

**REPUBLIC OF MOLDOVA:
PARLIAMENTARY ELECTION
MARCH 2005**

Report
by
Bjørn T Vagle

Copyright: the Norwegian Centre for Human Rights/NORDEM and Bjørn Vagle.

NORDEM, the Norwegian Resource Bank for Democracy and Human Rights, is a programme of the Norwegian Centre for Human Rights (NCHR), and has as its main objective to actively promote international human rights. NORDEM is jointly administered by NCHR and the Norwegian Refugee Council. NORDEM works mainly in relation to multilateral institutions. The operative mandate of the programme is realised primarily through the recruitment and deployment of qualified Norwegian personnel to international assignments which promote democratisation and respect for human rights. The programme is responsible for the training of personnel before deployment, reporting on completed assignments, and plays a role in research related to areas of active involvement. The vast majority of assignments are channelled through the Norwegian Ministry of Foreign Affairs.

NORDEM Report is a series of reports documenting NORDEM activities and is published jointly by NORDEM and the Norwegian Centre for Human Rights.

Series editor: Siri Skåre

Series consultants: Hege Mørk, Gry Kval, Christian Boe Astrup

The opinions expressed in this report are those of the author(s) and do not necessarily reflect those of the publisher(s).

ISSN: 1503–1330

ISBN/13 : 978 – 82 – 8158 – 005 -3

ISBN/10 : 82 – 8158 – 005 -4

Preface

The OSCE/ODIHR Election Observation Mission (EOM) to monitor the Parliamentary Election in the Republic of Moldova was headed by Ambassador István Gyarmati (Hungary). A core team of 16 members was based in Chisinau. On 3 of February 2005, 12 long-term observers (LTO) arrived and were deployed to Chisinau and seven other locations in the Republic of Moldova.

The election-day observation, under the auspices of the International Election Observation Mission (IEOM), was a joint undertaking by the OSCE/ODIHR, the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP).

Close to 500 short-term observers (STO) from 36 OSCE participating states were deployed on election day, including 63 members of the OSCE PA delegation, 38 from PACE and 14 from the EP, reporting from about 1,400 polling stations out of a total of 1,970 countrywide.

The Norwegian Resource Bank for Democracy and Human Rights (NORDEM) was asked by the Norwegian Ministry of Foreign Affairs to identify one long-term observer (LTO) and three short-term observers (STOs). The LTO, Bjørn T Vagle covered the southeastern region of Moldova, comprising the districts of Causeni, Anenii Noi and Stefan-Voda while the STOs John Myraunet covered the region of Calarasi northwest of Chisinau, Kris Riiber and Hans Haddal the region of Gagauzia, however separate towns, respectively Tomai and Cahul .

The information compiled in this report draws on this LTO's observations, briefing material and general findings by the core team, and other LTOs observations during the pre-election period, as well as election-day observations by the STOs.

The Norwegian Center for Human Rights / NORDEM
University of Oslo
June 2005

Contents

Introduction	1
Political background	1
The Legislative Framework.....	4
The Electoral Administration	5
Voter and Civic Education	6
Voter Registration.....	7
Candidate registration	8
The Election campaign	8
The Media.....	9
Observation on the Polling Day	10
Polling Day Procedures	10
Election Day Observation report from STO John Myraunet, Calarasi Rayon	12
General information.....	12
Election Day Observation of opening.....	12
Observation of polling.....	12
Observation of closing and counting	13
Observation at DEC.....	13
Election Day Observation report from STO Kris Ann Riiber, Gagauzia Rayon	14
Observation of the opening	14
Observation of the polling.....	14
During the day the team visited 5 polling stations for the polling.....	14
Observation of the closing and counting	15
Election Day Observation report from STO Hans C. Haddal, Gagauzia Rayon.....	15
Observation of the polling:.....	15
Observation of closing and counting :	16
The review of Complaints Process.....	16
Conclusions and recommendations.....	17
Comments on the election observation mission	18
Appendice.....	19

Introduction

The ODIHR EOM was established in response to an invitation from the Ministry of Foreign Affairs of the Republic of Moldova to monitor the parliamentary elections compliance with OSCE and Council of Europe commitments and other international election standards, as well as its compliance with domestic legislation.

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.

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 Braghis Alliance (19 seats) and the Christian Democratic Party (11 seats).

The election took place in the 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.

The overall assessment of the EOM is that the parliamentary elections generally complied with most OSCE and Council of Europe commitments and other international 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. 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. Within the framework of the Election Code, the various electoral bodies largely acted in accordance with the law.

Political background

Although the situation appears to have changed or evolved recently, Moldova's politics have been dominated in the past fifteen years by the persistence of cleavages between political parties. These cleavages are mainly structured around linguistic, historical and symbolic issues and affect both internal and external affairs. The status of the Romanian and the Russian languages, the relationship between Moldova and its immediate neighbors – Russia, Ukraine and Romania – and the position of Moldova in the region

have thus had commensurate importance in Moldova's political transition. To a great extent, these features originate in Moldova's recent history, and in the succession of Romanian and Russian domination over the country.

After having repossessed Moldova in 1944, the Soviet-Union established the Moldavian Soviet Socialist Republic (MSSR) in 1947. The MSSR was subjected to intense Russification. The Cyrillic script replaced the Latin alphabet, and the name of the language was changed from Romanian to Moldovan, in an effort to dissociate Moldova from its Romanian neighbor. Russian language tuition became compulsory, and over 500,000 Russian-speakers from Russia and Ukraine were brought to the MSSR, especially to the industrial centers, changing Moldova's demographics considerably.

Following the failed coup in August 1991 against Soviet President Mikhail Gorbachev in Moscow, Moldova declared its independence on 27 August 1991. In December 1991, Mircea Snegur became the first president of the Republic of Moldova, and the Popular Front consolidated its domination of the political scene. The country's independence was quickly recognized abroad and the new republic swiftly joined the UN and many other international organizations.

Moldovan independence came at a price, however. With the radicalization of the Popular Front's message, the population on the left bank of the Nistru river, with its large share of ethnic Russians and Ukrainians, feared that Moldova's independence might be the first step towards unification with Romania. Transnistria already in September 1990 voted for autonomy within Moldova in an unrecognized referendum, and one year later for independence. The Moldovan government refused to recognize Transnistria's aspirations, and fighting broke out in January 1992. By the time a ceasefire was signed in July 1992, the separatists had won control over almost all of the territory on the left bank of the Nistru, and the town of Bender on the right bank. Ever since, the authorities in Tiraspol have pursued their own policies, and Chisinau has had no control over the territory. Talks (mediated by the OSCE, Russia and Ukraine) to settle the issue have been going on for years with very limited success.

Four competitive elections have been held in Moldova since its independence. Each time, the elections have resulted in a change of power holders. Although this peaceful handover of power marks the fact that a determining feature of functioning democracies is present in Moldova, it also correlated with considerable instability with regards to governments, political parties and socio-economic policies.

For fifteen years, parties came and went, constituted alliances and blocs, merged and split again. Political parties have tended to change their name with every election and personal ambitions of and rivalries between party leaders have stood in the way of a consolidation of the party landscape. This picture needs however to be nuanced by the fact that the rising of the electoral threshold, the requirements to register a political party and the maturation of the political scene have succeeded in bringing down the number of political parties from 59 to 31 in 2001 and to 9 in 2005, and the number of electoral contestants from 26 to 23.

The success of the Communist Party in the 2001 elections has further brought some political stability to the country. From 2001 to present day, the Prime Minister and much of the political personnel has remained unchanged. This in turn has brought noticeable socio-economic improvements. Although this progress remains fragile, the political stability enjoyed by the country recently has definitely played a favorable role.

However, these changes have not taken place without crisis and drastic reorientations of internal and external policies. Among the most prominent contestants before these elections were the following:

Party of Communists of the Republic of Moldova (PCRM). The PCRM has firmly established itself as the dominant political force on the Left, and went on to win an outright majority of the vote in the 2001 elections. It bases its electoral program on its economic breakthroughs, and on a very clear poverty alleviation orientation. It promises the creation of more than 300.000 jobs, and a three-fold increase of monthly salaries and pensions, along with social benefits. On the foreign relations side, it calls for more European orientation, while putting it in the context of the CIS. The party's list is led by President Vladimir Voronin.

Christian Democratic Peoples' Party (PPCD). The PPCD is firmly entrenched on the political Right. They strongly refer to its affiliations to the Christian-Democratic International. Market economy and European values constitute the main recurrent features of its discourse. It highlights the need to support the middle class, to combat corruption and to strengthening the private sector and limit the intervention of the state in the economy. Adhesion to NATO and European integration is clearly defined foreign policy objectives. They object making Russian an official state language. The most prominent candidate is party leader, Iurie Rosca.

Electoral Bloc "Moldova Democrata" (BMD).¹ The BMD has been constituted in an attempt to create a monolithic social-liberal force placed at the center of the political landscape. It advocates different support programs for raising citizens' welfare. It highlights the need for creating an attractive investment climate, and argues strongly for integration into the EU and Euro-Atlantic structures. It demands immediate, unconditional, and complete withdrawal of Russian troops and ammunition from Transnistria. Its most prominent leader is the Mayor of Chisinau, Serafim Urucian.

Social Democratic Party of Moldova (PSDM). The PSDM has never succeeded to pass the electoral threshold, and has previously not won more than 5% in national or local elections. The party advocates for citizens' democratic participation and control over public authorities. Economically, it supports tax reforms to boost small business activities, which it thinks has the country's main economic growth potential. It wants Moldova to become a member of EU, while rebuilding a strategic partnership with Russia. The party is led Ion Musuc, a prominent businessman.

Electoral Bloc "Patria Rodina" (BPR).² The BPR presents a clear pro-Russian orientation and calls for state intervention policies. Moldova's vital interests lie not in EU but in the East, through i.a. membership in an emerging Eurasian Union. They have particular strong support in the Gagauz autonomous region. Vera Abramciuc and Victor Morev are leaders for each party in the bloc.

¹ "Moldova Democrata" is composed of the "Moldova Noastra alliance", Democratic Party of Moldova and the Social Liberal Party.

² "Patria Rodina" is composed of the Socialist Party of Moldova and the Party of Socialists of the Republic of Moldova.

The Legislative Framework

The centerpiece of Moldovan election legislation is the Election Code, as adopted on 21 November 1997 and later amendments.³ The legal framework for elections also includes, i.a., the Constitution of the Republic of Moldova⁴, the Law on Political Parties and Socio-Political Organizations⁵ and the Law on Organization and Running of Assemblies⁶.

The Election Code regulates all types of elections (presidential, parliamentary, municipal and referenda).

The Parliament is unicameral and has 101 members serving a four-years term. All members of the Parliament are elected within a single nationwide constituency through proportional representation, Article 73.

Voters vote only for parties (i.e. candidates of parties and electoral blocs are not listed), electoral blocs or individual candidates. Parties, blocs and individual candidates are listed on a single ballot paper.

The mandates are awarded to the party candidates in the order of their inclusion on the candidate list, Article 88.

The representation threshold, Article 88 is:

6% for a political party,

9% for electoral bloc of two parties,

12% for electoral bloc of more than two parties, and

3% for individual candidates.

The voters' participation threshold for the validity of the elections is 50%, Article 91.

The Moldovan Election Code manifests the general principles of fair, free and democratic elections. In this context the code guarantees universal, Article 3, equal Article 4, direct Article 5, secret Article 6 and free voting Article 7.

Citizens of the Republic of Moldova older than 18 on the Election Day have the right to vote, Article 11, apart from those who have been declared incapacitated or "convicted to deprivation of liberty by a final judgment of the law court", Article 13.

The right to be elected can be exercised by all citizens eligible to vote, apart from military personnel in active service and persons whose criminal record is not settled, Article 13.

Candidates running for the position of the member of the Parliament must also have their place of residence in the country, Article 75.

³ Elections Code, No.1381-XIII of 21.11.1997

⁴ The Constitution of the Republic of Moldova, No.1 of 18.08.1994

⁵ The Law on Political Parties and Socio-Political Organizations, No 718-XII of 17.09.1991

⁶ The Law on Organization and Running of Assemblies, No 837 of 17.05.1996

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.

In July 2004, the Venice Commission of the Council of Europe and OSCDE/ODIHR issued Joint Recommendations aimed at improving the election legislation and electoral administration, which reiterates recommendations made as early as 2001.⁷ 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 amendments might be perceived to be in the interest 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.

The Electoral Administration

The Election Code provides for a three-tiered election administration: the Central Election Commission (CEC), District Election Councils (DECs), and Polling Station Election Bureaus (PSEBs). Election commissions at all levels have a non-partisan composition; officials must not be members of any political parties running for the elections and may not engage in any political activities. The election code stipulates that election officials must refrain from expressing any opinions for or against candidates. In addition, all electoral contestants can be represented in election commissions, at all levels by one member-representative entitled to a consultative vote.

The CEC is a permanent body, which nine members are appointed by the President (3), the Parliament (3) and the Supreme Council of Magistrates (3) for a six-year term. CEC members may serve no more than two consecutive terms. The lower level bodies are formed when elections have been called, and their mandate expires once the election process has been completed. DECs are appointed by the CEC and PSEBs are appointed by the relevant DECs.

The current CEC was appointed on 18 December 2003, and the 2005 parliamentary elections were the first ones the CEC administered in its new composition.

The Area of Responsibility (AoR) of the Norwegian LTO had the following election administration:

District Election Commissions: ⁸	Polling Station Electoral Bureaus:
Causeni	51
Anenii Noi	42
Stefan-Voda	31

⁷ Opinion No. 272/2004

⁸ The number of DECs (34) corresponds with the number of administrative units (Rayon) in the country.

During the pre-election period, several contestants professed a lack of confidence in various election bodies. Thus, the CECs impartiality was early put into question based on the fact that the ruling party (PCRM) in effect controlled the appointment of 6 out of its 9 members.

At the DEC level, both their impartiality and professionalism was put into question. Throughout the country, over 20 judges were appointed as DEC members. While most of them were temporarily relieved from their permanent positions, some of them continued to serve as judges during the election period. Since the courts may handle election-related complaints and appeals, this practice raised serious questions of conflicting interests.

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. Furthermore, 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.

However, the general impression of the work conducted by the election commissions at the different levels was that they functioned efficiently during the whole period.

Voter and Civic Education

There are no provisions in the Election Code requiring voter or civic education being conducted. Thus, to what extent such activities are carried out largely depends on whether financial means are being allocated by the authorities on the national or local level.

Throughout the election period no official campaigns or educational efforts in the way of information on electoral procedures were conducted by the elections administration. When questioned about this, the various election bodies cited either a lack of funding, or simply that it did not fall under their responsibility.

Apart from some scattered initiatives undertaken by local authorities, the education that actually took place was carried out by non-governmental organizations, under the Coalition 2005 umbrella. The activities pertained to producing and handing out various types of posters and flyers giving information on the various contestants political platforms, information on “what the Parliament is doing for you”, as well as information on your rights as a voter and specific instructions on how to cast your vote.

TV and radio ads were also transmitted emphasizing the importance of participating in the elections. Following an explicit request from the authorities, the time dedicated to voter education was increased substantially during the last two weeks of campaigning.

Voter Registration

Article 39 of the Election Code regulates the compilation of the electoral lists. Accordingly lists shall be drawn up by the mayor's office for each polling station and contain information on the voters name, their year of birth, home address as well as serial and number of their identity acts. Article 40 requires the electoral list to be completed and exposed in the premises of the polling station 10 days before the elections day, for the voter to be able to verify the correctness of the information.

The following categories of voters can be added to a supplementary voters' list; (a) a citizen who should vote at a particular polling station, but whose name was omitted from the list; (b) a citizen with an Absentee Voter Certificate; (c) a citizen without a permanent residence in Moldova, who can prove Moldovan citizenship and residence within the country.

As regards out-of country voting, voters have to be either registered on the regular voters' list at a diplomatic representation, or have to prove citizenship in order to have his/her name added to the supplementary voters list.

As a rule, voters must vote at the polling station corresponding to their place of permanent residence. However, voters who know they will be in a different locality on elections day can apply for an Absentee Voter Certificate at their regular polling station.

During the pre-election period two important and politically charged issues resulted in separate decisions from the CEC. A 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 issues Absentee Voter Certificates to students from 18 February until 5 March. On 15 February a decision on voting abroad was adopted, 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.

The accuracy of electoral lists has been a matter of concern during previous elections and the relatively high number of voters registered on supplementary lists indicates that there still is room for improvement.

The major procedural deficiency during these elections was the lack of a unified standard for maintaining electoral lists. Most mayoralties - with little or no guidance from the CEC or the various DECs - simply used the electoral lists from the previous elections, attempting to upgrade them by canvassing house-to-house in their districts. Even when guidance was given by these bodies, it sometimes varied from one place to another. Some mayoralties for instance, chose to include all eligible voters living abroad on the regular electoral lists, others included only those living in Russia, Ukraine or Romania, while still others chose not to include any citizens living abroad.

The number of votes included in the electoral lists amounted to 2,270,668. The number of voters included in supplementary lists amounted to 159,869.

Candidate registration

The legal provisions governing the registration of electoral candidates are simple and clear. Political parties registered with the Ministry of Justice and blocs of political parties may nominate lists of candidates. In addition, citizens may nominate themselves as independent candidates and must collect 2,000 signatures in support of their candidacy. The Election Code, however does not indicate any specific procedure for verifying petitions of signatures.

The deadline for submitting candidacies with the CEC expired on 4 February, and the deadline for the CEC to register candidates expired on 10 February 2005 at midnight. The CEC accepted all 23 candidatures submitted for registration. Of the 23 contestants, 9 were political parties, 2 were electoral blocs and 12 were independent candidates.⁹

The PPCD and PSDM challenged the legality of the decision of the Parliament setting the date for the elections on procedural grounds. In addition, the two parties claimed that the CEC decided on the commencement of the registration procedure of contestants unlawfully, since the CEC started to act on 26 December 2004, one day before the parliamentary decision was published in the Official Gazette. This move, in their view, allowed the PCRM to register first, and subsequently to appear on the top of the ballot papers.¹⁰ Legal instances addressed by both parties (Chisinau Court of Appeal, Supreme Court of Justice, and Constitutional Court), however, found no violation of the Moldovan Constitution and current legislation.

The Election campaign

Under Article 47 of the Election Code each candidate is entitled to start campaigning upon finalization of registration by the CEC. Thus, the election campaign started on 30 December 2004, and lasted until 4 of March, one day prior to elections day.

Unlike in several of the previous elections, inflammatory language was largely absent, and no serious violent incidents related to the campaign were reported. Nonetheless, accusations and negative campaigning against other candidates did occur. For instance, on 20 February, Moldova 1 broadcasted a nine-minute film entitled "Stop Extremism!" which portrayed PPCD leader Iurie Rosca in an extremely negative light, comparing him to Osama Bin Laden. The film was broadcasted as a free political advertisement of four independent candidates.

Overall, the election campaign was however low-key and did not arouse extensive public interest. This was in part due to the fact that door-to-door canvassing which traditionally is the campaign technique used in Moldova rarely generates lively campaigns. In addition, the contestants' activities were significantly hampered by restrictive legal provisions and obstructed by the frequent interference of the public authorities.

⁹ For complete overview, see appendices, Final Results

¹⁰ The contestants appeared on the ballot paper in the order of their registration, Election Code Article 48

Little campaign material was in evidence in the cities and villages. This was a result of local authorities failure to implement the law and/or their restrictive interpretation of the Election Code who only stipulates a minimum amount of space for posters. There were also credible reports of local authorities obstructing the contestants' rights to organize rallies and conduct campaign meetings. This subtly and yet systematically impeded political parties' ability to run a proper election campaign. Consequently, relatively little information regarding the contestants' and their political platform reached the electorate.

Of equal concern were incidents where pressure was exerted on employees and students to attend meetings organized by the ruling party, or to refrain from participating in other contestants' rallies/meetings. In some cases threats of job losses and failing grades were reported.

There were also numerous cases of police harassment towards party candidates and supporters.¹¹ Thus there were instances where police officers used their discretionary powers to search premises, confiscate election material and detain opposition supporters. Lastly, abuse of administrative resources by political parties was observed.

Although the campaign in general complied with most recognized election standards, the points noted above prevented the campaign from unfolding in a fully free and competitive manner. The constrained environment clearly amplified the advantages of incumbency and did not serve to create sufficiently equitable campaign conditions

The Media

In the Republic of Moldova, there are approximately 80 television and radio broadcasters operating. Until very recently, the publicly owned Moldova 1 was the only nationwide medium. Since December 2004, also the privately owned TV NIT covers some 70% of the country. Several cable television operators rebroadcast programs of foreign stations too. The authorities in the breakaway Transnistrian region operate their own television and radio outlets.

The total weekly circulation for Moldovan publications is about 400.000 copies. The two state-owned newspapers Moldova Suverana in Romanian and Nezvisimaia Moldova in Russian have each a circulation of about 60.000 per week, while the private daily Flux of about 90.000. Political parties (including the opposition) publish their own newspapers.

The Election Code provides competitors for equal opportunity both on the publicly owned broadcasters, and the private ones who have the option not to participate in the campaign, Article 47. In addition the "Concept for the Reflection of the Election Campaign in the Moldovan broadcasting institutions" was approved. This document establishes the way and principles of presenting the parliamentary electoral campaign and outlines obligatory norms for journalists, electoral opponents and politicians.

The performance of the different broadcasters showed that the actual implementation of the legal framework governing media coverage resulted in a reduced flow of

¹¹ Among them, 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, is most notable.

information. Several privately owned broadcasters decided not to participate in the electoral campaign. In addition, others decided to take some of their talk shows and analytical programs off the air until after the elections for fear of possible sanctions.

Furthermore 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 comprehensive and pluralistic dissemination of political information.

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.

Although the CEC tried to remedy the situation by passing several decisions, they were either taken too late into the campaign to contribute substantially to a more balanced coverage, or led actually to further reduction of political information.

The leading broadcasters, both public and private, showed a clear bias in favor of the ruling PCRM, with TeleRadio Moldova and Moldova 1 leading the way.

The printed media displayed a variety of opinions and political preferences and were able to cover the election campaign more extensively. Unfortunately their circulation is limited.

Observation on the Polling Day

The IEOM, throughout the Republic of Moldova observed voting and counting in about 1.400 and 120 polling stations respectively, and was present in 24 DEC's to observe the tabulation of results.

IEOM observers made a positive assessment of voting procedures in 80.4% of polling stations visited. Another 16% of the polling stations were found to be conducted in an adequate manner. However some procedures were not always followed. The main problems observed during polling were a lack of uniform application regarding stamping of identity documents and overcrowded polling stations. During counting unauthorized persons were on occasion involved in the process and there were a widespread lack of adherence to vote reconciliation procedures.

Polling Day Procedures

The main provisions regulating the polling, counting and totalization are found in Chapter 9-10 of the Election Code.

The ballot shall take place on elections day between 07.00 and 21.00, Article 50. The chairman of the PSEB, in the presence of at least half of the member of the bureau, shall verify the ballot boxes, seal them, verify electoral lists, ballot papers and stamps before the ballot opens, Article 55.1. The chairman shall be responsible for the order during

elections within the polling station as well as on the territory surrounding it, in an area of 100 meters from the ballot place, Article 55.7.

In addition to voters and PSEB members, the following are authorized to be present in a polling station; (a) members and representatives of the hierarchically superior electoral authorities; (b) members representative of electoral competitors in the electoral authorities; (c) local, national, foreign and international observers accredited by the respective authorities and (d) mass media representatives, Article 55.8.

According to instructions from the CEC, the following identification documents is needed to exercise the right to vote; (a) National ID of the Republic of Moldova; (b) Passport of the Republic of Moldova; (c) Ex-USSR passport, and (d) soldier ID legitimate card. In addition, the residence visa - which shall be attached to the National ID - is the primary instrument for confirming voters' right to vote at a particular polling station.

The voter receives the ballot paper after having his/her identity checked, and shall sign in the electoral list where his name is indicated, Article 53.1. The voter shall fill in the ballot paper only in the room for secret ballot, and shall apply a voter stamp

After expiration of the time reserved for voting the chairman shall announce the conclusion of voting, and order the closing of the polling station. All unused ballot papers shall be counted and annulled by applying a stamp, before opening of the ballot boxes. First, the mobile ballot boxes shall be opened and the ballot papers inside counted. Then, the rest of the boxes shall be opened and counted. The ballot papers including the votes in favor of the various contestants shall be tied separately, and once the voting results are established, they shall be recorded in a special form for votes' counting, Article 56.

Whether a ballot is valid or not shall be determined based on the principle of voter's intention. Thus, for instance if a voter has applied the stamp "Voted" several times, or outside the marked circle, the ballot shall nevertheless be deemed valid if the voter's choice is clear, Article 57.

After counting several checks are made on the figures before being entered into the protocol. The representatives of the contestants shall be given the possibility to check the data from the special form for votes' counting and the final protocol. The protocol shall comprise the following numbers; (a) voters included in the electoral lists; (b) voters included in the additional lists; (c) voters who were delivered ballot papers; (d) voters that took part in the election; (e) ballot papers declared invalid; (f) votes expressed for each contestant; (g) the totality of validly expressed votes; (h) ballot papers received by the polling station; (i) unused and annulled ballot papers. The protocol shall be signed by all the members of the PSEB. The chairman shall convey to the DEC, as soon as possible, but not later than 18 hours after the closing of the polling station the protocol and sensitive election material, and shall be escorted in doing so by the police and at least two members of the PSEB, Article 58.

At the DEC the protocols are received and results tabulated. The DEC compiles a protocol with the tabulated data from all PSEBs falling under the DEC. The DEC is entitled to decide on whether to recount votes in case of inaccuracies in the protocols, Article 59.

Not later than five days after elections day the CEC establishes the results of the voting based on the protocols forwarded by the different DEC. CEC shall record the

totalization of all nation-wide voting results in a protocol signed by all its members, Article 60. The results shall be announced to the public as soon as possible, Article 61.

Election Day Observation report from STO John Myraunet, Calarasi Rayon

General information

Two OSCE STO-teams were deployed to the Calarasi region northwest of Chisinau two days prior to Election Day. The Calarasi area is a rural region with 75.167 inhabitants and Calarasi city as the centre. There were 49 polling stations in our area of responsibility and according to the protocol received after the election, 45.505 voters were registered in the voters lists prior to the election, 3.790 were registered on supplementary lists and 35.316 people voted on voting day. Our STO-team visited 13 polling stations and the other STO-team approximately the same, thus covering a little over half the stations in the area. The LTOs responsible for the area, were located in Ungheni and we kept in contact with them regularly by telephone.

Election Day Observation of opening

We arrived at the polling station at 6:30 and stayed until 7:40 to see the preparations for the opening and the processing of the first voter. There were observers from an NGO and different political parties present. The organizing was good and everybody was ready to begin at 7:00.

Observation of polling

All in all the organizing was very good, the voters and PBMs seemed to have a good understanding of the process. We were welcome in all polling stations and the chair of the Polling Board was always helpful with answering questions. The whole process was regarded by the STO-team to be fair, transparent and in accordance with democratic principles.

Local observers were present in all polling stations visited. Political parties, the most common one being PCRM, BMD, PPCD, PSDM and PTCDM, were present in all and in some cases also a NGO was present, the most common one being "Defending Human Rights League". Except for one polling station the observers had no complaints. The ballot box or the mobile ballot box was in a few places painted red, and one local observer reacted to this, pointing out to us that it was the colour of the communist party. The same observer had also wanted to see the counting of ballot papers the morning of the opening, but was told that they had done it the day before and did not want to recount them. This was the only complaint we received from other observers.

The PBMs reported that in some cases people had been turned away because they were at the wrong polling station, we also observed this at one polling station. In this case the PBMs seemed to do a real effort in finding out to which polling station the voter belonged to by calling to the polling stations in the region. At another polling station a voter had been turned away, because the person did not want a stamp in the identification paper as the law require. There had also been some instance of people being turned away because of improper or no identification papers. We did not observe

this and were told that the numbers of voters turned away were low. Other observations include one polling station starting to register the local observers after we asked how many observers were present. We also saw some minor violations of family voting. A couple of polling stations seemed to be so small that the PBMs could lose oversight, and one station was a bit overcrowded, making it difficult for PBMs to remain in full control. At this polling station some of the party observers also greeted some of the arriving voters in the door creating the possibility of campaigning.

The biggest problem in our view was that they started late in the day, driving out with the mobile ballot box, and had long lists of voters to visit, creating the possibility that they would not have the time to visit all. In the closing polling station they also told us that they had not been able to visit one of two hospitals in their area of lack of time.

Observation of closing and counting

At the last polling station we went to, we also observed the closing and counting. Representatives from five parties were present during the process. The polling station closed on time and the whole counting process was done thoroughly, with the chairman holding up every ballot paper showing it to the observers, stating the party, and if invalid the reason. There were however two major shortcomings. Firstly the ballot papers of the mobile ballot boxes were divided directly into parties before the other votes were counted, in one box there were only eleven votes and all had voted for the communist party. The secrecy of those eleven votes was in this way breached. Secondly, the total number of ballots was not counted before divided into party piles. When they added up all the parties they found three more votes than names on the list, a recount brought that number down to one more than the list. The filling out of the protocols and packing all the material together, took a very long time and the PBMs seemed to have problems filling out one of the sheets. Most local observers left during this stage, but they got a signed protocol of the results before they left. They also gave us a signed result protocol. At approximately 2:45 they were finished and went with their material to the DEC. We followed them there and watched them deliver it.

Observation at DEC

There was no OSCE DEC-team in Calarasi so we also observed at the DEC between 3 and 6. The chairman answered our questions thoroughly, showed us the process step by step and we also got a look at how they sent results to the CEC by computer. Everything was very well organized and local observers - parties and one NGO - had a good view of the process. The DEC chairman also read up the result protocol from every polling station to the observers after the material had been processed, and the observers conducted parallel vote tabulation. The local observers reported of no problems. The next day we went back to the DEC and got a signed copy of the result protocol. Ten percent of voters had been added to the supplementary voter lists, indicating that some more work could be done to improve the voter lists. The three parties with the most votes were PCRM (47%), BMD (34%) and PPCD (10%). 1,1 % of ballot papers were declared invalid.

The team's overall impression of the conduct of the polling in our area of responsibility was very good. PBMs seemed to be well trained and the voting process took place in a calm and transparent environment. The few violations of the election code we observed

were mainly in the counting process, and were in our view a result of lack of knowledge, not a deliberate breach.

Election Day Observation report from STO Kris Ann Riiber, Gagauzia Rayon

Observation of the opening

The opening was observed in one of two polling stations in the village of Tomai, at the primary school with 1 164 registered eligible voters. The opening was on time at 07.00, with all the members of the polling board present. 10 of 11 board members were women. All campaign posters for the Communist Party from the previous day were taken down and the police was not around.

The STO team was presented with a list of 7 cars – belonging to the Mayor and other members of the Communist Party – that were to be used during the day to take voters to the poll.

Observation of the polling

During the day the team visited 5 polling stations for the polling.

There were national party observers from all the major parties present with the required credentials in all stations.

Layouts of the polling stations were in general orderly and securing the secrecy of the voting. However, we observed several incidents of family voting, especially at one polling station that appeared to be overcrowded. Due to the voting procedures the members of the boards were to stamp the voter's ID with 'Voted' upon registering the voter on the Voters List. The team did not observe one incident where this procedure was actually followed. In many of the stations there were not even enough stamps for this purpose. When asking the polling board members about this, they claimed that the voters were reluctant to have the stamp 'Voted' in their passports or on their IDs - and that multiple voting was prevented by the voter's signature in the Voters List. Besides, the polling board members claimed to recognise the people in the village that had turned out to vote.

In one polling station the team came across two incidents of voters being turned away – none of them appearing in the Voters List. One was a student in Chisinau with registered address in the village but without the required Absentee Voting Certificate. The other was an elderly man that had moved from the northern part of Moldova without registering his new residential address. After conferring with the DEC the chairman added the student to the supplementary list, while the elderly man was not allowed to vote.

The use of Absentee Voting Certificates that was to be issued prior to the elections to students upon their request, never exceeded the number of 3 in any of the polling stations the team visited.

Except for not stamping the voter's IDs and passports, it was the team's general impression that the polling board members had a good understanding of the voting procedures, only making minor mistakes, and that the poll was conducted in a well organized manner in the district.

The team did not observe any undue influence or unusual tensions at any of the polling stations.

Observation of the closing and counting

The closing and counting of the poll was observed in the other polling station in Tomai at the secondary school with 1 276 registered voters. No voters remained when the Chairman declared the closing of the poll at 21.00 hours. The procedures of The Election Code of the Republic of Moldova, Chapter 10, were followed in a transparent manner with accredited national party observers and the Pro Democracy Association (Romania) present. The polling station had received 1 320 ballots. 844 eligible voters had signed the Voters List and the Supplementary List. Annulled/unused ballots counted 472 which give an excess of 4 ballot papers. There was no recount upon this finding. Without any discussion within the board or with the party observers 2-3 ballots where the voter had used a pen instead of the stamp were assessed as invalid even though the voter's intention appeared to be clear. The counting was finalised at around 23.34 hours whereupon the team followed the sealed ballots taken by the police and Chairman of the Polling Board to the reception at the DEC in Comrat - which came across as well organized.

Election Day Observation report from STO Hans C. Haddal, Gagauzia Rayon

This report contains the summary of the observation of DEC team 0401. The primary responsibility of our team was to observe at the Cahul DEC from the closure of polling stations at 21.00 in the evening on elections day until the issuing of the DEC protocol at 08.50 in the morning of the 7 March. On elections day the team visited three polling stations in the morning, and two polling stations in the afternoon. Three mobile STO teams and one French embassy team reported to the DEC team during the night.

On Saturday 5 March, the DEC team met with the DEC Chairman. The meeting confirmed the previous findings of the LTO team. The DEC Chairman demonstrated an open and professional attitude towards our presence and our questions. The atmosphere among the DEC members seemed very calm and friendly. The DEC expected, again with reference to previous elections, no particular problems on elections day.

Observation of the polling:

The team visited three polling stations in the morning of elections day. All stations had received relevant amounts of election materials in both Moldovan and Russian. We observed that procedures were clearly understood and followed, with only a few minor exceptions.

In all polling stations we observed unauthorised observers. We were not able to attain specific information from these individuals. Some reluctantly presented themselves as “independent observers”. One said that he worked for a telecom company. We did not get the impression that people in general felt intimidated by the presence of these observers. In one polling station one of the local observers claimed that the unauthorised observer was a police officer from Cahul. We were not able to confirm this information. We did not see policemen inside any of the polling stations we visited.

Observation of closing and counting:

The polling stations closed at 21.00. The first results arrived at the DEC around 22.30. From what we could observe each of the delegations from the polling stations were escorted by a police officer. The procedures in the DEC were covered closely by a number of party observers, a local observer from the Helsinki Committee and other local NGOs. The work of the DEC was well organised, open and transparent. The room was never over-crowded. All observers had access to the same information as the members of the commission. We did not observe any disputes or tension between different members of the commission, party observers or local NGO observers.

The results from all the 65 polling stations were submitted to the DEC by 04.00.

The observation by the DEC team matches the official DEC protocol exactly with regard to number of voters included in the voters' list (73 127), number of voters included in the supplementary voters list (4778), number of ballot paper declared invalid (570), and the distribution of votes between the three major parties and eighteen other contestants.

With regard to number of voters that received ballot papers and the number of voters that participated, our observation suggests 53 803, whereas the official protocol showed that the actual number were 53 788. Furthermore, according to our observation the Christian Democratic Peasants Party of Moldova appeared to have received 1031 votes. According to the official protocol this party received 998 votes. An independent candidate received 38 votes (we observed 40 votes for this candidate). We have however no reason to believe that the DEC did not handle these final problems with the tabulation in a very professional way.

The review of Complaints Process

Voters and electoral contestants may contest actions and decisions taken by DEC and PSEMs, at the hierarchically superior authorities and courts, Election Code, Art. 65. The competent courts to adjudicate such appeals are the courts of the locations of the respective DEC or PSEBs. That provision offers the option to the complaining parties to address their appeals either to the superior election bodies or to the local courts.

Complaints against actions or decisions of the CEC are adjudicated by the Chisinau Court of Appeal. The decisions of the Court of Appeal can be further appealed to the Supreme Court of Justice.

During the election period, the CEC issued numerous decisions on complaints submitted by electoral contestants, mainly regarding violations of campaigning regulations and campaign coverage by TV stations.

The DEC's also issued many decisions on complaints submitted by electoral contestants, regarding i.a., pressure exercised by local authorities on the electorate, obstruction of contestants' campaigns by municipal authorities, illegal display of electoral posters, and the composition of PSEBs.

The different courts 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 Chisinau DEC members.

In general, the CEC decisions on complaints were 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.

Several parties preferred to lodge their complaints not to the various DEC's, but directly with the CEC due to mistrust of the respective DEC's. Delays in the issuance of the DEC decisions on submitted complaints were also a noted problem.

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, namely five days from the filing of a complaint against a CEC decision and three days for a DEC decision, Art. 67. This constituted a violation of the Election Code who 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 remedy.

There also seemed to be some confusion and inconsistency due to the fact that complaints could be lodged both within the regular court-system, as well as with the election administration bodies.

Conclusions and recommendations

The CEC announced the results on 7 March 2005.¹²

The official turn out was 64,84%, or a total of 1,576,079 voters out of 2,430,537 registered voters. The turn out figure was significantly higher than the required 50%, but slightly lower than during previous elections. The election results show Moldovan electorates' preference for continuation of PCRM's political agenda. The party won 56 mandates in the parliament, and thus has a clear majority in parliament. However, they fell 5 mandates shy of being able to appoint the new president by them selves. This means they will have to rely on support from mandates either won by BMD or PPCD, the only other contestants to clear the threshold.

Although the elections as a whole complied with the international standards for democratic elections, as well as domestic laws, they fell short of meeting some requirements that are central to a genuinely transparent and competitive election process. The recorded problems can be summarized in the following recommendations:

¹² For complete overview, see appendices, Final Results

The Parliament should make necessary amendments to the Election Code corresponding to suggestions made by the Venice Commission/ODIH. This includes lowering the representation threshold, thus facilitating for better representation of national minorities and regional interests.

To ensure more equitable media coverage by broadcasters, the CEC should give clear directions/guidelines.

To ensure consistent implementation of rules and regulations, CEC should find ways to communicate their decisions in a timely manner to lower-level electoral bodies.

Ensure that electoral lists are established in a uniform manner, either through amending the Election Code, or through decisions made by the CEC.

Ensure that local authorities create equal campaign conditions for all contestants, hereunder respecting the freedom of assembly by allocating premises for meetings/rallies.

Reconsider the whole complaints procedure, for instance by providing one track only for filing complaints, and to ensure the independence and effectiveness of the decisions.

Comments on the election observation mission

The EOM was set up in Chisinau in late January. On 3 February the LTOs arrived and were well received. After a two-day briefing on various relevant issues, the LTOs were deployed to their respective Areas of Responsibility.

During the monitoring period, the core team was updated on regional specific information through weekly reports. On 19 of February all LTOs were summoned to Chisinau for a midterm meeting. In addition, communication was conducted through e-mail and mobile phones.

Throughout the period, the core team was strengthened with additional staff from ODIHR. Headed by István Gyarmati, he conducted the mission in a professional manner. The briefings were of high quality and the support to the LTOs in the field was excellent.

A particular challenge for the whole team was the vast number of STOs assigned to the mission. This generated problems regarding both logistics and the actual execution of the observation on elections day. To prevent overcrowded polling stations, this observers LTO team decided not to take part in the actual observations, and instead concentrated our efforts on coordinating the movements of the various STO teams.

The majority of the STOs proved very capable of managing their tasks and were willing to work the long hours required for a successful observation.

Appendice

Final Results of the Parliamentary Elections 2005

Electoral Contestants	Votes	%	Mandates
Party of Communists of the Republic of Moldova (PCRM)	716.336	45.98	56
Christian Democratic Peoples Party (CDPP)	141.341	9.07	11
Electoral Bloc "Moldova Democrata" (BMD)	444.377	28.53	34
Social Democratic Party of Moldova (SDPM)	45.551	2.92	
Electoral Bloc "Patria-Rodina" (EBPR)	77.490	4.97	
Kirilov Silvia	3.145	0.2	
Republican Socio-Political Movement "Ravnopravie" (RSPMR)	44.129	2.83	
Centrist Union of Moldova (CUM)	11.702	0.75	
Busmachi Alexandru	747	0.05	
Labor Union "Patria-Rodina" (LUPR)	14.399	0.92	
Laguta Maia	1.011	0.06	

Matei Stefan	1.934	0.12	
Peasants` Christian Democratic Party of Moldova (PCDPM)	21.365	1.37	
Ivantoc Andrei	1.678	0.11	
Arsenii Alexandru	572	0.04	
Busuioc Alexei	983	0.06	
Tataru Tudor	2.273	0.15	
Ghelic Fiodor	1.102	0.07	
Slivinci Victor	495	0.03	
Soloviov Anatolii	452	0.03	
Republican Party of Moldova (RPM)	592	0.04	
Tiron Mircea	284	0.02	
Party of Socio-Economic Justice of Moldova (PSEJM)	25.870	1.66	