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## **INTERNATIONAL ELECTION OBSERVATION MISSION Early Parliamentary Elections, Republic of Moldova – 29 July 2009**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Chisinau, 30 July 2009** – The International Election Observation Mission (IEOM) for the 29 July early parliamentary elections 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 assessment was made to determine whether the elections complied with the OSCE and Council of Europe commitments for democratic elections, as well as with Moldovan legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The delegation of the PACE will present its report at the next plenary session of the Assembly in Strasbourg.

The institutions represented in the IEOM wish to thank the Moldovan authorities for their co-operation and stand ready to continue their support for the conduct of democratic elections.

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### **PRELIMINARY CONCLUSIONS**

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The 29 July early parliamentary elections in Moldova overall were well administered, allowing for competition of political parties representing a plurality of views. Many of the OSCE and Council of Europe commitments were met; however, the campaign environment was negatively affected by subtle intimidation, and bias in media coverage. The electoral process underscored the need for continued democratic reforms to restore the public trust.

Election day was well-organized and calm, with the IEOM observers assessing electoral proceedings overwhelmingly positively. Election commissions generally followed the legal procedures. The shortcomings noted by observers during voting were primarily related to the voter lists, with records lacking identification numbers and complaints by voters of other individuals registered under their addresses. While counting was assessed generally positively, some election commissions experienced difficulties in completing result protocols and nearly half failed to post protocols for public review. While the processing of results at District Electoral Councils was overall orderly, a high number of Precinct Electoral Bureaus had to enter corrections into protocols and to carry out recounts. The electronic data processing worked well and allowed for swift release of provisional results.

The campaign environment remained strained following the events of 7 April in Chisinau when violence broke out during demonstrations against alleged fraud in the 5 April vote. Political parties frequently used these events in their campaigns to blame each other for the eruption of violence. The campaign atmosphere was highly polarized, and there was severe antagonism between the opposition and the ruling party, with the authorities using methods of subtle pressure and intimidation to control the campaign environment.

The candidates were overall able to campaign across the country, although there were cases of disruption of opposition rallies. The misuse of administrative resources by some political parties and local authorities had a negative effect on the equality of campaign opportunities. The observers confirmed several cases of the ruling Party of Communists of the Republic Moldova (PCRM) campaigning in public institutions with state employees expected to attend these events. Local administrations, controlled either by the ruling party or the opposition, have occasionally used the newspapers financed by public funds in order to further their political campaign. Such practices did not contribute to enhancing public confidence in the fairness of the electoral process.

The media offered voters the possibility to receive information about key electoral contestants, mainly through free-of-charge candidate debates and advertisements. The public media generally respected legal provisions prohibiting privileged treatment of candidates holding official positions. However, the main television channels, including public *Moldova 1*, failed to provide impartial and balanced information in its newscasts, favouring the PCRM both in terms of time and tone.

The election administration operated transparently, with political parties, media and civil society enjoying broad access to its work. The Central Election Commission (CEC) administered elections in an overall professional manner despite shortened electoral deadlines. However, the District Electoral Councils (DECs) have occasionally failed to apply CEC instructions in a timely and consistent manner.

Despite some efforts by the election administration to improve the quality of voter lists, voter registration lacked uniformity and an adequate legal framework. The compilation of voter lists varied considerably among local government units, and the voter lists were often not displayed for public scrutiny in a timely manner, or were not displayed at all.

The legal framework provides an overall adequate basis for the conduct of democratic elections, although further improvements are required. Shortly before the elections, the threshold for party representation in Parliament was reduced from six to five per cent, and the turnout requirement for the elections to be valid was lowered to one third of registered voters. This partially addressed previous recommendations by the OSCE/ODIHR and the Venice Commission of the Council of Europe.

The following additional positive aspects of the election process were noted:

- The candidate registration was inclusive and offered voters a genuine choice;
- During the campaign period, the Central Election Commission has been diligent in deciding on complaints in an expeditious manner;
- Campaign finance was transparent and disclosure requirements were generally adhered to; and
- The CEC conducted a voter education campaign, including through televised spots.

However, the following issues of concern remain:

- The establishment of a centralized electronic voter register, outlined in the relevant law, was delayed. Introduction of such a register could have facilitated voter lists compilation and enhanced their quality;
- The legislation continues to prohibit formation of pre-electoral alliances which creates additional obstacles for representation of political parties in the Parliament;

- The Election Code precludes candidates with multiple citizenships from taking up parliamentary seats if elected unless they renounce their other citizenships;
- Cases of administrative interference in the campaign and intimidation of candidates and voters by the police were confirmed;
- The Audio-Visual Co-ordinating Council (CCA) failed to enforce legislation requiring impartial media coverage of the campaign, and did not act on media-related complaints, partly due to a conflicting provision contained in the CEC Media Regulations;
- Complaints and appeals procedures were not clearly defined and remain a cause of confusion and potential conflict, and
- The right of reply of contestants was not always respected by the media in a fair and correct manner.

As in previous elections, voting did not take place on the territory that since 1992 is under the *de facto* control of the Transdniestrian authorities. In Corjova, a disputed commune on the eastern bank, voting was prevented by seemingly organized groups.

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## PRELIMINARY FINDINGS

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### Background

The 29 July early parliamentary elections were triggered by the failure of the Parliament to designate a new President in two attempts. None of the four political parties that entered the Parliament following the 5 April elections secured the three-fifths majority (minimum of 61 votes) necessary for electing a new President.<sup>1</sup> Subsequently, the Parliament was dissolved and, on 15 June, the President called early elections.<sup>2</sup> In the last elections, of 101 parliamentary seats, the governing Party of Communists of the Republic of Moldova gained 60 seats, the Liberal Party (PL) 15 seats, the Liberal Democratic Party of Moldova (PLDM) 15 seats and the Alliance “Our Moldova” (AMN) 11 seats.

The IEOM deployed to the 5 April parliamentary elections – also a joint undertaking of the OSCE/ODIHR, OSCE PA, PACE and the EP – concluded that while many of the OSCE and Council of Europe commitments were met, further improvements were required to ensure an electoral process free from undue administrative interference and to increase public confidence. Post election day developments revealed further shortcomings that challenged some OSCE commitments, in particular the disregard for due process in adjudicating complaints of alleged irregularities and deficiencies in the compilation of voter lists lodged by opposition political parties.<sup>3</sup>

### Legal Framework

The Parliament of the Republic of Moldova is elected within a single nationwide constituency through proportional representation based on closed party lists.

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<sup>1</sup> The current President Vladimir Voronin was elected for the second term on 4 April 2005 and his mandate should have expired on 7 April 2009.

<sup>2</sup> For the first time an election was held on Wednesday; the day was declared a public holiday in Moldova.

<sup>3</sup> See the IEOM Statement of Preliminary Findings and Conclusions, [www.osce.org/documents/odihr/2009/04/37142\\_en.pdf](http://www.osce.org/documents/odihr/2009/04/37142_en.pdf), and the OSCE/ODIHR Final Report on 5 April Parliamentary Elections, [www.osce.org/documents/odihr/2009/06/38185\\_en.pdf](http://www.osce.org/documents/odihr/2009/06/38185_en.pdf).

The legal framework for the conduct of elections includes the Constitution, the Election Code, organic laws on the courts and the regulations and decisions of the CEC. The Law on Political Parties and the Law on Public Assemblies are also applicable. The legal framework provides an overall adequate basis for the conduct of democratic elections; however, further improvements are required.<sup>4</sup> The Election Code continues to lack clarity in several areas and allows for overlapping jurisdiction of courts and election commissions.<sup>5</sup> Complaints and appeals procedures were not clearly defined and remain a cause of confusion and potential conflict.

The most recent amendments to the Election Code, introduced in June 2009, addressed only partially previous recommendations by the OSCE/ODIHR and the Venice Commission of the Council of Europe. The electoral threshold for party representation in the Parliament was lowered from six to five per cent<sup>6</sup> and the turnout requirement for an election to be valid was reduced from half to one third of registered voters.<sup>7</sup>

The Code still contains a prohibition on forming pre-electoral coalitions which creates additional obstacles for the representation of political parties in the Parliament. Moreover, the Code precludes candidates with multiple citizenships from taking up parliamentary seats if elected unless they renounce their other citizenships.

### **Election Administration**

Elections were administered by a three-tiered election administration comprising the CEC, 35 District Electoral Councils<sup>8</sup> and 1,986 Precinct Electoral Bureaus (PEBs). The principles of formation of election commissions, as stipulated in Articles 27 and 29 of the Election Code, remained the same as during the 5 April parliamentary elections.<sup>9</sup> However, the representation of political parties in DEC and PEBs has changed to reflect the composition of the newly elected Parliament.<sup>10</sup> The PEBs had more representatives of opposition parties compared to the 5 April elections.<sup>11</sup> Election contenders were entitled to appoint one non-voting representative to each level of election administration.

The electoral timeframe for the conduct of these early parliamentary elections was shorter than the standard 60 days. As the elections were called only 44 days before election day, all electoral deadlines were reduced by a quarter.

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<sup>4</sup> See the Joint OSCE/ODIHR and Venice Commission of the Council of Europe Opinion on the Election Code of Moldova, as of 23 October 2008, [www.osce.org/documents/odihr/2008/10/34561\\_en.pdf](http://www.osce.org/documents/odihr/2008/10/34561_en.pdf), as well as legal reviews on the draft Laws on Political Parties and on Public Assemblies at [www.legislationline.org/documents/id/1953](http://www.legislationline.org/documents/id/1953) and [www.legislationline.org/countries/country/14](http://www.legislationline.org/countries/country/14).

<sup>5</sup> See OSCE/ODIHR Final Report on 5 April Parliamentary Elections, recommendation 23-25.

<sup>6</sup> The electoral threshold of 3 per cent for independent candidates to receive parliamentary seats was retained.

<sup>7</sup> If the turnout requirement for the elections to be valid is not met, the elections shall be declared null and repeat elections are to be held in 14 days with no turnout requirement.

<sup>8</sup> The DEC in Bender and Tiraspol had not been created.

<sup>9</sup> See Election Administration section of the OSCE/ODIHR Final Report on 5 April parliamentary elections.

<sup>10</sup> In the DEC, out of nine members nominated by parliamentary political parties, the PCRM appointed 6 members, PL, PLDM and AMN nominated 1 member each. In 11, 9 or 7-member PEBs, PCRM held 5, 3 or 2 seats respectively; PLDM and PL – 1 seat in each, and AMN - 1 seat in 11 and 9-member PEBs only.

<sup>11</sup> However, in some regions like Gagauzia some parties failed to nominate their representatives to PEBs and vacancies had to be filled with nominations by local councils.

All decisions adopted by the CEC in preparation for 5 April elections were applicable during these elections, unless they expired or were reversed by a court. The CEC amended regulations on PEB activity providing that the supplementary voter lists were to be compiled only by the respective PEB's Secretary, and stipulating that each PEB member should be assigned part of the voter list to be handled exclusively by this member and signed by him/her at the end of voting.<sup>12</sup> In addition, the CEC issued detailed instructions on mobile voting on 21 July.

Overall, the CEC operated in a professional and transparent manner. With the assistance of international donors, the CEC set up a system for the transmission of preliminary results from DEC's to speed up their announcement and publication on the CEC website on election night. The District Electoral Councils have occasionally failed to apply CEC instructions in a timely and consistent manner; however, not all CEC instructions were sufficiently detailed and clear.

Albeit late in the process, the CEC conducted a one-day training for the leadership of DEC's, and a separate training for the DEC IT personnel. The DEC's then trained PEB members and distributed among them election materials, a training video and a pollworker manual.<sup>13</sup> The CEC also conducted a voter education campaign with televised spots explaining voters' rights and election procedures.

Voters residing in Transdnistria region could vote in 11 specially designated polling stations<sup>14</sup> where they were included in the supplementary voter lists. Thirty-three polling stations were opened at embassies and consular offices of the Republic of Moldova for some 17,500 voters registered to vote out of the country.

### **Voter Registration**

The Election Code provides for voter lists to be compiled by local executive authorities and the CEC is only responsible for oversight of the compilation process. As a rule, the voter lists from 5 April elections were used as a basis, with the relevant records from the supplementary lists included in the regular voter lists.<sup>15</sup> In addition, the Ministry of Information Development, which administers the state population register, provided the CEC with updated information on deceased citizens and on voters who had turned 18 or changed their residence since the April 5 elections. On 29 July, the CEC announced that some 2.6 million voters were eligible to take part in the elections.

As voter lists were one of the most contentious issues after the 5 April elections, the CEC designed a pilot project aimed at creating a national voter list database, which would allow for a centralized review of lists for multiple entries and other errors. Initially, the local authorities were requested to submit an electronic copy of the respective voter lists to the CEC by the deadline of 6 July, which was subsequently extended to 11 July. By 27 July,

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<sup>12</sup> CEC Decision #2585 of 18 June 2009, appending Art. 67 and Decision #2640 of 23 June 2009, appending Art. 53 and 66 of the Regulations on PEB activities, the Guide for DEC and PEB members.

<sup>13</sup> Training materials were prepared in co-operation with the International Foundation for Election Systems (IFES).

<sup>14</sup> Four of these exclusively serviced voters from Transdnistria.

<sup>15</sup> The practice varied. For example, in Donduseni the compilation of voter lists started from scratch and in Orhei the 5 April supplementary lists were not available.

voter lists of 83 polling stations were still not processed.<sup>16</sup> In line with the shortened timeframe, local authorities were obliged to provide the voter lists to the PEBs by the deadline of 14 July.

Due to financial constraints, the CEC has thus far been unable to establish a centralized electronic voter register, as outlined by the 2008 Law on the Concept of State Automatic Information System “Elections”. Introduction of this register could have facilitated the compilation of voter lists and enhanced their quality.

In contradiction to legal requirements, a majority of polling stations visited during the two weeks before the elections were not operational and failed to display the voter list for verification. Citizen’s interest in verifying the voter lists seemed to be limited. Three non-governmental organizations monitored the compilation of voter lists and their findings confirmed the absence of uniform procedures.<sup>17</sup>

In addition to the regular voter lists, supplementary voter lists were compiled by PEBs on election day to include *inter alia* voters mistakenly not included on the regular lists, those without registered residence, voters with AVCs, those in hospitals and pre-trial detention centers, as well as voters from Transdnistria.

### **Campaign Environment**

Elections were contested by eight political parties whose lists of candidates were registered by the CEC in an inclusive process.<sup>18</sup> Registration of two independent candidates was refused due to incomplete documentation.<sup>19</sup> Two political parties, the National Liberal Party (PNL) and the European Action Movement (MAE), as well as one independent candidate, withdrew from the race.

Parties were allowed to start campaigning upon registration of their lists with the CEC. The campaign had a slow start but gained momentum towards its end. The most visible campaigns with rallies, albeit small, and the display of billboards were conducted by the PCRM, the PLDM, the PL and the Democratic Party of Moldova (PDM). In addition, parties used door-to-door canvassing and placed posters. While the Christian Democratic People’s Party (PPCD) and the AMN campaigns were less intensive, the Green Alliance (PEMAVE) and the Social Democratic Party (PSD) were hardly visible in the campaign, reportedly due to a lack of funds.

The campaign atmosphere remained strained mostly due to mutual accusations between the governing party and the opposition regarding the eruption of violence during the April demonstrations. At campaign events throughout the country, the PCRM showed a film “Attack on Moldova” portraying opposition parties, with some foreign involvement, as organizers of the 7 April events. Likewise, during their campaign events, the PLDM, AMN

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<sup>16</sup> The CEC initially distributed an MS Excel template to be used by local authorities in the compilation of voter lists, which was later replaced by a MS Word template. Not all local authorities were aware of this change, resulting in CEC receiving data in differentiated formats.

<sup>17</sup> The League for Defense of Human Rights of Moldova, the Moldovan Institute for Human Rights IDOM and Infonet.

<sup>18</sup> Parties were presented on a ballot in the following order: the PCRM, PPCD, AMN, PL, PLDM, PDM, PSD and PEMAVE.

<sup>19</sup> Registration of independent candidates was conditional on the submission of a minimum of 2,000 valid signatures of supporters.

and PL used footage depicting the events as instigated by the PCRM.<sup>20</sup> The only party that openly called for an end to these disputes was the PDM under its newly elected chairman who was a prominent PCRM figure and who had left the PCRM in June 2009.<sup>21</sup>

The OSCE/ODIHR EOM received numerous reports about the misuse of administrative resources during the campaign. The OSCE/ODIHR LTOs directly observed such cases in Edinet, Orhei, Cahul and Chisinau, where PCRM campaign events took place in state enterprises, such as the State Railway Company, Moldtelecom and the Bank of Economy, with employees of these institutions expected to attend. During these events, the movie “Attack on Moldova” was shown. In another case confirmed by the OSCE/ODIHR EOM observers in Nisporeni, persons implementing a social-assistance programme on behalf of the Ministry of Health distributed free-of-charge medicine while at the same time campaigning for the PCRM.

Three election complaints were filed regarding a leaflet distributed in late July by *Poșta Moldovei*, the state postal company, which included information on postal services, a Christian Orthodox calendar, and words “No. 1” and “choose” printed prominently on the front page. Although the company denied any connection of this material to the elections, mass production and distribution of such pamphlets on the eve of the elections was perceived by many voters and candidates as campaigning for the PCRM, which was placed first on the ballot. On 28 July, the Chisinau Court of Appeals ruled that this leaflet represents campaign material. On 29 July, the Supreme Court overruled this decision.

Cases of intimidation of voters and candidates were confirmed by the OSCE/ODIHR EOM, such as the disruption of opposition party rallies by provocateurs in at least three locations,<sup>22</sup> a case of a PDM supporter having been questioned by the mayor in the presence of the police after placing a PDM poster,<sup>23</sup> and – similar to an incident during the 5 April elections - a fire at the entrance of the PL office in Orhei, for which a criminal investigation is underway.

In general, the shortcomings observed during the campaign were not in compliance with paragraphs 5.4 and 7.7 of the 1990 OSCE Copenhagen Document requiring *inter alia* clear separation between political parties and the state, and that the campaign environment be free from intimidation.

According to a financial report released by the CEC on 20 July, the contestants have collectively accrued a total of 10.4 million Lei for campaigning, of which the biggest amounts were spent by the PDM (3.14 mln Lei) and the PCRM (2.26 mln Lei), and the smallest by the PL (61,000 Lei). Political parties have generally complied with the legal requirements of submitting their campaign finance reports to the CEC, although some minor delays in the submission of these reports occurred.

## Media

The Election Code, the Broadcasting Code and the CEC Regulation on the Media Coverage, adopted on 23 June 2009, constitute the legal framework for media coverage of

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<sup>20</sup> None of these films were regarded campaign material and were claimed to have been produced for “educational purposes”.

<sup>21</sup> Subsequently, around 30 PCRM members defected to the PDM.

<sup>22</sup> These persons were directly linked to the PCRM.

<sup>23</sup> In a village of Donduseni district.

the campaign. The OSCE/ODIHR EOM media monitoring findings showed that most of the monitored media, including the public *Teledio Moldova* (TRM), generally followed legal provisions prohibiting privileged treatment of electoral candidates holding official positions. While most of the media made an effort to report on the activities of all contesting political parties, discernable differences were observed, both in the quantity and the tone of the coverage. The right of reply of contestants was not always respected by the media.

Three television channels have nationwide coverage, including public *Moldova 1*, which in many parts of the country is the prime source of information. In its news, *Moldova 1* failed to provide impartial and balanced coverage. It dedicated the largest share of its relevant news to the PCRM, amounting to 21 per cent of predominantly positive and neutral information. The PLDM followed with 13 per cent and the PL with 9 per cent.<sup>24</sup> The coverage of AMN, PD, PL and PLDM was mostly neutral or negative. Similarly, *Radio Moldova*, as part of TRM, in its news reporting showed preference for the PCRM, both in terms of quantity and tone, with 22 per cent of mostly neutral and positive coverage. All other parties received less than 10 per cent of coverage each, mostly neutral in tone.

Beyond the news, the public media followed the legal requirements on paid advertisements and on allocation of free airtime through debates. While almost all monitored private media launched electoral debates after the deadline for the registration of candidates (12 July), the CEC obliged TRM to start organizing debates already on 8 July.<sup>25</sup>

The nationwide private channel *NIT* in its news showed a clear bias in favour of the PCRM, which received 36 per cent of relevant coverage in almost exclusively positive and neutral tone. The amount of time given to other contestants was significantly lower.<sup>26</sup> Most of them were covered in a distorted and negative manner (PD, AMN, PL, PLDM), and their right of reply was generally not respected. *Prime TV*, the third nationwide channel, decided not to cover the election campaign at all.

Among non-nationwide channels, private *N4* provided biased coverage in favour of the PCRM. *EU TV* initially offered rather balanced news. However, the decision of *EU TV* to avoid covering the PLDM and the AMN in response to their withdrawal from the channel's debates contradicted requirements of equal coverage. *Pro TV*<sup>27</sup> and *TV 7*, channels with more limited coverage, offered their viewers a more balanced news reporting.

According to the Broadcasting Code, the Audio-Visual Coordinating Council is the competent authority to ensure *inter alia* that "media cover elections in an accurate, balanced and impartial manner", and to impose sanctions as necessary. However, the obligations of the CCA under the Broadcasting Code were blurred by the Media Regulations adopted by the CEC, which stated that media-related disputes were to be settled by the courts. With such ambiguities in the regulatory framework, the CCA chose not to act on complaints related to the media passed on to it by the CEC<sup>28</sup> or referred the

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<sup>24</sup> Other parties received: AMN – 7 per cent, PPCD – 6 per cent, PDM – 5 per cent, PSD – 5 per cent and PEMAVE – 1 per cent.

<sup>25</sup> Two electoral contestants, PEMAVE and MAE, which were registered after the start of debates (on 9 July), were provided with compensatory free airtime.

<sup>26</sup> The second most shown was PLDM with 10 per cent, while others received less than 8 per cent.

<sup>27</sup> Private *Pro TV*, perceived as one of the few sources offering diverse viewpoints, was required to take part in a tender for extending its license in May 2009. On 10 June, the CCA decided to postpone all tenders until after the early parliamentary elections.

<sup>28</sup> In at least three cases, the CEC (decisions 2742, 2769, and 2770) passed the complaints to the CCA.

contestants to courts.<sup>29</sup> The CCA issued two press releases<sup>30</sup> of a general and advisory nature reminding broadcasters of their legal obligations, and at its 23 July session, adopted a decision of a similar character. Overall, the CCA failed to properly oversee and enforce legal requirements on impartial media coverage.

In one case involving the local Gagauzia-based *TV2 Comrat*, owned by a PLDM representative in the Gagauzia DEC, the CCA filed a complaint with the Administrative Court in Comrat against the legality of the *TV2 Comrat* broadcasting license issued by the Gagauz authorities.<sup>31</sup> The CCA argued that only central authorities have the right to grant broadcasting licenses in Moldova.

### Complaints and Appeals

The complaints and appeals process was open and transparent at the level of the CEC and courts. Overall, the CEC met its responsibility as regards the consideration of complaints and adjudicated them in a timely manner. CEC decisions on complaints were well reasoned and appeared to follow the law. The CEC maintained a regularly updated register of complaints and its decisions were generally posted on the website within 24 hours of issuance. However, as during the 5 April elections, the CEC continued responding to numerous complaints by a letter instead of issuing a decision, thereby denying the complainant the possibility to appeal.<sup>32</sup>

CEC hearings on complaints were at times unorganized and resulted in arguments between CEC members from different parties, partly because of the lack of written rules and procedures. In addition, the complaints process is still hindered by the dual jurisdiction of courts and electoral bodies.<sup>33</sup> In all but one case, the CEC avoided ruling on complaints alleging unethical or defamatory content of campaign materials, stating that this matter was within the competence of courts under Article 16 of the Civil Code.

Over 90 per cent of complaints to the CEC were filed by political parties. The majority were related to the media, in particular the right of reply or the absence of the legally required stipulation on campaign material that it was paid for from an election fund.

The election administration at the district level dealt mainly with complaints related to the destruction of billboards or posters, cases of alleged misuse of administrative resources connected to the showing of the film “Attack on Moldova” to employees of public institutions during working hours, interference in campaigning by local authorities and police, and the disruption of rallies by provocateurs or police. The DEC’s dealt with complaints in an inconsistent manner.

As of 28 July, the Supreme Court has heard 29 appeals on CEC decisions related to media complaints, archiving of voting records in courts, and the way the names of political parties were presented on the ballot. The issue of voting by students was also subject of a Supreme Court ruling. The AMN and the PL challenged the CEC’s refusal to facilitate voting by students by allowing them to vote at either their temporary or permanent residence. The

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<sup>29</sup> AMN on 7 and 8 July.

<sup>30</sup> On 13 and 16 July.

<sup>31</sup> The Gagauz authorities granted a broadcasting license in 2002 and renewed it on 17 June 2009.

<sup>32</sup> See OSCE/ODIHR EOM Final Report 5 April Parliamentary Elections, p. 15.

<sup>33</sup> *Ibid*, p.30, recommendation 24.

Supreme Court rejected the complaint stating that the Election Code was already sufficiently clear on this matter.

There have been 21 cases of administrative offences investigated by the Ministry of Interior as of 25 July. The majority of cases related to the placement of campaign posters in unauthorized locations and the destruction of posters and billboards.

### **Participation of women and national minorities**

Most political parties did not address issues related to women or gender equality in their campaign platforms. Women made up a total of 29,6 per cent of all candidates; however, they were generally less present among top positions on candidate lists.

Although women were generally well represented in the lower levels of election administration, they were under-represented in leadership positions at all levels. Out of nine CEC members, only one, the deputy chairperson is a woman. Eleven out of 35 DEC are headed by women. Women are deputy chairpersons in 11 DECs and secretaries in 23.

Issues related to national minorities did not play a prominent role in the election campaign but were subsumed by the controversy between the PCRM and the opposition about issues such as Moldovan statehood, national identity and patriotism. Official information, party campaign materials and ballots were provided both in the State language and in Russian. Representatives of the Gagauz minority expressed concern that their viewpoints were not taken into account in the capital. While no official data on the ethnicity of candidates was made available by the CEC, it appears that several parties included representatives of national minorities on their candidate lists.

### **Election Observers**

The transparency of elections was further enhanced by the broad access of political party observers who were actively engaged in monitoring the electoral process, in particular during election day. The Election Code also provides for election observation by international and domestic non-governmental organizations, as well as proxies of electoral contestants. Overall the CEC accredited 2,670 domestic non-governmental and 488 international observers.

In the framework of the Civic Coalition for Free and Fair Elections – Coalition 2009, the League for Defense of Human Rights of Moldova (LADOM) deployed 4 regional coordinators, 62 LTOs and some 2,000 STOs to observe the elections. LADOM also implemented a voter list monitoring project and carried out a quick check and parallel vote count on election day. Another NGO, the Moldovan Institute for Human Rights (IDOM), monitored the voter list compilation with some 60 observers in two municipalities and 8 regions<sup>34</sup>.

The European Network of Election Monitoring Organizations (ENEMO), a coalition of 18 civic organizations from Central and Eastern Europe and Central Asia, intended to observe the elections with some 140 observers. However, as the ENEMO did not receive all observer accreditations requested, and faced difficulties with the deployment of its mission, the Organization subsequently decided to cancel its observation.

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<sup>34</sup> IDOM's project covers Chisinau and Balti municipalities, and Cahul, Drochia, Dubasari, Taraclia, Stefan Voda, Soroca, Nisporeni and Hincesti regions.

## Election Day

Election day was well organized and calm.<sup>35</sup> The IEOM observed opening in 102, voting in 1,123, counting in 98 polling stations and tabulation in 29 DEC. Opening of polling stations was assessed positively by observers. Overall procedures for polling were followed in line with the Election Code and CEC regulations.

While observers assessed voting as good or very good in 97 per cent of the observations, some procedural problems were noted. In 6 per cent of polling stations, the PEB Secretary was not the only person handling the supplementary voter list. Ballot boxes were not properly sealed in 3 per cent of polling stations. The secrecy of voting was not respected in 4 per cent of polling stations observed, including during mobile voting, and family voting was noted in 4 per cent of the polling stations observed.

The IEOM observers reported problems related to the quality of the voter lists. In Soroca, Falesti, Singerei and some other areas, between 5 and 20 per cent of entries in the voter lists did not include voters' identification number. Additionally, in a number of PEBs, voters complained that other persons were registered under their addresses. This sometimes led to controversies with PEBs. In 4 per cent of polling stations visited, official complaints pertaining to a range of issues had been filed with PEBs.

In 18 per cent of cases small numbers of voters were not allowed to vote, mostly due to improper identification or voters not being found on the voter lists. In a few cases, students were not able to cast their votes at their place of study, as their temporary registration had expired on 1 July 2009 and they had to vote at the place of their permanent residence. Reportedly, in Edinet and Ungheni, organized transportation to Chisinau for students was disrupted by police and unknown persons.

Domestic observers, mainly from LADOM, were present in 89 per cent of polling stations observed. Party observers, predominantly from the PCRM, AMN, PL, PLDM and PDM, were present in 94 per cent of polling stations visited.

Counting was assessed positively by the IEOM observers in 94 per cent of counts with some procedural problems noted, including the presence of unauthorized persons in 7 per cent of observations, with some of them directing the work of PEBs. Observers also noted that not all "VOTAT" stamps were collected before the count began in 9 per cent of cases. In 11 per cent of counts observed, the newly introduced procedure for PEB members to sign each page of the VL they are responsible for was not followed. In 14 per cent of counts, the PEB did not establish the number of ballots issued by counting the signatures on the voter lists, and 13 per cent of PEBs had problems reconciling the results in the protocols. In 16 per cent of cases, result protocols were pre-signed. While in contravention of the Election Code the protocols were not posted at the entrance of polling stations in 49 per cent of cases, observers received a copy of the protocol in 97 per cent of polling stations. Domestic observers followed the count in 94 per cent of polling stations monitored and party observers in 96 per cent.

The IEOM observers were present in each of 35 DEC. They assessed the transfer of results and election materials from PEBs as transparent and uninterrupted in most cases,

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<sup>35</sup> In Singera, Chisinau municipality, an incident was reported on election day. An AMN supporter was attacked by the PCRM supporter, with the former getting wounded by gunshots. It is unclear whether the incident was election-related.

although not always well organized. Only in DEC 17 (Falesti), the process was tense and slow, with police engaged in controlling the order of election material intake.

While generally PEB result protocols were completed in accordance with the requirements, a high number of PEBs had to enter corrections upon review by the DEC. In eleven DEC, at least one PEB was sent back to recount the ballots. Errors in the PEB protocols were corrected on the spot at every third DEC in an improvised manner.

Domestic observers were present at 19 DEC and were allowed to observe the process at the point of introduction of data into the computers. The CEC reported the provisional results throughout the election night both by polling station and nationally on a website.

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

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### **Mission Information & Acknowledgements**

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Mr. Petros Efthymiou (Greece), Head of the OSCE Parliamentary Assembly (PA) Delegation, was appointed as Special Coordinator by the OSCE Chairperson-in-Office to lead the OSCE short-term observers. Mr. Mevlüt Cavuşoğlu (Turkey) led the Parliamentary Assembly of the Council of Europe (PACE) Delegation, and Mr. Marian-Jean Marinescu (Romania) led the European Parliament (EP) delegation. Ambassador Boris Frlec (Slovenia) is the Head of the OSCE/ODIHR Election Observation Mission.

The OSCE/ODIHR Election Observation Mission (EOM) opened in Chisinau on 26 June with 36 experts and long-term observers of 22 OSCE participating States deployed in the capital and eight regional centers. On election day, the IEOM deployed some 300 short-term observers from 40 OSCE participating States, including 38 members of the OSCE PA delegation, 16 from PACE, and 11 from the European Parliament. The IEOM observed voting throughout the Republic of Moldova in some 1,000 polling stations out of a total of 1,986, and counting was observed in 108 polling stations in all electoral districts. The IEOM was also present in all District Electoral Councils to observe the tabulation of results.

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

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