

**INTERIM REPORT No. 2**  
**7 March – 24 March 2009**

**I. EXECUTIVE SUMMARY**

- Following an overall inclusive process, the CEC completed the registration of candidates on 10 March. To date, 1,392 candidates are running on 15 party lists, and an additional six candidates will compete as independents. Top state officials participate as candidates on the list of the Party of Communists of the Republic of Moldova (PCRM).
- A generally pluralistic election campaign commenced in a low-key manner, but there is now a visible increase in campaign activities, notably in Chisinau. In the districts, campaigning activities mainly include door-to-door canvassing, and display of billboards and posters. At times, insufficient space for display of posters and damage to opposition parties' campaign materials were observed.
- The media reflected the increased campaign activity, including live debates. The newscasts of public and some private broadcasters provided considerable coverage to the activities of the President, who is the top candidate on the PCRM list, which has the potential to blur the distinction between the performance of official duties and campaign activities for the viewers.
- The OSCE/ODIHR EOM is analyzing the compliance of a provision in the CEC regulation for campaigning in the media prohibiting the reference to national symbols, officials of foreign states and international bodies, with constitutional provisions protecting the freedom of expression and access to information.
- Allegations about harassment of candidates, campaign staff and voters, and abuse of administrative resources by the authorities, both at central and local levels, have been brought to the attention of the OSCE/ODIHR EOM.
- The CEC announced on 17 March that there were 2,549,804 registered voters. Some interlocutors expressed concerns that this number may be too high compared to the total population of the country. Local government authorities responsible for the compilation of voter lists have not applied uniform practices throughout the country.
- The CEC continues to perform its duties in a transparent manner. Recent decisions included those on stamping of voter IDs to prevent possible multiple voting, and enfranchisement of voters without registered residence. Training of Precinct Electoral Bureau (PEB) members has begun.
- The CEC received numerous complaints and is diligently scrutinizing them. The vast majority of these were related to the campaign in the media, coverage of the President's activities, "unethical" campaigning and omission of legally required details in the campaign materials.

- Elections will not take place on the territories *de facto* controlled by Transnistrian authorities since 1992. The CEC decided to enfranchise voters from this region by establishing 10 polling stations on the western bank of the Nistru/Dniestr river, where voters will be registered on election day in supplementary voter lists. The CEC decided to open a polling station in the village of Corjova, where upon agreement voting took place successfully in 2005. However, no direct talks to achieve such understandings have taken place as of this writing.

## II. POLITICAL AND CAMPAIGN ENVIRONMENT

After a slow start to the election campaign, the OSCE/ODIHR EOM noted increased visibility of the campaign with the registration of the last candidates on 10 March. However, outside the capital of Chisinau, the OSCE/ODIHR observers reported mainly door-to-door canvassing, display of election billboards and campaign posters, as well as few major electoral events. The election campaign remains pluralistic. The incumbent party stresses the economic achievements over the past eight years of its rule, emphasising the need for stability, while most opposition parties criticize the incumbents for widespread corruption and mismanagement, and campaign on an anti-communist stance.

A total of 1,398 candidates<sup>1</sup> are running in the election on 15 party lists, including six independent candidates. Two applications by independent candidates were rejected by the CEC due to an insufficient number of valid signatures submitted. One of these candidates has challenged the CEC decision, which was upheld by the Court of Appeal. According to the data provided by candidates to the CEC by 10 March, 231 candidates have multiple citizenship. If elected, these candidates will have to initiate proceedings to renounce their dual nationality in order to take up their seats in Parliament.

The OSCE/ODIHR EOM has received numerous reports by parties about alleged violations of the electoral legislation. Most widespread are reports about the removal, destruction or staining of electoral posters and billboards, many of which were verified by the EOM. In one case, the staining of posters of a number of opposition parties, as well as the vandalizing of some of their offices, took place during the night of 16 to 17 March in Orhei. In another incident, during a protest rally organized by the youth branch of the Alliance “Our Moldova” (AMN) in front of the Ministry of Interior in Chisinau on 13 March, two unidentified persons threw plastic bottles with green paint into the crowd. There have been reports of material damage and an injury to one of the participants.

The OSCE/ODIHR EOM continues to receive reports from opposition parties about the intimidation by police and local authorities of voters willing to attend party events, and about party activists and candidates being followed by law enforcement agents. The Liberal Democratic Party (PLDM) complained that buses and minivans rented by the party to bring voters to a major rally on 22 March in Chisinau were stopped by police in a number of places, which was verified by OSCE/ODIHR EOM observers in Orhei and Balti.

The OSCE/ODIHR EOM received allegations about public employers threatening their staff with loss of employment if they are active in the campaign or running for office. Opposition parties claim that local and school officials, and some employers, on occasion “facilitate” the attendance by their employees and students of meetings organized by the incumbent party. The OSCE/ODIHR EOM received reports about the use of administrative resources,

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<sup>1</sup> As of 24 March. According to Article 80(1) of the Election Code, changes to the candidate lists are possible until seven days before election day.

especially by leading state officials and the PCRM candidates, and the inaccessibility of publicly owned halls and meeting places for opposition gatherings. Some of these reports have been verified by the OSCE/ODIHR EOM observers.

The OSCE/ODIHR EOM also noted that some confusion appears to exist among election contenders and local authorities with regard to the new Law on Assemblies adopted in February 2008. While the new law replaced the previously required authorisation for outdoor meetings with a notification to the local authorities,<sup>2</sup> some parties stated that they continue to request authorisation for such meetings. A senior representative of the Ministry of Interior provided the Ministry's assessment of the pre-election environment. According to the Ministry's representative, major election contenders, with the exception of the PCRM, had violated the law regarding the posting of election material in designated places.

The contestants in the campaign have collectively accumulated on their electoral accounts a total of 18,8 million Lei, of which they have spent 17,4 million Lei, according to a second interim report on campaign financing published by the CEC on 17 March<sup>3</sup>. The CEC officially reprimanded the PCRM for late payment for election advertisements in their own party newspaper, which were also not explicitly marked as "paid by electoral funds" as required by the law. The PCRM representative of the CEC challenged the decision in the Court of Appeal.<sup>4</sup> From the Centrist Union of Moldova (UCM) and the Party of Spiritual Development "United Moldova", the CEC requested and received clarifications on their income and expenditures, as the initially submitted reports were deemed incomplete.

### III. ELECTION ADMINISTRATION

The CEC continued to adopt decisions and amendments to regulations detailing the application of the Election Code. Decisions included those on stamping of voters' IDs as a measure against possible multiple voting, and on the enfranchisement of voters without registered permanent or temporary residence. In the latter decision, the CEC established that citizens without any registration will be able to vote where they were registered last. The CEC also passed a decision that Moldovan international passports will be accepted as proof of a voter's identity in PEBs established in embassies and consular offices of the Republic of Moldova.

The mode of appointment of members of District Electoral Councils (DECs)<sup>5</sup> and PEBs favours larger parties. Based on the level of representation of political parties in the outgoing Parliament, the CEC has granted the PCRM, AMN, PDM and PPCD the right to appoint 5, 2, 1 and 1 DEC members, respectively. It has also established that these parties will be entitled to nominate PEB members following a similar ratio depending on the number of PEB members on a commission. In the process of appointment of members to 239 PEBs in Chisinau, disagreements have arisen. The nominations of commission members put forward by the five of Chisinau "Preturas", which form part of the local public administration were objected to by the PCRM and PPCD representatives in the Municipal Council, which turned

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<sup>2</sup> Article 10 of the Law on Assemblies.

<sup>3</sup> Expenses of contenders: PCRM – 3.8 million Lei, PLDM – 3.7 million Lei, the Social Democratic Party of Moldova (PSDM) - 3.1 million Lei, AMN – 1.9 million Lei, the Democratic Party of Moldova (PDM) – 1.4 million Lei, the Social-Political Movement "European Action" (MAE) – 1.0 million Lei, the Liberal Party (PL) – more than 900 000 Lei, the Christian Democratic People's Party (PPCD) – 629 000 Lei, UCM – 406 000 Lei, independent candidates Stefan Uritu – 50 000 Lei, and Sergiu Banari – 36 000 Lei.

<sup>4</sup> CEC Decision No. 2343 of 17 March; the decision of Court of Appeal is pending as of 23 March.

<sup>5</sup> For these elections, the CEC decided that all 35 DECs will have 11 members.

down all those nominations and presented alternative lists of suggested members. These members were eventually accepted in a protracted voting process, that has allowed the governing party and the PPCD, which is widely regarded to be the PCRM's ally, to effectively control the majority of seats in each of 239 PEBs in Chisinau<sup>6</sup>. The PLDM and AMN in Chisinau tend to distrust the DEC and PEBs, and have expressed more confidence in the CEC.

The DECs, together with CEC members, started delivering training to PEB chairpersons, deputies and secretaries. Most of the trainings observed to date by the OSCE/ODIHR EOM could have been more effective if conducted in smaller groups, and in a more interactive manner. An international NGO International Foundation for Election Systems (IFES) prepared and printed training manuals for DECs and PEBs,<sup>7</sup> and produced a training video material for PEBs.

The OSCE/ODIHR EOM observers noted the lack of clear guidelines on the accountability and distribution of absentee vote certificates (AVCs) from DECs to PEBs. The CEC has distributed AVCs to each DEC based on the rule of one AVC per 100 registered voters. The PEBs, however, appeared not to be aware of this ratio.

While Moldovan authorities will not establish polling stations on the territory *de facto* controlled by Transdnistrian authorities, the CEC on 10 March decided to accommodate voters from that region in 10 polling stations on the western side of the river Nistru/Dniestr. These voters will be entered into special supplementary lists, will cast their ballots in special ballot boxes and the ballots will be counted and reported separately.

The CEC announced a decision to open a polling station in the village of Corjova in the Dubasari district, which both Moldovan and Transdnistrian authorities claim to control. The Moldovan authorities informed the Tiraspol authorities and requested that the Joint Control Commission (which supervises security in the Security Zone) take action to avoid incidents. The Head of the OSCE Mission to Moldova has urged direct talks between the Moldovan and Transnistrian authorities to reach the understandings that allowed voting to take place successfully in 2005. However, to date no such talks have taken place, nor was the issue raised when the Moldovan and Transnistrian leaderships met in Moscow on 18 March. On 19 March and again on 26 March the Transdnistrian delegation to the JCC formally rejected putting the issue on the JCC agenda. On 19 March ballot boxes destined for the Corjova polling station were stopped at a checkpoint after the Moldovan driver failed to declare them to the Transdnistrian "customs" official. When the driver did not pay a fine for the "customs" violation, the boxes were confiscated.

The CEC is developing a computer network for the transmission of preliminary election results from DECs to the CEC after the closure of polls. Election results from PEBs will be submitted to DECs by phone, entered into the network by DECs, and the CEC will be displaying preliminary results online.

#### IV. VOTER REGISTRATION

According to Article 39(1) of the Election Code, responsibility for the compilation of voter lists (VL) is vested with local executive authorities. The CEC indicated that this is the reason why there is no guideline for the compilation of VLs, which would ensure uniform country-

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<sup>6</sup> Almost all PEBs in the five sectors of Chisinau have 11 members.

<sup>7</sup> These were produced in 22,000 copies, 75 per cent in Moldovan and 25 per cent in Russian.

wide practice. The Ministry of Information Development (MID) is responsible for the maintenance of the State Population Register (SPR). According to Article 22(g) of the Election Code, the CEC co-operates with the MID with regard to determining the number of voters on the basis of the SPR. It would appear that there is a discrepancy of a few hundred thousand between the number of registered voters according to the data provided by local executive authorities and the number of the voting age population provided by the MID.

On 17 March, the CEC announced the number of registered voters to be 2,549,804, which is 12,3 per cent more than the number of voters during the 2005 parliamentary elections. Some interlocutors complain that this number is too high compared to the total population of the country. Allegations of possible manipulations with the VLs, due to the inclusion of voters residing abroad, were brought to the attention of the OSCE/ODIHR EOM. According to the CEC, voters residing in Transdnistria are not included in any VLs. On election day, voters presenting AVCs and citizens residing on the territory of the respective precinct, but not included in the VL, will be included in supplementary VLs. Separate supplementary VLs will be drawn for mobile voters.

The records in VLs can be challenged by voters until five days before election day. The OSCE/ODIHR EOM observers noted that in a number of regions, the VLs were not made available to the public at PEBs as prescribed by the Election Code.

Reports submitted by the OSCE/ODIHR EOM long-term observers (LTOs) indicated the lack of clear instructions to local authorities on how to update the VLs.<sup>8</sup> In absence of detailed instructions, the matter of inclusion of voters residing abroad into regular VLs appeared to have been dealt with differentially across the country. VLs for PEBs created abroad are compiled based on data collected by the heads of diplomatic missions and consular offices of the Republic of Moldova. These VLs comprise the employees of diplomatic missions and consulates, as well as Moldovan citizens residing legally in the respective country. According to Chisinau DEC, which is responsible for the 33 out-of-country PEBs, there are 22,064 registered voters abroad.

## V. MEDIA

Article 13(3) of the Election Code is broadly interpreted to permit the President, the Speaker of Parliament and the Prime Minister to stay in office and run as candidates, unlike ministers and other senior officials who have to resign if they want to run in an election. Media are obliged to comply with Article 46 (1) of the Election Code providing for contestants' equal access to the media. Furthermore, Article 47 (4) of the Election Code stipulates that "no electoral candidate shall be entitled to privileges due to the offices they hold". It would appear that the combined effect of Articles 13(3), 46(1) and 47(4) could result in an overall balanced coverage of the campaign by the media, if a broadcaster applies these provisions in good faith.

Preliminary media monitoring findings indicate an increase in the amount of election-related information, including debates and a considerable number of paid advertisements by political contenders. The results show that public TV *Moldova 1* dedicated limited time in its news programmes to the coverage of political parties and individual candidates competing in the

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<sup>8</sup> While in Calarasi rayon VLs were updated using information from the MID, in some other rayons (Orhei and parts of Gagauzia) the data from the MID was considered inaccurate and VLs from previous elections were used as to compile the new VL.

election, while some 65 per cent (equal to some 165 minutes) of subject-related<sup>9</sup> news coverage was dedicated to the activities of the authorities. This was mainly allocated to President Voronin, with 25 per cent (equal to more than one hour) of coverage which was predominantly positive in tone. While Mr. Voronin tops the PCRM candidate list, he has so far been almost exclusively presented as Head of State (94 per cent of his coverage). Overall, the PCRM received the most positive coverage, while the coverage of AMN, PL and PLDM was mostly neutral or negative. Public *Radio Moldova* also extensively covered activities of the authorities with 67 per cent (more than 75 minutes) of predominantly positive information. The extensive coverage of the activities of President Voronin in the electoral context has the potential to blur the distinction between the performance of official duties and campaign activities for the viewers.

Over the course of the campaign the CEC received official complaints from parties requesting the issuance of warnings to the public television regarding its unbalanced coverage of the activities of the President. The CEC rejected all the complaints, reasoning that the President was performing official duties and was not campaigning.

The second nationwide TV channel *NIT*, in its news coverage, devoted 37 per cent (some 85 minutes) of exclusively positive and neutral coverage to the President. Among the electoral contestants, *NIT* presented the PCRM in a positive light, while most of other parties were either criticized (AMN, PLDM, PL, UCM) or ignored. Another broadcaster, *EU TV*, preferentially covered PPCD, allocating the party 20 per cent (equal to more than 20 minutes) of its subject-related news coverage. *Pro TV* and *TV 7* offered its viewers a more balanced coverage when presenting political events, including critical coverage of the authorities.

The regulation on the media coverage of the campaign adopted by the CEC on 2 February 2009 states that it is prohibited to “use video and audio materials containing historical personalities of Moldova or of other countries, as well as the symbols of foreign states, international bodies and the image of foreign officials.” The compliance of this provision with the constitutional guarantee of freedom of expression and access to information raises concern.

The Election Code obliges public media to offer equal and free airtime to electoral contestants. The CEC established that televised debates can be offered by public media outlets free of charge, during prime time and in the amount of at least 90 minutes per day.<sup>10</sup> Private media may also offer debates under the same requirements. Some OSCE/ODIHR EOM interlocutors representing private media assessed the requirements for debates as overly restrictive for private enterprises. Nevertheless, over 30 TV and radio channels on the national and local levels decided to offer such opportunities.

The format of debates in public media envisages the participation of parties and independent candidates based on the results of two lotteries that were conducted by public media on 6 and 11 March. Both public broadcasters *Moldova 1* and *Radio Moldova* have so far complied with their legal obligation to provide free time for all contestants. Private *TV7*, *EU TV* and *Pro TV* are also organizing debates, in which the PCRM decided not to participate, which

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<sup>9</sup> Calculated as a share of the total time given to all monitored subjects, which include all electoral contestants, President, Government, including ministers, Speaker of Parliament, and all levels of election commissions.

<sup>10</sup> In fact, the Election Code contains two provisions that might be regarded as contradictory in this aspect, with Article 64 (5) stipulating the 90-minute length requirement, while Article 64 (6) entitles broadcasters to choose the format of debates.

reduced the value of these debates for the viewers. Furthermore, the format of debates, which amount to discussions between two randomly matched contestants, has been criticized for its lack of interactive and meaningful exchange of opinions and questionable informational value for voters.

Eleven out of 21 election subjects competing in the election have so far not purchased any paid advertisements in the public broadcasting media. The OSCE/ODIHR EOM has received complaints from some contestants regarding high advertisement costs. The price set by the public TV of 450 euro per minute appears to be the highest among operating broadcasters.

## VI. COMPLAINTS AND APPEALS

The CEC and the DEC's have demonstrated dedication, and an overall professional approach, in meeting their responsibilities related to complaints. Nevertheless, concerns remain with regard to the vagueness of the Election Code, the overlap of jurisdictions of electoral bodies, courts and the Audiovisual Coordination Council (CCA), a regulatory body for broadcasting media, regarding complaints, appeals and sanctions. In addition, the absence of written procedural rules and guidelines concerning the complaints and appeals process raises additional concern.

The OSCE/ODIHR EOM analyzed 48 CEC decisions on complaints, some 80 per cent of which are related to electoral campaigning in the media. The most frequent are complaints regarding the coverage of the activities of the President, "unethical" campaigning, absence of a legally required indication that the broadcast material is election-related, and omissions of the stipulation that the material was "paid from the electoral fund". In addition, complaints were also lodged with regard to campaign posters being torn down or displayed in unauthorized locations, obstruction to campaign activities by mayors and policemen, especially in the regions, use of public resources and illegal campaigning by local authorities or DEC members.

The OSCE/ODIHR EOM analysis shows that in a number of cases, the CEC overruled decisions by DEC's fully or in part, arguing that they did not have the competence to issue warnings or to decide on complaints involving media. At the same time, the CEC forwarded a number of complaints for consideration by DEC's, mainly in Chisinau. In some cases, the decisions of the CEC were forwarded to the CCA, which has the exclusive competence to sanction the media.

As of 21 March, the Supreme Court has considered some 10 election-related appeals. These were related to the decisions by the CEC on the establishment of polling stations abroad, stamping of voters' IDs, postponement of broadcasting of debates until after the end of the candidate registration process, denial of registration to an independent candidate, as well as challenges to CEC decisions on campaign-related complaints.

All appeals lodged with the Supreme Court were ruled against, except one filed by an NGO Association of Independent Press (API). On 19 March, the Supreme Court overruled all earlier decisions by the Chisinau DEC, the CEC and the Court of Appeal with regard to the API's analytical material about the PRCM's performance in government. This material, which was disseminated as a newspaper supplement in February 2009, was initially ruled as having constituted campaigning on the part of API against the PRCM.

## VII. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

The Law on Ensuring Equal Opportunities for Women and Men, adopted in February 2006, contains a specific provision on equal opportunities in electoral matters and obliges the election administration and political parties to observe the principle of gender equality.<sup>11</sup>

Nevertheless, women are generally less present as candidates on top positions in candidate lists. Only one party, MAE, has five women among their top ten candidates. Two political parties are led by women, who also head their respective party lists.<sup>12</sup> While two political parties, AMN and UCM, do not have any women among the first ten candidates on their lists, the Green Alliance of Moldova (PEMAVE) has 46,4 per cent of women on its candidate list and four of them are among the first ten positions. The PLDM, the only party with a 30 per cent internal quota, registered the lowest number of women, 17,5 percent and only one among the top ten. Women make up a total of 29,9 per cent of candidates.

Of the nine members of the CEC, only one - the deputy chairperson - is a woman. Women are generally represented in greater numbers at the lower levels of election administration. Out of 35 DEC's, nine are headed by women. Women are deputy chairpersons in 11 DEC's and secretaries in 22.

Issues related to national minorities have not played a prominent role in the election campaign. All major parties provide – alongside material in the state language – information in Russian, the language of interethnic relations. The PPCD has, in addition, produced Bulgarian, Ukrainian and Romani language campaign material.

There are concerns, as in earlier elections, about the possibilities to vote for persons belonging to the Roma minority since they may not be included in voter lists. The PPCD has included on its list a person who campaigns as a Roma activist.

## VIII. OSCE/ODIHR EOM Activities

During the reporting period, the OSCE/ODIHR EOM continued its regular activities. Mission members met senior state officials, representatives of political parties and independent candidates, representatives of the judiciary, election administration, media and civil society. The Head of the OSCE/ODIHR EOM holds regular meetings with the CEC chairperson. A briefing for members of diplomatic missions and international organisations accredited in Moldova was conducted on 10 March. LTOs continue to observe electoral preparations and the campaign in the regions, and are preparing for the deployment of Short-Term Observers. The Mission maintains regular contacts with the resident OSCE Mission and met Delegations of the Parliamentary Assembly of the OSCE and the Council of Europe, who conducted pre-election visits to Moldova.

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<sup>11</sup> Law on Ensuring Equal Opportunities for Women and Men, Article 7.

<sup>12</sup> The Party of Spiritual Development "United Moldova" (PDSMU), chairperson Ana Tcaci, and the Conservative Party (PC) chairperson Natalia Nirca.