

Liga Apărării Drepturilor Omului din Moldova League for Defence of Human Rights of Moldova



CIVIC COALITION FOR FREE AND FAIR ELECTIONS

THE LEAGUE FOR DEFENCE OF HUMAN RIGHTS OF MOLDOVA - LADOM

REPORT II

ON THE MONITORING OF THE ELECTORAL PROCESS

EARLY PARLIAMENTARY ELECTIONS OF 29 JULY 2009

Monitoring period: 1-15 July 2009















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INTRODUCTION

The given Report covers the electoral situation in Moldova during 1-15 July 2009. This is the second Report regarding the monitoring of early parliamentary elections drawn up by LADOM within the framework of the Coalition for Free and Fair Elections – Coalition 2009 and represents the natural continuation of the project "Observing parliamentary elections of 2009". LADOM relies on previous missions of election monitoring, which were implemented both in the Republic of Moldova and in other countries from this region.

Data provided in the Report have been collected by means of direct observation ensured by a national network of 4 regional coordinators, 62 long-term observers and 1579¹ short-term observers placed in the localities of all rayons of the republic. All observers are appropriately accredited by the Central Election Commission. The monitoring process has been carried out in accordance with the provisions of the Election Code of the Republic of Moldova, of the Code of Conduct of the LADOM observer and in compliance with the international standards in the field of election observation.

Conclusions and recommendations provided in the given Report have been formulated with good faith and presented in the spirit of professional cooperation with all stakeholders interested in the creation of a transparent and fair electoral process in the Republic of Moldova.

LADOM calls on all actors involved in the electoreal process to contribute, with full responsibility, to the promotion of free and fair elections and to respect with good faith the rules regarding hte transfer of the people's power to its representatives as well as its will which is the basis of the state power².

^{1 10.07.2009,} D E C I S I O N on the accreditation of national observers from the behalf of the League for Defense of Human Rights of Moldova (LADOM) with regard to the monitoring of the parliamentary elections of 29 July 2009

² LADOM's call addressed to actors involved in the election campaign

EXECUTIVE SUMMARY

During the monitoring period due to the observation implemented by LADOM there were detected both positive and negative tendecies in the development of the electoral process.

Among the tendencies, mainly positive ones, can be mentioned the registration by CEC of 1645 LADOM observers as well as the ending of the process of registration of electoral contestants, which was carried out without any deviations from legal provisions.

The activity of the Central Election Commission is, generally, carried out in an open and transparent manner, exception to this is only the non-posting of lists of polling stations. Due to the fact that there were set very limited terms for the development of the election campaign, CEC founded a whole system of election bodies, having faced certain difficulties though. Now the training of chairmen and secretaries of electoral offices is a priority, the quality of services which should be provided by the members of electoral offices is still in peril, taking into account that in accordance with the new algorithm of appointment many of these members are new and lack experience.

Yet all LADOM observers stated shortcomings that can turn into negative tendencies and can jeopardise the integrity of the electoral process. During the observation of the election campaign carried out by the electoral contestants, the LADOM observers pointed out a series of deviations from the practices and principles of a competitive electoral process, as well as a series of breaches of the electoral legislation. The LADOM observers reported about cases of usage of administrative resources, which marks a trend of disregard of electoral prohibitions; they also pointed out the situations of exercising aggression towards the representatives of electoral contenders and of intimidation of voters; cases of exerting pressures over local employees for the purpose of making them play in favor of some electoral contenders to the detriment of others.

Some representatives of electoral contenders show aggresive, indecent and incorrect behavior by means of using insulting and coarse language.

The non-observance of the electoral laws regarding the electoral visibility is the most frequent breach made by all electoral contenders, and it also forms a negative tendency in this respect. Also during this electoral period there were given electoral gifts and shown differentiated treatment towards the electoral contenders from the behalf of some representatives of local public authorities.

LADOM grasps the attention to the fact that the electoral legislation does not foster the political and civic activism of citizens in hte view of exercising their right to vote, and the setting of the election day on a working day shall diminish citizens' possibility to participate in the voting, especially for the ones found in the localities on the left bank of river Nistru and for those working abroad.

The faultiness of the system of the drawing-up and checking of electoral lists, the delaying of public posting of electoral lists and the lack of citizens and observers' access to these lists both before and after the election ay, do not contribute to the enhancement of public trust regarding the accuracy of electoral lists and create optimal conditions for a multiple voting, in certain circumstances.

LADOM shall continue to monitor the election campaign on the whole territory of the Republic of Moldova. There should be made public also other reports regarding the electoral and the post-electoral period. A special report covering the election day shall be drawn up immediately after the voting.

FINDINGS

The findings are formulated and generalised on basis of concrete cases registered by the LADOM observers and attached to the given Report.

The use of the administrative resources

Central and local public authorities keep using the administrative resources and levers for hte purpose of obtaining advantages for the electoral contenders they represent. The use of the administrative resources seems already to have become a tendecy among some representatives of public authorities, which puts the electoral contenders in unequal conditions³.

LADOM recommends to the representatives of public authorities to give up on the negative practice of using the administrative resources in favor of some electoral contenders as a prerequisite of equality of all electoral contenders. (R)

Promoting aggression and discord⁴

During the election campaign the electoral contenders and their representatives promote an aggressive and degrading electoral message by different means, they provoke enmity and tensions within the society, which can result in hatred and discord. During the monitoring period there have been recorded many such cases.

R.: The electoral contenders and their representatives should give up on aggressive and degrading electoral messages, refrain from accusations, radicalism and aggression, which split the society and create tensions within it, which can result in hatred and discord.

Intimidation of electoral contenders

During the monitoring period there were registered many cases of intimidation of the electoral contestants. The intimidations were instigated both by unidentified persons and by some representatives of public authorities. These persons use different methods of intimidation, such as: setting on fire the headquarters of a political party, threatening the representatives of electoral contenders or their family members with physical reckoning, announcing about the placing of explosives in the premises where meetings between the electoral contenders and their voters should have been taking place etc. The measures taken by the authorities with regard to the suppression of illegalities are not sufficient and moreover they are tolerant.

LADOM shall continue to monitor the measures taken by the authorities with regard to the ensuring of integrity and security of representatives of the electoral contenders⁵.

R.: The law enforcement and prosecution agencies should take all legal measures in order not to allow the intimidation of representatives of the electoral contenders, of voters and businesses

Donduseni. On 12 July the Prime-Minister, Zinaida Grecianii, held a meeting with voters from the Donduseni rayon, having used for the trip the service vehicles, "Mercedes", the registration number RM 001, and "Skoda" SP 053, which belong to the auto park of the Government of the Republic of Moldova. The staff of the rayon hospital and policlinics as well as other persons engaged from the localities of the rayon was made to participate in this meeting, yet they cannot openly state this fact. All social assistants from this rayon were instructed and sent to their sectors, to go house by house, and ensure electoral propaganda in favor of PCRM.

⁴ In the independent rayon newspaper "Cuvantul liber" ("Free Word") from Leova (no 25 (512) of 26.06.2009) one can read the article entitled "Papagalii" ("The Poll Parrots"), in which the editor-in-chief of the newspaper, Ion Mititelu, treats the governing of PCRM with insult, calling it "the mediocre practitioners"; where the Prime-minister, Zinaida Grecianii, is called "lady the machine-gunner, an unaccomplished and failed politician", etc.

⁵ Ungheni. A supporter of PCRM from the village of Radenii Vechi, Donici D.A., threatened the sympathizers of the opposition parties that they would be kept locked in cellars after the election.

with regard to election activities. They should observe neutrality and ensure legality as a prerequisite of free and fair elections.

Intimidation of local officials and voters

Local employees state that they were intimidated from the behalf of their superiors for the alleged reason of not having ensured the presence of voters at meetings with some electoral contenders. Also the representatives of local public administration threatened some voters with reckoning, if they decided to participate in the corresponding meetings. In the same context some businesses complain about pressures exerted on them by the authorities for having provided services to some electoral contenders of the opposition (premises, room for meetings etc.)⁶.

R.: Public authorities responsible for the management of elections and the law enforcement agencies should react to notifications made by the electoral contenders and by the election bodies in order to prevent and suppress breaches of the electoral laws, which could undermine the correctness of the electoral process.

Child involvement in the election campaign

During the monitoring period there were registered cases when some electoral contenders had involved minors in the election campaign. The electoral contestants involve children in the election campaign for the purpose of information distribution among voters or for the organisation of electoral concerts.

R.: The electoral contestants should give up on involving children in the election campaign.

Electoral gifts

Representatives of the electoral contestants give voters generous gifts, such as the organisation of free-of-charge concerts, territorial space imporvement and free equipping, as well as the offer of humanitarian aids⁷.

The differentiated treatment towards the electoral contenders

Local authorities and mass media treat the electoral contestants differently, helping representatives of the electoral contestants represented by the corresponding public administration. Some electoral contenders benefit from having premises for their meetings with voters free of charge, while the others are bound to submit their requests for the provision of a room at least 5 days in advance⁸.

- 6 Causeni. On 7 July 2009 in the village of Firladeni, Opaci, Ursoaia, there took place meeting with voters with the Minister of Economy, Igor Dodon, and the Vice-minister Iurie Munteanu. They travelled with two vehicles "Skoda" no CKI 211 and no CMX 80, and accompanied by the state guard. To have the meetings organized the head of the Section of Social Assistance and Family Protection from Causeni, Eudochia Golan, made telephone calls to social assistants and obliged them to ensure the attendance of 15 persons at these meetings, otherwise they would be dismissed.
- On 6 July during a meeting with voters in the village of Opaci, the PCRM candidate, Igor Dodon, made a promise to citizens that the state would offer them aid to solve the problems they are bound to face. Within the next 2 days the PCRM leader, Gavrilas Maria, received 1 km of hose (pipe for an aqueduct). The hose was stored at the place of an adept of PCRM and was divided among citizens by ordinances of M. Gavrilas. When requested by the mayor, she refused to provide the acceptance acts as well as the conformity acts.
- 8 The headmaster of the lyceum "Nicolaie Donici" from the village of Dubasarii Vechi, Andrei Zgircu, was in favor of the participation of the lyceum students, who have already passed the bachelor exams, in an electoral meeting with V. Voronin, at the same time hindering their participation in the meeting of D. Chirtoaca. Thus, A. Zgircu called the lyceum students to be

R.: Local public authorities should be impartial and should not treat the electoral contenders differently.

Electoral visibility

During the monitoring period the LADOM observers reported that the placing of electoral visibility in unauthorised places was the most frequent breach of the electoral laws made by all electoral contestants. The deterioration of advertising billboards is the target of vandalism, mainly with regard to the electoral billboards of PDM and PLDM.

Although a tendency of such breaches has been outlined, the law enforcement agencies do not take sufficient measures to re-establish the legality. The representative of the Ministry of Internal Affairs, Petru Corduneanu, informed CEC that the police agencies had taken all measures to prevent the vandalism over the electoral billboards. He mentioned that the MIA has enhanced the streets patrol particularly during nights, and that there have already been detected five of six electoral delicts, several persons were detained and sanctioned for the deterioration of electoral billboards and for the placing of electoral visibility in unauthorised places⁹.

R.: The electoral contestants should encourage their representatives and sympathisers to ensure the placement of electoral visibility only in places authorised by law.

MANAGEMENT OF ELECTIONS

The system of election bodies

The management of elections is implemented by the system of election bodies, consisting of the Central Election Commission, Municipal Electoral Councils and electoral offices of polling stations. Today the system of election bodies is formed and works in full composition.

Alongside with the creation of electoral offices, CEC, in partnership with the representatives of the civil society, organised intensive training seminars for members of electoral offices which were launched on 15 July. The problem of training of electoral employees should be treated with full responsibility taking due account of the negative experience of elections of 5 April 2009, as well as of the fact that in the composition of electoral offices there were assigned people recommended by those political parties which until today did not have members with the right of deliberative vote within the election bodies. Among the problems that are to be treated in the framework of the training of members of electoral offices the following are prior: impermissibility of breaches of the procedure of stamping of identification acts; impermissibility of mathematical errors in protocols during the summation of election results; permission for obervers to exercise the observation of elections; ensuring the respect of the voting process, etc.

Although the polling stations were created within the terms set by law, the list of these has not been made public until now, even if for objective reasons, this fact marks the lack of transparency and does not ensure the citizens' possibility to know where they can check the electoral lists and where they can vote on the election day.

handed their diplomas in the morning of 11 July. He, however, did not handed the diplomas, but called them to participate in the meeting with Voronin. After the meeting, by a special procedure, he set the handing of diplomas for noon so that the lyceum students would not be able to attend the visit of D. Chirtoaca.

⁹ Balti. In the night from 30 June 2009 to 1 July 2009 acts of vandalism were exerted on the electoral advertising billboards of the Democrat Party of Moldova placed on following addresses: Decebal St. (in the surroundings of the Hotel "LIDO"); Caraciobanu St. (in the surrounding of the bar "Gruzia"); 15 Independence St. (headquarters of the party). The police station from Balti was warned about eventual acts of vandalism already in the evening of 30 June 2009, however no necessary measures were taken.

Hotline

CEC set a hotline to consult voters on electoral matters¹⁰. Voters can find answers to their questions related to the voting procedure in the parliamentary elections of 29 July 2009. Until today the most frequent questions referred to the manner of getting a certificate for the right to vote, to the checking of one's enlistment in electoral lists, and to the voting abroad.

Declarations of residence

Until today the Central Election Commission has processed 6771 declarations of residence submitted to the local public administration bodies during 17-26 June 2009 by voters, who changed their place of residence after the participation in previous elections. Observers report that a number of people, mainly students, did not manage to submit their declarations of residence within the set timeline, because they were in the middle of the exam period, and the request of a certificate for the right to vote can be made only after 15 July, which implies travelling expenses for voters.

Media center re-opened by CEC

To facilitate the information flow regarding the development of elections, the Central Election Commission re-opened the Media Center for the elections of 29 July 2009. The Media Center is equipped with computers with Internet connection, also providing printing, scanning and copying services. Also via this center a number of informative materials shall be put at everyone's disposal. The Media Center is aimed at ensuring the transparency of the election bodies' work.

The registration of the electoral contestants

During the monitoring period CEC continued to study the applications concerning the registration of electoral contenders, which ended up on 7 July 2009.

From 17 July until the end of the registration period CEC received 12 applications for the registration as electoral contender from the behalf of 10 political parties and of 3 independent candidates. CEC studied all applications and registered 10 political parties as electoral contenders, while independent candidates withdrew or their applications were rejected. The registration of electoral contestants was carried out with no incidents. Thus, as result of drawing lots, the electoral contestants shall be included in ballot papers in the following order:

- 1. Communist Party of the Republic of Moldova;
- 2. Christian Democrat People's Party;
- 3. Liberal Party;
- 4. "Our Moldova" Alliance;
- 5. Liberal-Democratic Party of Moldova;
- 6. Democratic Party;
- 7. National Liberal Party;
- 8. Social Democrat Party;
- 9. "Acțiunea Europeană" ("The European Action") social-political Movement;
- 10. Ecological Party of Moldova "Alianţa Verde" ("Green Alliance").

Some electoral contenders declared that they would withdraw from the electoral race after their participation in the electoral debates with an anti-communist message, thus, they would become satellites of the opposition parties.

Electoral debates

The electoral debates have been launched on 8 July and are organised by the majority of mass media, which makes an imporvement in this respect. CEC insistently requested broadcasters, including Internet-based TV channels, which decided to organise the electoral debates, to launch

¹⁰ The "hotline" works within CEC, providing answers to questions regarding the voting procedure in the parliamentary elections of 29 July 2009. Call for free on 0.800.33300 from any locality of the Republic of Moldova. "Hotline" – CEC shall work until 24 July, from Mondays till Fridays, from 8 a.m. till 5 p.m., with a lunch break between noon and 1 p.m.

these programs as soon as possible. As well, CEC obliged the IPNA Company "Teleradio-Moldova" to begin the organisation of public debates for the electoral contenders not later than 8 July 2009. At the same time CEC recommended to the Council of Observers of the IPNA Company "Teleradio-Moldova" to revise the schedule of public debates. The Civic Coalition for Free and Fair Elections, Coalition 2009, expressed its concern related to the manner in which the broadcasting media would cover the election campaign of 29 July 2009¹¹.

Electoral expenses

Until today the political parties involved in the election campaign have born a series of electoral expenses, with the highest expenses belonging to PCRM and making circa 1,2 mln lei (1208893,98 lei). The Central Election Commission (CEC) approved the first financial report regarding the incomes and expenses of the electoral contestants in a meeting that took place on Tuesday, 7 July. All in all, there were reported incomes in the amount of 2,7 mln lei (2735474 lei) and expenses in the amount of 2,3 mln lei (2347976,28 lei). The Democrat Party has so far spent 1,1 mln lei (1136188, 30 lei), while the Christian Democrat People's Party has spent 2894 lei. CEC issued a warning to the other three electoral contestants registered until 7 July, and namely the Liberal Party, the "Our Moldova" Alliance and the Liberal Democrat Party, for not having submitted these reports within the term stipulated in the Election Code, i.e. within two weeks after the registration as an electoral contestant.

ELECTORAL LISTS

Among the problems unsolved till today there is the problem of the correct drawing-up of electoral lists, the issue of their posting at polling stations starting from 14 July, and the issue of ensuring the access of voters and observers to the checking and rectification of these lists.

Although the drawing-up of electoral lists falls within the duties of local public authorities, the latter justify the inefficiency of their work by shortage of trained staff and by lack of funding which would cover the expenses for the drawing-up of electoral lists. In this respect CEC does not provide local authorities with full financial and training support, moreover it does not allow NGOs to make copies of electoral lists for the purpose of their checking house by house.

Electoral offices are engaged with the duty of exercising control over the electoral lists. Although the control mechanism is not totally clear, it is believed that once notified by voters or observers or *ex officio* the electoral offices should bring into action this mechanism of control and rectification of electoral lists with no demand of proofs from voters, observers or electoral contenders.

Also one of the problems faced by the electoral contestants and by observers during the previous parliamentary elections was the possibility of the checking of electoral lists after the election day. This problem was not paid due attention and CEC did not create any mechanism so that the electoral contestants and observers could check how voters exercised their right to vote, whether they had signed the electoral lists or not, whether anyone had voted in place of other person.

Although CEC requested from the local public administration bodies to draw up and submit the revised electoral lists to CEC and electoral offices, this activity has been carried out very slow. On 13 July 2009 the Central Election Commission received 1740 electoral lists. Also it was found that some lists do not have all the data as requested and stipulated by the Election Code, such as the place of residence, the year of birth or the series and number of one's identification act. In this respect CEC adopted a decision by which mayors of those localities, which had not transmitted the electoral lists or had submitted the lists that did not comply with the requirements of the Election Code, would be obliged to transmit these lists to the Central Election Commission until 11 July 2009. During the monitoring period CEC approved a template of the supplementary electoral list

¹¹ The declaration of the Civic Coalition for Free and Fair Elections – Coalition 2009 – regarding the derogations from the legal provisions and deontological norms in the field of coverage of the election campaign for the early parliamentary elections of 29 July 2009 by the broadcasting media institutions of the Republic of Moldova.

for the electoral offices of polling stations where should take place the voting of citizens of the Republic of Moldova residing in some localities on the left bank of river Nistru, and namely in Bender municipality and some localities of Causeni rayon, which are temporarily beyond the control of the constitutional authorities of the Republic of Moldova, and for the electoral offices of polling stations created under the auspices of the diplomatic missions and consular offices of the Republic of Moldova.

A positive development which should secure the electoral lists and contribute to the prevention of the vote fraud is the amendments made by CEC in the Regulation regarding the activity of the electoral offices of polling stations. Through these amendments CEC personalised the responsibility of all members of the electoral offices so that they would bear personal responsibility for the electoral lists which they would manage on the election day. Every member of an electoral office shall be obliged to put his/her signature in the right side of an electoral list with the name of the member of the commission, and in the left lower side he/she should indicate the number of ballot papers issued by him/her. As regards the supplementary list it shall be drawn up exclusively by the secretary of an electoral office¹².

R.: The electoral offices should make all efforts to ensure the posting of electoral lists, as well as their checking and rectification. They should facilitate observers' access to the control exercised over the electoral lists and to react to information provided by them.

VOTING ABROAD

The right to vote of those citizens of the Republic of Moldova who work abroad has not been totally ensured by the electoral legislation. The Parliament did not introduce amendments in the electoral laws in this respect, and CEC also did not approve any regulations that would facilitate the voting abroad, especially considering that the elections shall take place on a working day. Although the European institutions made many recommendations in this respect, so that to ensure the right to vote of Moldovans abroad, the national authorities did not do anything to improve the situation.

R.: CEC should institutionalise a mechanism facilitating the access of the electoral contestants and observers to electoral lists after the election day.

¹² Working with the electoral lists is a laborious and inefficient process. The situation of the previous elections repeats itself. Although in accordance with the provisions of the Election Code the mayoralties shall bear the responsibility for the drawing-up of these lists, they invoke lack of human resources needed for the checking of lists of voters at their place of residence. The timeline is very short, the workload is very high, for this reason we cannot expect to see huge changes in the lists. On the other hand, the mayoralties received CDs including only the information provided by the branch ministry about the inclusion of 18-year old people and of those who changed their place of residence and, correspondingly, the exclusion of the people who left and of those deceased. To exclude from the list a deceased person it is necessary to attach a copy of his/her death certificate, and in cases when there is no such document the person will still appear in an electoral list. For example in Drochia OTL together with the secretary of the CER 14 examined a great part of electoral lists. There were detected very many inaccuracies, repetitions, one and the same person would be enlisted under two surnames (the surname of Ganziuc and Moscalu, polling station no 7, Drochia, etc.).

APPEALS

CEC received and examined 17 appeals lodged by the electoral contestants. The most unsatisfied electoral contestant about the manner of the carrying-out of the election campaign is PCRM, with its representatives having lodged 11 appeals to CEC. Although other electoral contestants make statements including various accusations, CEC was addressed by and received appeals on 2 cases from AMN and other 2 cases from PL, while PLDM and PDM lodged only by one appeal. CEC answered to 9 appeals in letters sent to the electoral contestants, one appeal is in the pipeline, and with regard to other 5 appeals CEC issued decisions stating breaches of the electoral laws, and the examination of two more appeals was postponed for another meeting. In the majority of cases the electoral contestants appeal against the contents of the propaganda materials and against the mass media coverage of the election campaign. In this respect it should be mentioned that on Friday, 10 July, CEC warned PCRM and prohibited the use of some electoral spots which run counter the provisions of the electoral laws. In this respect are meant the electoral advertising spot in which PCRM used the image of the Romanian President, Traian Băsescu, which is against the provisions of the Regulation on the media coverage of the election campaign, stipulating the prohibition of images of foreign officials. The second case refers to the use of the image of Marian Lupu in an advertising spot of communists. "This image misinforms the TV audience which watches this spot, because they start associating Lupu with PCRM, which is a destortion of the current state of affairs", a representative of PD declared at CEC. The third prohibited advertising spot of PCRM included the image of the Parliament which runs counter the legislation.

There should be made analysis of appeals lodged within the reasonable term and in accordance with the competences.

RECOMMENDATIONS

- Representatives of public authorities shoud give up on the negative practice of using the administrative resources in favor of some electoral contenders, as a prerequisite of equality of all electoral contenders;
- Public authorities responsible for the management of elections and the law enforcement agencies should react to the notifications made by the electoral contenders and by the election bodies in order to prevent and suppress any breach of the electoral legislation, which could undermine the correctness of the electoral process;
- public authorities should refrain from any form of intimidation; law enforcement and prosecution agencies should take all legal measures in order not to allow intimidation of representatives of the electoral contestants, voters and businesses with regard to the electoral activity. They should observe the neutrality and ensure legality as a prerequisite of free and fair elections;
- The electoral contenders and their representatives should give up on aggressive and degrading electoral messages, refrain from accusations, radicalism and aggression, which create enmity and tensions within the society, which, in its turn, can lead to hatred and discord;
- The electoral contenders should give up on child involvement in the election campaign;
- Local public authorities should be impartial and should not treat the electoral contestants differently;
- The electoral contestants should encourage their representatives and sympathisers to ensure the placement of electoral visibility only in places authorised by law;
- Electoral offices should make all efforts to guarantee the posting of electoral lists, their checking and rectification. They should facilitate observers' access to control exercised over the electoral lists and to react to information provided by observers;
- Mass media should prove being accurate and independent, should ensure pluralism and diversity

of opinions;

- CEC should institutionalise a mechanism facilitating the access for the electoral contestants and observers to electoral lists after the election day.