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## INTERNATIONAL ELECTION OBSERVATION MISSION Parliamentary Election, Republic of Moldova – 6 March 2005

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**Chişinău, 7 March 2005** – The International Election Observation Mission (IEOM) for the 6 March parliamentary election in the Republic of Moldova is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP). The IEOM observed the electoral process to assess its compliance with OSCE and Council of Europe commitments and other international election standards, as well as its compliance with domestic legislation.

This statement of preliminary findings and conclusions is issued before the announcement of official election results and before all complaints and appeals have been addressed by the electoral and judicial authorities. The final assessment of the elections will take into consideration the manner in which these important procedures are completed. A final and comprehensive analysis of the election process will be offered in the OSCE/ODIHR Final Report.

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### PRELIMINARY CONCLUSIONS

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The 6 March 2005 parliamentary elections in the Republic of Moldova generally complied with most OSCE and Council of Europe commitments and other international election standards. Nevertheless, they fell short of meeting some that are central to a genuinely competitive election process. In particular, campaign conditions and media access were not satisfactorily equitable, and in this regard, the negative trends noted already in the 2003 local elections were confirmed.

There were numerous attempts – mainly through local-government authorities – to prevent the election from unfolding in a fully free and competitive manner. This constrained environment, particularly with restrictions to the coverage of the campaign in the media, amplified the advantages of incumbency and did not serve to create sufficiently equitable campaign conditions.

Some positive aspects of the election process included:

- A competitive and pluralistic party system, as witnessed by the participation of numerous parties and independent candidates, offered voters a genuine choice;
- Within the framework of the Election Code, the Central Election Commission (CEC) and lower-level electoral bodies largely acted in accordance with the law;
- The CEC attempted, at times with delay, to address a number of concerns expressed by election stakeholders and the international community;
- A variety of print media, some with limited circulation, expressed a diversity of political views and covered the campaign extensively;
- A CEC decision was adopted to increase campaign coverage in the broadcast media, although its late adoption limited its impact;

- An active civil society monitored the election, deploying some 2,200 observers on election day;
- There were an increased number of women candidates, often in eligible positions.

However, observers noted a number of shortcomings, including:

- Restrictive campaign regulations, often aggravated by the failure of local government officials to provide sufficient campaign opportunities, obstructed the campaigns of many contestants, especially from the opposition;
- Restrictive and sometimes ambiguous regulations on the coverage of the campaign on broadcast media, limited voters' access to information and their capacity to make an informed choice. In addition, the performance of the public television, *Moldova 1*, was clearly biased in favour of the ruling party;
- Observers noted obstruction of parties' campaign activities by local authorities and law-enforcement agencies, and instances of harassment of candidates, campaign activists, party members, and opposition media;
- There were reports of pressure on public employees not to campaign in support of opposition parties, while at the same time such persons were sometimes obliged to attend events organized by the incumbents;
- Instances of abuse of public resources, especially at the local level, favouring election contestants in charge of local government were observed;
- A number of courts of all instances failed to respect the legal deadlines to adjudicate complaints against decisions of the election administration, potentially depriving stakeholders of their right to an effective legal remedy;
- A lack of timely communication of decisions by the CEC to lower-level electoral bodies, and occasional lack of guidance and uniformity, resulted in inconsistent implementation of the rules and regulations;
- While the Election Code could provide an adequate basis for democratic elections, it contains shortcomings and inconsistencies which should be addressed, taking into account the July 2004 Joint Recommendations of the Council of Europe's Venice Commission and the OSCE/ODIHR. For instance, threshold requirements in the Election Code and stringent registration requirements in the Law on Political Parties, *de facto* prevented national minorities and regional interests from organized political activities.

Election day was generally calm and peaceful, and 63.7 percent of voters came to vote. Although observers overall rated voting and counting positively, they reported that some procedures were not always followed. The main problems observed during polling were a lack of uniform application of the "voted" stamp on voter's identity documents and several overcrowded polling stations. On election day, observers reported that around 8.5 percent of voters had been added to the supplementary list, indicating that further efforts are required in order to improve the accuracy of voters' lists. Unauthorized persons were on occasion involved in the voting and counting process, and during the count, there was a widespread lack of full adherence to vote reconciliation procedures. An estimated 9,000 voters residing in Transdnistria came to cast their ballots.

The institutions represented in the IEOM stand ready to assist the authorities and civil society of the Republic of Moldova to address shortcomings and restore the full credibility of its electoral process.

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## PRELIMINARY FINDINGS

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### Background

The 6 March 2005 parliamentary elections were conducted to elect a new, unicameral Parliament consisting of 101 deputies with a four year mandate. Members of Parliament are elected by proportional representation in one nationwide constituency. The threshold for parliamentary representation is six percent of valid votes for parties running individually, nine percent for coalitions of two parties, 12 percent for coalitions of three or more parties, and three percent for independent candidates. For the election to be valid, there must be at least a 50 percent voter turnout.

These elections came at the end of the regular mandate of the Parliament elected in 2001, in which the Party of Communists of the Republic of Moldova (PCRM) held a comfortable majority (71 of 101 seats). Two other political groupings were represented in Parliament: the Braghiș Alliance (19 seats) and the Christian Democratic People's Party (11 seats). The elections took place in a context of growing acrimony between the ruling party and the opposition. Opposition parties repeatedly announced their intention not to recognize the outcome of the elections and to organize demonstrations to denounce fraud.

Regrettably, as in previous elections, voting did not take place in the territories to the east of the Nistru River, which have *de facto* not been under the control of the Moldovan government since 1992.

### Legal Framework

The main legal basis for the conduct of elections and referenda in the Republic of Moldova is the Election Code, which was adopted in November 1997 and amended several times since. The Election Code is a comprehensive body of regulations that could provide an adequate basis for democratic elections, providing that there is a commensurate level of political will for effective implementation. The legal framework for elections also includes, *inter alia*, the Constitution of the Republic of Moldova, the Law on Political Parties and Socio-Political Organizations and the Law on Organization and Running of Assemblies.

In July 2004, the Council of Europe's Venice Commission and the OSCE/ODIHR issued Joint Recommendations aimed at improving the election legislation and electoral administration, which reiterated recommendations made as early as 2001. None of these recommendations have been addressed so far. The authorities stated that they did not wish to amend the Election Code a year before parliamentary elections, contending that such late amendments might be perceived to be in the interests of the ruling party.

The Election Code does not regulate in detail several areas of election administration, leaving a wide margin of discretion for the CEC to address them. Thus, the CEC issued a large number of decisions, some of which had to be further amended. The most significant of them concerned the appointment of District Election Councils (DECs); the right of students to vote in their place of temporary residence; the concept on broadcasters coverage of the electoral campaign; the validation of expired identification documents for voting purposes; the assignment of polling stations for the residents of Transdnistria; the registration of candidates; the accreditation of observers; and the publication of election results.

## Election Administration

Parliamentary elections in the Republic of Moldova are administered by a three-tier election administration: The CEC, 37 DEC's, and 1,967 Polling Station Election Bureaus (PSEBs). The CEC is a permanent body of nine members, three of which are appointed by the President, three by the Parliament and three by the Supreme Council of Magistracy, for a six-year mandate. The DEC's and PSEBs are temporary bodies appointed for each election by, respectively, the CEC and the competent DEC. Each election contestant is entitled to appoint a non-voting member to the CEC and DEC's, and representatives to polling stations.

Members of election-administration bodies may not be politically affiliated or be local councilors. However, given the political affiliation of the President and the parliamentary majority, six members of the CEC appointed in December 2003 were, in effect, nominated by the same political grouping. Also, at least two CEC members previously served as PCRM representatives on electoral bodies. Many stakeholders expressed lack of confidence in the CEC's impartiality.

Throughout the country, over 20 judges were appointed as DEC members. While most of them were temporarily relieved from their permanent positions, DEC members in Bălți and Cahul confirmed that they were still sitting judges. This practice raises a question of conflict of interest since the court where they normally work may also have to handle election-related complaints and appeals.

During the pre-election period, election commissions at all levels generally functioned efficiently. The level of engagement, however, varied from DEC to DEC, with some needing more guidance from the CEC than others. Many contestants professed a lack of confidence in the impartiality and professionalism of certain DEC's. Furthermore, commission work at the DEC and PSEB level was hampered at certain points by the failure of the CEC to give detailed and definite instructions in a timely manner, which would have introduced a higher degree of consistency in the work of the lower-level commissions. Several DEC's complained that CEC decisions reached them with considerable delay.

Regrettably, not all CEC decisions were published in the Official Gazette, a fact that raised concerns about public access to the work of this body and its commitment to the principles of transparency. Although the CEC published its decisions on its official website, the website was updated with delays, and not all CEC decisions were posted before election day. Decisions deemed "important" by the CEC were also published in the state newspapers *Moldova Suverană* and *Nezavisimaia Moldova*. Some CEC decisions appear to have been taken in response to concerns raised by stakeholders and the international community, rather than as a result of systematic efforts to address gaps in the Election Code.

The major procedural deficiency was the lack of a unified standard for maintaining Voters' Lists at the local level. Under the Election Code, mayor's offices have a high degree of independence and authority in the compilation of Voters' Lists. Voters' Lists were updated or drawn up in a variety of ways, with little or no guidance from the CEC or DEC's. Moreover, even when guidance was given by these bodies, it sometimes varied from one place to another. Some mayoralties chose to include all eligible voters living abroad on the regular Voters' Lists, others included only those living in Russia, Ukraine or Romania, while still others chose not to include any citizens living abroad.

According to EOM LTOs, a number of PSEBs failed to display voters' lists on time (Orhei, Telenești, Criuleni, Cimișlia), or opened to the public with delays (Bălți and Chișinău). In Svetlii

(DEC Comrat) and Chişinău, several PSEBs asked voters to state specific reasons to be issued Absentee Voter Certificates, although this is not required by the law.

The same lack of uniformity could be observed with regards to training of mayors and lower-level election officials. In most cases, no or little reference material was distributed, training sessions often lacked an organized framework, and sometimes, not all invited officials attended such sessions. Voter education provided by the CEC was limited, and at the local level, such efforts were generally limited to the distribution of voter notifications.

Voting of students became an important and politically charged issue during the pre-election period. A CEC decision of 8 February permitted full-time students to vote at their place of temporary residence even if they did not hold a temporary residence visa, by obtaining an Absentee Voter Certificate either from the CEC or from their respective DEC, rather than at their places of permanent residence. The CEC issued Absentee Voter Certificates to students from 18 February until 5 March. CEC information on student voting was mainly disseminated through national TV and radio. In violation of the CEC decision, DEC Comrat was not issuing AVCs for students and information was not displayed either at the University, or at the DEC.

Regrettably, as in previous elections, voting did not take place in the territories to the east of the Nistru River, which have *de facto* not been under the control of the Moldovan government since 1992. The CEC on 18 February 2005 decided that nine regular polling stations on government-controlled territory will also serve voters residing in territories to the east of the Nistru. Based on their place of residence, such voters were assigned to one of these nine polling stations, and their names were entered on a separate Supplementary Voters' Lists on election day. These voters cast their ballots in separate ballot boxes; the results were counted separately and were recorded in separate results protocols. Voters residing to the east of the Nistru use the same identity documents as other Moldovan citizens for voting.

On 15 February, the CEC adopted a decision on voting abroad, according to which Moldovan citizens living permanently or temporarily abroad would be able to vote in one of the 23 polling stations located at embassies and consular offices of the Republic of Moldova. The CEC turned down requests by several contestants to open additional polling stations abroad, citing financial, organizational and diplomatic impediments.

### **Contestants and the Election Campaign**

A relatively high number of contestants presented voters with a genuine choice from across the political spectrum. A total of 23 electoral competitors contested the 6 March elections: nine political parties, two electoral blocs, and 12 independent candidates. Four major contestants stood the most obvious chance of clearing the electoral threshold: the ruling Party of Communists of the Republic of Moldova (PCRM), which was elected in 2001 on the basis of a resolutely pro-communist and pro-Russian agenda that has since evolved to become more market-oriented and pro-European; the Christian Democratic People's Party (PPCD), popular among Romanian-speaking voters and clearly advocating for the integration of Moldova into the European Union; the Electoral Bloc "Moldova Democrată" (BMD), which represents the result of a consolidation process of centrist forces and calls for the restoration of the relationship with Russia and the Community of Independent States, and the Social Democratic Party of Moldova (PSDM) which has focused its electoral programme on small entrepreneurs and on an increased participation of citizens in public affairs.

Overall, the election campaign was low-key. Partly this was due to the fact that the traditional campaign techniques generally used in Moldova – in particular door-to-door canvassing – rarely generate lively campaigns. However, the campaign efforts of many parties were significantly hampered by restrictive legal provisions and obstructed by the frequent interference of the public authorities. As a result, relatively little information regarding the contestants and their political platforms reached the electorate.

Little campaign material was in evidence in the cities and villages. This was largely due to the fact that the Election Code provides only for a minimum amount of space to be allocated by the local administration for posters. The effect of this provision was further compounded by the fact that local authorities either interpreted the law in a restrictive manner or failed to implement the law. OSCE/ODIHR EOM long-term observers (LTOs) reported that virtually no space had been allocated in Cahul, Căușeni, Drochia, Taraclia and Fălești. In Edineț, following several complaints by the political parties, the local administration allocated space for posters, but this was done after 14 February, well into the campaign. Similar delays were reported by LTOs in Bălți.

Rallies and campaign meetings took place throughout the country in a peaceful and quiet manner. However, the frequency of such events and the voters' level of participation remained limited. LTO findings and credible first-hand accounts have revealed patterns of obstruction to the freedom of assembly. In Dondușeni, Congaz, Vulcănești, Drochia and Edineț, the local administration either did not authorize the allocation of premises or impeded voter's and parties' access to those premises.

As such, the limited allocation of space for posters, combined with the persistent difficulty of political parties to gain access to premises for public meetings, have subtly and yet systematically, impeded political parties' ability to assemble, to reach voters and transmit their message.

Of equal concern were credible reports made to the OSCE/ODIHR EOM of instances of pressure by government employees on public service workers not to attend opposition parties' rallies and to refrain from participating in their activities. In Călărași, Dondușeni and Edineț, teachers and medical staff were warned not to attend opposition meetings, and in some cases were threatened with job loss. Similarly, a credible report was made of a university dean being pressured to ensure that students attended campaign activities of the ruling party. In one instance, students were threatened with failing grades. Lastly, pressure has also been reportedly exerted on mayors and directors of public companies to ensure the participation of employees at meetings organized by the ruling party in Edineț, Bălți, Strașeni and Florești.

There has been numerous cases of police officers using their discretionary power against candidates and party supporters; this resulted in numerous instances of harassment. In Criuleni, Florești, Telenești, Cahul and Ceadâr-Lunga, opposition supporters were detained and brought to police stations while posting electoral material in unauthorized places. In Leova, an arrest was followed by confiscation of electoral material and mistreatment of campaigners. In other cases, such as in Cioc Măidan, Drochia and Călărași, the police intervened while party supporters and candidates were conducting lawful campaign activities. Some cases of premises being searched were observed in Chișinău and Căușeni. The case of Mr. Arcadie Covaliov, a PSDM candidate, who was allegedly maltreated by the police and sentenced to a 36 lei fine for resisting arrest, also raises concerns.

Numerous instances of abuse of administrative resources by political parties have also been reported. In Ocnîța, Edineț, Dondușeni, Rîșcani, Sîngerei and Bălți, PCRM offices were hosted in local administrations premises, allegedly without the requisite proof of rental payment. Usage of public

vehicles and “working visits” for what was effectively campaigning were also noticed, from the part of both the governmental party and the opposition.

## The Media

Approximately 80 TV and radio channels operate in the Republic of Moldova. The main public TV channels are the nation-wide broadcaster *Moldova 1*, the Chişinău station *Euro TV*, and the regional *TV Găgăuzia*. Two privately-owned TV stations broadcast nation-wide: *NIT*, and *Pervii kanal v Moldove (The First Channel in Moldova)*, which has a 70-percent audience share and retransmits Russian *ORT* and airs locally produced news and shows. The most influential newspapers in Moldova are the Russian newspaper *Komsomolskaia Pravda*, which runs a local insert, the state-owned *Moldova Suverană* and *Nezavisimaia Moldova*, and the privately owned daily *Flux*, and the weeklies *Timpul*, *Moldavskie Vedemosti* and *Săptămîna*.

Three main normative acts ruled the media during the 2005 election campaign: Art. 47 of the Election Code, the “Concept for the Reflection of the Election Campaign for the Parliamentary Elections in the Broadcasting Institutions” (approved by CEC Decision No. 608 of 6 January 2005), and the “Regulation on the Coverage of the Election Campaign for the Parliamentary Elections in the Mass Media” (CEC Decision No. 613 of 8 January 2005), which largely repeats the Concept’s stipulations.

Private broadcasters may decide not to cover the election campaign, and two major private TV stations, *Pervii kanal* and *Pro TV Chişinău*, decided not to cover the campaign. In contrast, publicly-owned broadcasters are legally obliged to offer, free of charge, electoral debates for a maximum of two hours per week, not to be transmitted on Sundays, and equally distributed among all the registered contestants. Additionally, political parties, electoral blocs, and independent candidates are granted fixed amounts of free airtime on every public TV and radio station. Paid airtime is also allowed, and all contestants can buy an established amount of airtime from every TV and radio station covering the election campaign. Paid advertisements were offered on a nationwide basis only by *Moldova 1* and *NIT*.

On 23 February, the CEC radically changed its media policy by taking a decision to oblige public broadcasters to organise 90-minute debates every day, Sundays included, and to clarify that news bulletins of broadcasters covering the campaign shall air five news stories on electoral events in each newscast. This CEC decision created a more adequate framework for coverage of contestants’ activities than previous CEC decisions and the media-related provisions of the Election Code. However, this latest CEC decision was taken too late to be truly effective, and its overall impact remained very limited, affecting only the debates, while the effect on newscasts was negligible.

The OSCE/ODIHR EOM media monitoring of state and private media showed that the actual implementation of the legal framework governing the media coverage of the election campaign resulted in a reduced flow of information, with a number of broadcasters deciding to take some of their talk shows and analytical programs off the air until after the elections for fear of possible sanctions.

Additionally, the legal provisions limited possibilities for contestants to present themselves, and for the media to cover campaign events, and proved to be too restrictive for a comprehensive and pluralistic dissemination of political information. The ambiguous prohibition for TV and radio news reports to cover campaign activities of electoral contestants (Election Code, Art. 47.4) and at the

same time the provision to reflect electoral issues in the news bulletins, but only as “press news” (Concept, Art. 46) arguably generated confusion as to what news bulletins could cover.

The regulatory framework was disadvantageous for opposition parties since the coverage of public activities of the President and the Government was still possible, even though such coverage was limited to their official duties and did not include direct election campaigning. On 10 February, the CEC adopted a decision which prohibited the physical appearance of government officials running as candidates on TV news, except for special cases. This decision, formally taken in order to mitigate imbalanced coverage, did not contribute substantially to a more balanced coverage of contestants’ activities. On the contrary, it further reduced the amount of political information made available to the electorate, also because the widespread interpretation was that the restriction should be applied to all candidates and not only to those holding public office.

*TeleRadio Moldova* showed a clear political bias in favour of the ruling party. In the three weeks prior to the adoption of the latest CEC decision regarding media coverage of the campaign, the news broadcast on *Moldova 1* TV dedicated 37 percent of time to cover the government, and 33 percent to the president, either in positive or neutral contexts. Additionally, the PCRM received almost nine percent, largely neutral. BMD received 13 percent largely negative coverage, and PPCD three percent, half of which in a negative context. The PSDM received one percent only.

Among the privately-owned broadcasters, nationwide *NIT* showed a trend similar to that of the public channel: in the newscasts, the government received 46 percent of time, and the president 35 percent, both mainly in a positive context. The PCRM received nine per cent, mostly neutral. PPCD and BMD were given five percent and four percent, respectively, almost never in a positive context. On *Pervii kanal*, politics received coverage only in the news, and mostly to cover the government (69 percent), and the PCRM (10 percent). The president received 16 percent of coverage, almost half of which was negative.

The news bulletins of the Chişinău stations *Pro TV* and *Euro TV* showed a more balanced coverage of the airtime dedicated to politics. In the *Pro TV* news, the PCRM received 25 percent of time, and BMD and PPCD 18 percent each. *Euro TV* dedicated 23 percent of time to cover BMD, 20 percent to the PCRM, and 11 percent to PPCD, generally in a neutral context. The president received about seven percent, mainly in a negative context.

On 20 February, *Moldova 1* broadcast a nine-minute film entitled “Stop Extremism!” which portrayed PPCD leader Iurie Roşca in an extremely negative light, comparing him to Osama Bin Laden. The film was broadcast as a free political advertisement of four independent candidates. Although the film violated the principle of media ethics rules as stipulated in Art. 47.1 of the Election Code, the CEC did not consider it denigrating, since in their view it conveyed factual content.

Following an explicit request from the authorities, the time dedicated to voter education in the monitored TV channels increased substantially during the last two weeks of the campaign. Unfortunately, no voter education was broadcast on *Pervii kanal*.

The printed media displayed a variety of opinions and political preferences, and were able to cover the election campaign extensively. Unfortunately, their circulation is limited, except for the state-owned dailies *Moldova Suverană* and *Nezavisimaia Moldova*, and the pro-PPCD daily *Flux*. PCRM filed several complaints to the CEC against competitors for not having marked their electoral

materials published in newspapers as electoral advertisement. In most of the cases, the CEC met the request and asked competitors and the media to respect the legal provisions.

The premises of the opposition newspaper *Moldavskie Vedomosti*, which is linked to the Peasants' Christian Democratic Party, were visited by policemen towards the end of the campaign. Together with the opposition newspaper *Timpul*, *Moldavskie Vedomosti* is currently facing several libel cases initiated in 2004 against them by persons and institutions close to the current leadership.

### **Complaints and Appeals**

Since the beginning of the election period, the CEC has issued numerous decisions on complaints submitted by electoral contestants, mainly regarding violations of campaigning regulations and campaign coverage by TV stations. Complaints about intimidation of electoral contestants by the police were forwarded to public prosecutors for further investigation. Overall, the CEC decisions on complaints have been adopted in compliance with the law. The dismissal of a large number of complaints appears to have been due to contestants' poor legal argumentation and lack of evidence.

DECs have also issued many decisions on complaints submitted by electoral contestants, regarding, *inter alia*, pressure exercised by local authorities on the electorate (village of Gura Camencii, DEC Florești), obstruction of contestants' campaigns by municipal authorities (Comrat, Vulcănești), illegal display of electoral posters (Ialoveni), and the composition of PSEBs (Criuleni). The OSCE/ODIHR EOM noted that several parties preferred to lodge their complaints directly with the CEC due to mistrust of the respective DECs. Long-term observers noted that several DECs delayed the issuance of decisions on submitted complaints.

The Chișinău Court of Appeal, the Supreme Court of Justice and local courts have adjudicated several appeals filed by electoral contestants against CEC and DEC decisions. The Courts decided on a wide range of issues, such as the commencement of the election period, campaigning matters, the right of private TV channels to refrain from covering the electoral campaign, the registration of a political party's name and the appointment of the Chișinău DEC members. In most cases, the Courts ruled in accordance with the law. However, in several instances, they did not issue their decisions within the deadlines stipulated by the Election Code (Art. 67), namely five days from the filing of a complaint against a CEC decision and three days for a DEC decision. This constitutes a violation of the Election Code which requires the settlement of pre-election disputes in the fastest possible manner. Undue delays in resolving election disputes potentially amounts to depriving complainants of their right to an effective legal remedy.

### **Participation of Women**

In the 2001 elections, only ten out of the 101 elected MPs were women. Their number subsequently rose to 16 (15.8 percent) as lower-ranked candidates replaced MPs who resigned their seats. The speaker of parliament, as well as two government ministers, are women. In 2001, women made up 18 percent of the candidates but were often ranked in lower positions on their parties' lists.

In these elections, women accounted for 29 percent of candidates on parties' and electoral blocs' lists; in addition two women ran as independent candidates. The PPCD alternated men and women on its candidate list. The share of women candidates was also high on the lists of the Republican Party of Moldova (53 percent) and the Labour Union "Patria-Rodina" (40 percent). Apart from the Peasants' Christian Democratic Party and the Centrist Union of Moldova, no party nominated less

than 20 percent women. It is expected that, as a result of the more balanced candidate lists, the share of women MPs will increase.

The Constitution and the Election Code guarantee equal rights of men and women. The Law on Political Parties and Socio-Political Organizations states that parties and socio-political organizations shall promote the principle of gender equality in decision-making organs at all levels; however, there are no affirmative actions or established quotas. Women-related topics played only a minor role in the campaign.

### **Participation of National Minorities**

National minorities account for around 30 percent of Moldova's population, according to the 1989 census (the relevant results of the latest census held in October 2004 have yet to be released). The largest minorities are the Ukrainians, Russians, Roma, Gagauz and Bulgarians. Despite the significant share of the total population they represent, issues of national minorities were not high on the agenda in these elections.

The registration requirements of the Law on Political Parties, combined with the minimum representation thresholds stipulated by the Election Code, have proven extremely disadvantageous for the formation of ethnic and regionally-based parties.

Most interlocutors from political parties said that their candidate lists included representatives of registered national minorities. It appears, however, that the Roma minority in particular was under-represented in these elections; only two Roma candidates were included on the lists of mainstream parties, in ineligible positions.

Some electoral competitors are perceived as representing the Russian minority's interests, namely the Republican Socio-Political Movement "Ravnopravie" and, to a lesser extent, the Electoral Bloc "Patria-Rodina" and the Labour Union "Patria-Rodina". The platforms of these contestants focused largely on the status of the Russian language and cooperation with the CIS states. Issues of the Ukrainian minority, the largest minority according to the 1989 census, were not present in the public debate, except the right to use Ukrainian in education and public administration institutions.

### **Election Observation**

The Election Code provides for election observation by representatives of election contestants, non-partisan domestic observers, international organizations and NGOs and foreign governments. While the Election Code and the respective CEC Decision on the status of observers provided a satisfactory framework for observation, one significant shortcoming remained: while the request for accreditation submitted by domestic organization has to be approved or rejected within a specific deadline, there is no such deadline for international observers.

International observers: Prior to the elections, members of some Russian-based NGOs who claimed they had come to observe the elections were deported from the country before they had submitted to the Ministry of Foreign Affairs their accreditation requests. In total, according to the Ministry for Foreign Affairs, four foreign organizations which requested accreditation to observe the elections were denied it. These were the Republican Party "Assar" (Kazakhstan), the Parliamentary Assembly of the Russian-Belarusian Union, the International Assembly for Human Rights Protection (Russian Federation), and the non-governmental organisation CIS-EMO (Russian Federation). While the first

two organisations were applying for accreditation for less than 10 observers each, the latter two both applied for several hundred.

Immediately prior to election day, more than a hundred Ukrainian, Russian and Belarusian nationals belonging to the non-governmental organisation CIS-EMO were stopped or detained after they had entered the country. They claimed they had come to observe the elections, but they had not yet received official accreditation, and did not know whether such accreditation would be forthcoming from the Ministry for Foreign Affairs. Such a situation may be avoided in the future if the application procedures for observer accreditation, and respective deadlines, are further clarified.

Domestic observers: The main non-partisan domestic organization which observed these elections was the Civic Coalition for Free and Fair Elections “Coalition 2005”. Created in May 2004, it gathers together almost 200 civil-society organizations. The coalition conducted long-term observation and also undertook media monitoring. Before the elections, it issued five reports on its long-term observation findings and three media-monitoring reports. On election day, the coalition deployed around 2,200 observers throughout Moldova. On election day, the coalition conducted a parallel vote tabulation and a quick count.

On 9 February, the coalition was attacked by PCRM leader Vladimir Voronin and by the party’s Executive Secretary Victor Stepaniuc, who accused them of supporting one electoral contestant and warned that funds given to the coalition by international donors could be confiscated should this accusation be substantiated. The coalition on 10 February rejected the accusations, and representatives of the international community in Chişinău, including embassies, issued a statement in support of the coalition. The controversy did not develop any further.

### **Election Day, Vote Count, and Tabulation**

Election day was generally calm and peaceful. According to the CEC, 63.7 percent of voters turned out to vote. IEOM observers assessed the conduct of polling as good or very good in 80.4 percent of polling station visited, and another 16 percent were found to be conducted in an adequate manner.

IEOM observers reported problems which point to inconsistent application of the rules and regulations, as well as other procedural problems. In 14.6 percent of polling stations visited, not all people who should have been entered on the supplementary voters’ list were actually entered, and in 7.1 percent, the Polling Boards did not retain all Absentee Voter Certificate presented. In 12.7 percent of visits, observers noted that the “voted” stamp was not applied to every voter’s identity document, thus removing a safeguard introduced by the CEC to prevent possible multiple voting. This was observed in particular in Briceni, Căuşeni, Ocnîţa and Gagauzia.

IEOM observers reported instances of unauthorized persons assisting in the work of the Polling Board or directing it in 10.8 percent of polling stations visited (in most cases, members of administrative authorities or representatives of parties or coalitions). Police were present in 5.6 percent of polling stations visited.

Other problems noted included: insufficient safeguards for the secrecy of the vote (in 7.7 percent of polling stations visited), group voting (14.4 percent), proxy voting (6.6 percent), campaigning or campaign material inside a polling station or in its immediate vicinity (8.8 percent).

Some problems observed on election day appeared to stem from inadequate organization. Reports indicated polling stations were overcrowded during the observers' visit in 15.6 percent of cases.

In the polling stations visited throughout the course of the day, around 8.5 percent of voters had been added to the supplementary list. Some 0.9 percent of voters had used Absentee Voter Certificates. This indicates that further efforts are required in order to improve the accuracy of voters' lists.

A little over 30 percent of ballots available at polling stations had been printed in Russian. However, it appears that they were not always distributed in sufficient numbers to individual polling stations, as 8.7 percent of reports indicate that voters were not handed ballots in the language of their choice.

IEOM observers met domestic non-partisan election observers in over half of the polling stations visited and international observers, most from the Romanian NGO Pro Democracy Association in 20 percent of PS visited. Representatives of the contestants were present in over 99 percent of PS visited, most of them representing PCRM, BMD, the PPCD, or the PSDM. Observers noted isolated cases when domestic observers or representatives of contestants were prevented from carrying out their work, and instances where party representatives tried to influence voters. Women accounted for almost three quarters of polling board members.

An estimated 9,000 voters residing in Transdnistria turned out on election day. In most of the nine polling stations they were assigned to on the Moldovan-controlled territory, few problems were noted. However, one polling station in Varnița, dedicated to voters from Transdnistria, became overcrowded as over 4,000 voters came to vote there. In this polling station, observers also noted the presence of a group of unidentified men who had no apparent role in the electoral process, as well as the expulsion of a domestic non-partisan observer.

IEOM observers followed the counting process in over 120 polling stations. Some 77.1 percent of them assessed it as good or very good and another 16 percent rated it as adequate. However, observers noted that some counting procedures were often not followed (e.g. unused ballots were not voided in 12.4 percent of polling stations visited, and the stamps were not collected before the ballot boxes were opened (13 percent). In many cases, control mechanisms such as counting the number of signatures on the voters' lists before counting the votes (19.8 percent) or counting the total number of ballots first (15.7 percent) were not followed. Observers also reported that in 19.5 percent of counts, unauthorized persons were assisting or directing the work of the Polling Board (usually party or coalition representatives). Controversies over how a ballot should be counted were noted by 27.9 percent of observers; these were generally resolved by a vote of the Polling board or decision of the chairperson.

Over 28 percent of Polling Boards had problems filling in the results protocol, which were mostly resolved by recounting ballots or signatures. Some 7.3 percent of Polling Boards did not use a pen to fill in the protocol in a way which would prevent subsequent changes. In 11 percent of polling stations visited, observers and candidate representatives were not given a copy of the protocol. Domestic observers were present in about two thirds of polling stations visited for the count, and candidate representatives, in 96 percent.

IEOM observers' assessment of proceeding at the DEC's visited was generally positive, and they reported that procedures were generally followed, although in many cases, the Polling Board chairperson was not present when the polling station results were entered or did not verify them.

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

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### **MISSION INFORMATION & ACKNOWLEDGEMENTS**

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Mr. Kimmo Kiljunen (Finland), Head of the OSCE Parliamentary Assembly (PA) delegation, was appointed as Special Coordinator by the OSCE Chairman-in-Office to lead the short-term observers. André Kvakkestad (Norway) led the Parliamentary Assembly of the Council of Europe (PACE) delegation, and Marianne Mikko (Estonia) led the European Parliament (EP) delegation. Ambassador István Gyarmati (Hungary) is the Head of the OSCE/ODIHR Election Observation Mission.

The OSCE/ODIHR Election Observation Mission (EOM) opened in Chişinău on 26 January with 32 experts and long-term observers deployed in the capital and seven regional centers. On election day, the IEOM deployed close to 500 short-term observers from 36 OSCE participating States, including 63 members of the OSCE PA delegation, 38 from PACE, and 14 from the European Parliament. The IEOM observed voting throughout the Republic of Moldova in about 1,400 polling stations out of a total of 1,970, and counting was observed in some 120 polling stations. The IEOM was also present in 24 district election commissions to observe the tabulation of results.

The OSCE/ODIHR will issue a comprehensive report on these elections approximately six weeks after the completion of the election process.

The IEOM wishes to thank the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation. The IEOM also wishes to express appreciation to the OSCE Mission to Moldova and to the Special Representative of the Secretary General of the Council of Europe, other international organizations and embassies accredited in Chişinău for their support throughout the duration of the mission.

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