question of where students could cast their ballot. The Chisinau No. 1 District Election Council on 16 May formally requested the CEC to define "concrete voting procedures for students who study in Chisinau but have no registration of their temporary domicile". More than 70,000 students from various regions of Moldova live in Chisinau. Of these, some 50,000 have not registered their temporary residence. On 17 May, the CEC stated that, in accordance with the law, students, like all other voters, should vote at polling stations on the basis of documents that prove their domicile. Notwithstanding this statement, three days later, the CEC decided that students could vote where they study and that institutions of higher education should issue special certificates for the purpose of voting that would be recognized on election day by the Polling Boards. On the appeal of the representative of the Communist Party on the CEC, the Court of Appeals overruled this decision on 22 May, and its ruling was upheld by the Supreme Court of Justice.

Civil Society

The League for the Defense of Human Rights of Moldova (LADOM) accredited over 2,000 observers while the Helsinki Committee and a few other civil society organizations deployed a

handful of observers on election day. The Association for Participatory Democracy (ADEPT) produced much of the civic-education materials for these elections. The Association for Civic and Political Culture provided the public with a critical analysis of the electoral process.

Election Day

Polling took place in general accordance with the Election Code. According to preliminary results, overall voter turnout was 50.69 per cent, but it was lower in Chisnau (37.64 per cent) and Balti (34.23 per cent). The EOM observers visited 482 polling stations out of 1,938, or some 25 per cent, covering each of the 32 *raions*, the municipalities of Chisinau and Balti, and A.T.U. Gagauzia. Eighty-two per cent of the polling stations visited were assessed as good (59 per cent) or excellent (25 per cent).

The greatest concern was that the procedures failed to protect the secrecy of the ballot. The law requires a Polling Board member to stamp a marked ballot on the back prior to depositing it in the ballot box. As ballots were often presented unfolded, the choice of the voter was easily visible. Family voting was also evident. The supplementary voters' list was extensively used. This practice raises concerns because it does not exclude the possibility of double voting. Observers also reported that police officers were present inside the polling stations.

No complaints were submitted to the Central Election Commission. On 24 May and on election day, electrical outages interfered with preparations and particularly with the count, causing delays in the reporting of results in Anenii Noi, Straseni, Cahul, Nispoveni, and Ialoveni. In five separate electoral contests, errors occurred on the ballot with regard to party names, the absence of symbols, and transposed names of independent candidates. These cases will be referred to the local courts to decide whether the errors had an impact on the results and thus require a repeat election.

International observers reported that domestic observers were present in 49 per cent of the polling stations visited and that representatives of political parties, electoral blocs, and independent candidates were present in 95 per cent of the polling stations visited. Their presence helped to ensure greater adherence to the rules.

This statement is also available in Moldovan (Romanian) and Russian. However, the English version remains the only official document.

MISSION INFORMATION & ACKNOWLEDGEMENT

The OSCE/ODIHR Election Observation Mission (EOM) is headed by Ambassador Michael G. Wygant (United States). This statement is based on the findings of 17 observers from the OSCE/ODIHR EOM, based in Chisinau and two regional centers in the Republic of Moldova, who have been deployed since 25 April 2003, and 98 observers from 26 OSCE participating states reporting on election day from some 482 out of 1,938 polling stations.

The EOM will publish a comprehensive report on the local elections, including recommendations, within a month after the election process is completed.

The EOM wishes to express appreciation to the Moldovan authorities, including the Ministry of Foreign Affairs, the Central Election Commission, the Ministry of Interior and local authorities for their co-operation and assistance

during the course of the observation. The EOM is also grateful for the support of the OSCE Mission to Moldova and Embassies of OSCE participating States.

For further information, please contact:

Ambassador Michael G. Wygant, Head of the OSCE/ODIHR EOM, in Chisinau (Tel. +373-2-251 670)
Jens-Hagen Eschenbacher, OSCE/ODIHR Spokesperson (+48-603-683 122) or Konrad Olszewski, OSCE/ODIHR Election Adviser, in Warsaw (+48-22-520 0600)

OSCE/ODIHR Election Observation Mission
Hotel “Jolly Alon”
37, M. Cibotari Str., Chisinau
Republic of Moldova,
Tel. +373-2-251 670, Fax: +373-2-251 680
E-mail: eom.office@odihr.osce.md