



Doc. 12009

14 September 2009

Observation of the early parliamentary elections in the Republic of Moldova (29 July 2009)

Report

Ad hoc Committee of the Bureau of the Assembly

Rapporteur: Mr Mevlüt ÇAVUŞOĞLU, Turkey, European Democrat Group

Summary

- I. Introduction
- II. Political context in the run-up to the early election
- III. Legal context
- IV. Electoral administration
- V. Registration of voters
- VI. Election campaign
- VII. Media environment
- VIII. Election Day and its aftermath
- IX. Conclusions
- X. Recommendations

I. Introduction

1. At its meeting on 22 June 2009, the Bureau of the Assembly decided to set up an ad hoc committee composed of 20 members to observe the early parliamentary elections in Moldova on 29 July 2009, subject to receipt of an invitation. Following the invitation from the Speaker of the Moldovan Parliament, the Bureau, at its meeting on 26 June 2009, appointed Mr Mevlüt Çavuşoğlu chair and rapporteur of the ad hoc committee. Considering the short time between the parliamentary elections of 5 April 2009 and the forthcoming ones, it was not deemed feasible to conduct a pre-electoral mission to Chisinau.

2. In accordance with Article 15 of the co-operation agreement signed on 4 October 2004 between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission), the Bureau of the Assembly decided to invite an expert to join the ad hoc committee as an adviser.

3. Based on the proposals from the Parliamentary Assembly's political groups, the ad hoc committee was composed as follows:

Mr Mevlüt Çavuşoğlu, Chairman of the ad hoc committee

Group of the European People's Party (EPP/CD)

Mr Viorel Badea, Romania
Mr Renato Farina, Italy
Mr Yusuf Ziya İrbeç, Turkey
Mr Denis Jacquat, France
Mr Egidijus Vareikis, Lithuania:
Mr Piotr Wach, Poland

Socialist Group (SOC)

Mr Tadeusz Iwiński, Poland
Mrs Sinikka Hurskainen, Finland
Mrs Anna Čurdová, Czech Republic

Alliance of Liberals and Democrats for Europe (ALDE)

Mr Michael Aastrup Jensen, Denmark
Mrs Doris Fiala, Switzerland

European Democratic Group (EDG)

Mr Mevlüt Çavuşoğlu, Turkey
Mr Tuğrul Türkeş, Turkey

Venice Commission

Mr Owen Masters, Expert

Secretariat of the Parliamentary Assembly

Ms Ivi-Triin Odrats
Mr Franck Daeschler

4. The ad hoc committee worked as part of the international election observation mission (IEOM), which also included election observers from the Parliamentary Assembly of the OSCE, the European Parliament and the election observation mission of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

5. The ad hoc committee met in Chisinau from 27 to 30 July 2009. The committee's programme of meetings is set out in Appendix 1.

6. On 27 and 28 July, the IEOM met representatives of the main political parties standing for election, the Chairman of the Central Electoral Commission (CEC), the Head of the OSCE mission in Moldova, the Special Representative of the Council of Europe's Secretary General, the political adviser to the European Union Special Representative, the Head of the OSCE/ODIHR election observation mission and his team and representatives of civil society and the media.

7. As in the case of the previous parliamentary elections in Moldova in April 2009 (Doc. 11870), members of the ad hoc committee considered that the briefing programme was too long, substantively and time wise unbalanced and offered limited possibilities of interaction. Members deemed it desirable, in similar cases in the future, to organise a supplementary programme for the Assembly's observation team, which would enable members to hold full exchanges of views with the political leaders of the country concerned as well as with members of the national delegation to the Parliamentary Assembly. The format of the briefing day should be considered at any further meeting of chairs of ad hoc committees dealing with future arrangements for PACE election observation missions.

8. On the polling day (29 July), the ad hoc committee was divided into eight teams, three of which observed the elections in the capital Chisinau and its surrounding areas and five in the following cities: Falesti, Singereni, Balti and Glodeni (in the north-west of the country); Gagauzia and Basarabasca (in the south); and Ohrei and Rezina. The latter team was able to observe the voting in the special polling stations where Moldovan citizens living in Transnistria could cast their votes. One team also visited the region of Transnistria on the Election Day.

9. The IEOM concluded that the 29 July early parliamentary elections in Moldova were overall well-administered, allowing for competition of political parties representing a plurality of views. Many of the OSCE and Council of Europe commitments were met; however, the campaign environment was negatively affected by subtle intimidation, and bias in media coverage. The electoral process underscored the need for continued democratic reforms to restore public trust. The IEOM press release is attached in Appendix 2.

10. The ad hoc committee wishes to thank the OSCE/ODIHR election observation mission and the Secretary General's special representative in Moldova for their co-operation and logistical support. It appreciates the constructive efforts made by different IEOM partners in working towards a credible and well-balanced joint statement on the day after the election.

II. Political context in the run-up to the early election

11. The early parliamentary election of 29 July was held following the failure by the Parliament elected on 5 April to elect a new President of the Republic of Moldova. According to the Constitution, this needs to be done within 45 days, failing which the Parliament is dissolved. The election of the President requires a 2/3 majority or at least 61 MPs voting in favour. The Party of Communists of the Republic of Moldova (PCRM) gained 60 seats in the election of 5 April; however, on two occasions, it fell short of the one decisive vote that would have enabled them to elect a new President, which resulted in the dissolution of the Parliament by the President ad interim on 16 June 2009.

12. The violent demonstrations that broke out in Chisinau two days after the election of 5 April claimed no confidence in the conduct and the results of that election. The main complaints were in respect of inaccuracies of the voters' list and bias in the media, which were seen by demonstrators as not having offered equality of access to non-government parties. The Assembly's ad hoc committee observing this election, as well as several previous Assembly resolutions, also reflected similar concerns.

13. The second (and final) term of the current acting president, Vladimir Voronin, expired on 7 April 2009 but he continues in office (under controversial legal arrangements) until his successor is elected. Meanwhile, Mr Voronin's election on 12 May as Speaker of Parliament while still occupying the post of acting President prompted the opposition parties to address a letter to the Constitutional Court asking it to rule on this matter. The Constitutional Court did not take a stand on the ground that the formal procedure for seizing the Court had not been complied with.

14. The most significant political event in the run-up to the early election was the defection of Mr Lupu, former Speaker of Parliament, from the PCRM in favour of the Democratic Party of Moldova (DPM) on 10 June 2009, and his subsequent election as leader of DPM. Various conjectures were made regarding his decision to leave the PCRM, such as differences of opinion about the course of reform of the CPRM, discontent with the nomination of non-members to key functions of the state, as well as his exclusion from the work of the most important state bodies such as the Security Council and the National Council for European Integration. Furthermore, domestic prognoses suggested that the DPM, owing to its good infrastructure, human capital and the political message pledging for national unity within the otherwise polarised political environment, provided a good back-up for Mr Lupu and his followers. Moreover, pre-electoral polls anticipated that he would attract 9.6% to 12.6% of votes from both camps.

15. Similarly to previous elections, voting did not take place in the territory of Transnistria, which has been outside the *de facto* authority of the Moldovan Government since 1992. The CEC opened 11 regular polling stations in the security zone for Moldovan citizens residing in Transnistria. These voters were registered on separate supplementary electoral rolls and placed their votes in separate ballot boxes. The votes were counted and the documents announcing the results were published separately.

III. Legal context

16. The 101 Members of Parliament in Moldova are elected through a proportional model, within a single national constituency.

17. Whereas the Election Code of Moldova provides inadequate basis for the conduct of free and fair elections, there remained a number of concerns after the parliamentary elections of 5 April, which the authorities were requested to tackle as a matter of urgency. As a rule, and in line with the Venice Commission's Code of Good Practice in Electoral Matters, the Assembly is not in favour of making changes to the legislation shortly before elections, and notably in the case of an early election. However, certain amendments that were adopted on 16 June were a step in the right direction, as was also noted by the Monitoring Committee rapporteurs in their press statement on 17 June, and could be regarded as contributing positively to the conduct of this election. These included the lowering of the electoral threshold from 6% to 5%, and the participation threshold from 50% plus one vote to 33% plus one vote.

18. In fact, the threshold for participating in the allocation of seats in parliament has been changed on several occasions in the past few years. In 2005 it was lowered from 6% to 4% for parties, and from 9% to 12% then to 8% for blocs. The threshold for independent candidates is 3%. In April 2008, the threshold for parliamentary representation was again raised to 6%, and the formation of electoral alliances ahead of elections was banned. According to the then Moldovan authorities, the higher threshold for representation in Parliament and the ban on electoral alliances were intended to stabilise the country's political system, which is very fragmented and includes many political parties, most of which only exist on paper. Whereas the electoral threshold was lowered again to 5% ahead of this election, the ban on electoral alliances was maintained.

19. Another improvement is the printing of the polling station number and the electoral district number on the ballot paper. This replaces the previous practice, which was much criticised by observers at previous elections, whereby the ballot papers were stamped after the voter had marked his/her ballot.

20. It is regrettable, however, that several important recommendations of the Parliamentary Assembly, the Venice Commission and the OSCE/ODIHR were not addressed at all, or were not addressed adequately. The latter include, for instance, the complaints and appeals procedures, which are not clearly defined and as such leave room for potential conflicts of jurisdiction.

21. Persons holding multiple citizenships have the right to run in the elections; once elected, however, the person must denounce his/her citizenships other than Moldovan. This has been said to be in breach of the European Convention of Human Rights,¹ as well as the European Convention on Nationality, to which Moldova is party.

22. The inaccuracy of the voters' list remained, however, once again the biggest problem for this election. At the April election, the inaccuracies of the voters' registers gave rise to more than 117 000 voters (amounting to approximately 8% of the active voters' body) being added to supplementary lists, which was not only contestable but also contested by the observers of the poll. It is essential that the voters' lists are accurate, if there is to be legitimacy and confidence in election results.

23. It was anticipated up to February 2009 that a centralised Electronic voters' list would be available for the previous election in April. However, this project was abandoned, partly because of lack of resources. The CEC made arrangements for the conventional voters' list to be used again at this election, which was unfortunate, given the unsatisfactory manner in which the current system is regulated by the municipalities, and the lack of quality and uniformity in the voters' registers, between different municipalities.

24. It is also to be regretted that the question of voting arrangements for Moldovan electors living abroad was not settled ahead of this election. Given that over 500 000 Moldovans are estimated to live abroad (according to some sources this figure could in fact be appreciably higher), the 33 polling stations in the major capital cities where the Republic of Moldova has diplomatic representations do not provide adequate and effective means for Moldovan citizens to exercise their right to vote.

IV. Electoral administration

25. The elections in Moldova are administered by a three-tier structure, comprising the CEC, 37 district electoral councils (DECs) and 1 987 Precinct Electoral Bureaus (polling stations) (PEBs). The CEC is a permanent body with nine members serving a five-year term of office. One of the members is appointed by the President, and one by the government. The other seven are appointed by the political parties represented in Parliament according to the number of seats they hold.

¹ In the case of *Tanase and Chirtoaca vs. Moldova* (judgment of 18 November 2008, application No. 7/08), the European Court of Human Rights found such a requirement contrary to Article 3 of the Protocol 1 to the ECHR. This judgment is however not final as it has been appealed to the Grand Chamber of the ECtHR.

26. The DECAs comprise 11 members, two of whom are appointed by the district court and the others by the parties represented in Parliament. Those appointed by the courts must not be affiliated to any political party. The polling stations have 5 to 11 members, depending on the number of electors registered with them. The chairs, vice-chairs and secretaries of the various electoral bodies are elected by their members by secret ballot.

27. The composition of the CEC membership has not changed since the appointments made in 2005. The composition of DECAs and PEBs changed after the April elections to reflect the altered representation of political parties in the Parliament.

28. The electoral timeframe for the conduct of the 29 July early parliamentary election was shortened from the usual 60 days to 44 days, which meant that all electoral deadlines were automatically reduced by a quarter.

29. All decisions adopted by the CEC in preparation for the 5 April election were applicable during this election, unless they had expired or had been reversed by a court. The CEC amended the regulations on PEB activities, stipulating that the only person in charge of compiling supplementary voters' lists on Election Day would be the respective PEB's Secretary. It also assigned part of a voters list to be handled and signed exclusively by a defined PEB member.

30. The IEOM assessed the operation of the CEC as overall professional and transparent, noting specifically the setting up of a system for the transmission of preliminary results from DECAs to speed up their announcement and publication on the CEC website on the election night. However, it also noted that not all CEC instructions were sufficiently detailed and clear, and that the DECAs had occasionally failed to apply CEC instructions in a timely and consistent manner.

31. The IEOM also assessed the complaints and appeals process as open and transparent both at the CEC and the courts level. Overall, the CEC met its responsibility as regards the consideration of pre-polling day complaints and adjudicated them in a timely manner. CEC decisions on complaints were well reasoned and appeared to follow the law. The CEC maintained a regularly updated register of complaints and its decisions were generally posted on the website within 24 hour of issuance.

32. During the period ending on 28 July, the Supreme Court had heard 29 appeals on CEC decisions. Many of these appeals were made because of the lack of right of reply to media reports.

V. Voter registration

33. According to the official CEC data, altogether 2 603 158 voters were registered on the electoral roll for the 29 July elections, which is almost 17,000 voters more than for the April election. An additional 105 223 voters were included in supplementary lists on the polling day, compared to the 117 794 during the election of 5 April. The fact that so many voters were added during the two polling days alone confirms that the establishment of an accurate voters' register will remain one of the major challenges for the improvement of the future election processes in Moldova.

34. The system used to record voters makes local authorities responsible for updating registers before each election, which leads to a lack of homogeneity in how this process is carried out. It was also planned to produce a computerised register of voters for these elections, but for various reasons, primarily financial, these proposals could not be implemented.

35. Nevertheless, considering that the inaccuracies in the voters' list had been one of the most contentious issues in the follow-up the 5 April election, the CEC designed a pilot project aimed at creating a national voters' list database, which would allow for a centralised review of lists for multiple entries and other errors. To this end, local executive authorities were requested to submit an electronic copy of the respective voters' lists to the CEC by the deadline of 6 July, which was subsequently extended to 11 July.

36. The updated lists were supposed to be displayed in PEBs on 14 July, a deadline which could not be kept in many polling stations because of administrative delays. In this context, the OSCE/ODIHR observers and NGOs monitoring the compilation of voters lists reported that the majority of polling stations visited during the two weeks before the election were not operational and failed to display the voters' list for verification.

37. While it is recognised that many deceased voters were removed in the course of verification of the Voters list after the 5 April election, several problems remained. It was reported by the Venice Commission expert that, in 5 PEBs in Chisinau municipality, observers conducted interviews in respect of persons born before 1940, who were entered on the voters' list. It was discovered that 10 persons born before 1940 out of 30 had died some 4 to 5 years previously. Considering that there are 1 987 polling stations in the country, the rate of inaccuracy seems high.

38. Two positive developments could nevertheless be observed: first, that it was possible, particularly in Chisinau, for voters to verify their details through the internet. Secondly, voters were provided ample information through all electronic media channels on how to verify their information on the Voters' Lists, as well as on voting day procedures.

39. Another positive aspect was that citizens had the opportunity to vote in the locality where they were on Election Day, and not necessarily in the locality where they have domicile or residence. This resulted in over 10 000 voters (particularly students) requesting a change in their place of voting in order to be included in the appropriate list of voters.

40. All in all, the accuracy of voters' lists in Moldova continues to be a matter of concern and must be clarified as rapidly as possible. This for at least two obvious reasons: to avoid the risk of double voting and to increase Moldovan citizens' confidence in the democratic process.

VI. Election campaign

41. Eight political parties were contestants in the 29 July election, totalling altogether 784 candidates. These included: the governing Party of Communists of the Republic of Moldova (PCRM), the Christian Democratic People's Party (PPCD), the Alliance of "Moldova Nostra" (Our Moldova) (AMN), the Liberal Party (PL), the Liberal Democratic Party of Moldova (PLDM), the Democratic Party of Moldova (PDM), the Social Democratic Party (PSD) and the Ecological Party of Moldova "Alianta Verde" (Green Alliance) (PEMAVE).

42. Although national legislation stipulates that 39%-40% of candidates should be women, women were mainly placed at the lower positions on the lists, and ranged from 18% in the PLDM to 37% in the Green Alliance.

43. National minorities, which according to the 2004 census make up 24% of the population on Moldova, enjoy constitutionally protected equal rights. National minorities have the opportunity to participate in the electoral process.

44. The electoral campaign was pluralist but low-key, concentrating mainly on small rallies, door-to-door canvassing and billboards displays. The campaign environment, on the other hand, was strained by political polarisation and inflammatory rhetoric concentrating on apportioning blame for the riots and violence of 7 April. The PCRM accused opposition parties and foreign agents of being instrumental in the planning of the riots. A film of the April events entitled "Attack on Moldova" was shown at PCRM rallies, as well as in public media. In return, opposition parties accused the PCRM of being responsible for the events, and showed various clips of their version of the events of 7 April.

45. Some political parties, NGOs and media representatives reported claims of intimidation and pressure exerted by the authorities. OSCE/ODIHR observers confirmed five subtle cases, including the disruption of opposition party rallies by "provocateurs" linked to the PCRM in at least three locations.

46. The OSCE/ODIHR observers also received numerous reports about the misuse of administrative resources during the campaign, both by the governing and opposition parties (many municipalities being governed by opposition parties). These mostly included the publishing of publicly funded newspapers containing political party messages. This shed negative light on the quality of the campaign.

VII. Media environment

47. Media coverage of the election campaign is regulated by the Electoral Code, the Broadcasting Code and the CEC Regulation on Media Coverage, which was adopted on 23 June 2009.

48. The audiovisual media, particularly the public TV channel Moldova 1 and Radio Moldova, are the main sources of information in Moldova, especially in the rural areas, because they cover virtually the whole country.

49. In general terms, media monitors found that the media made efforts to provide coverage to all political parties. The media monitoring conducted by a Council of Europe project revealed a distinct difference in the tone of reporting events by all broadcasters.

50. While welcoming the pluralism of opinions expressed, particularly in the print media, and eased access by the opposition parties to nationwide public TV channels, the ad hoc committee was concerned by the reports of the lack of quality by the media in the reporting of election news, which failed to meet the criterion of fairness. For example, *Teleradio Moldova* (TRM) often reported irrelevant details at the press conferences of opposition parties rather than the information the parties wished to convey to the voters.

51. Opposition parties also strongly criticised the fact that the media did not always respect the right of reply of candidates.

52. By way of an improvement compared to the previous elections in April, it was reported that the state functions were far less blurred with election campaigning. The amount of time devoted to news reports by the public broadcaster in respect of the President or the Prime Minister was considerably reduced. The Prime Minister, as well as the acting President, while heading the list for the PCRM, were noticeably absent from TV screens.

53. According to the Broadcasting Code, the Audio-Visual Co-ordinating Council (CCA) is the sole competent authority to impose sanctions on media outlets. However, the Media Regulations adopted in June by the CEC, which stipulated that media-related disputes were to be settled by the courts, blurred the obligations of the CCA. With such ambiguities in the regulatory framework, the CCA chose not to act on complaints related to the media and passed them on to the CEC or referred the contestants to the courts. The CCA thus failed to properly oversee and enforce legal requirements on impartial media coverage.

VIII. Election day and its follow-up

54. The election day was calm and the overall voting process was assessed as efficient and well organised by the IEOM. According to the IEOM observers' statistics, the voting procedure was deemed "good" or "very good" in 97% of all polling stations; counting was assessed positively in 94% of counts, even if minor procedural problems were recorded.

55. The eight teams deployed by the ad hoc committee on the election day observed the opening, voting, closing and counting procedures.

56. Members of the ad hoc committee acknowledged that voting was smooth, well organised and took place in a serene atmosphere. Polling stations opened and closed on time (07:00 – 21:00). None of the teams reported that election material was missing at the opening, and the quorum of PEB members was always reached to allow a timely opening. No campaign activity, campaign material or unauthorised presence was reported in the immediate surrounding of, or inside, the polling stations visited. The team covering Orhei and Rezina regions observed rare cases of voters keeping their ballots open while coming out from the polling booth until casting their ballots in the ballot box, thus making their choices visible to the audience. Whether intentional or not, this undermined the principle of the secrecy of vote.

57. In Chisinau, different teams reported serious problems with the accuracy of the Voters' List. In a number of polling stations, voters complained about unknown names having been registered at their addresses. In one polling station visited, 16 such cases had been reported to the Chair of the PEB concerned by the early afternoon. In one case, a lady, who had been living for more than 12 years in the same apartment, noticed in April already that other people had been registered on the voters' list at her address. These names had appeared for the first time on the list ahead of the previous election and again in this election, despite a written complaint that she had sent to relevant authorities following the April election. In another case, a widow complained that her husband who had died in 2004, whose name had been previously taken out of the Voters' List, suddenly reappeared again in the list. However, to the knowledge of the observer teams, no official complaint was submitted in any of these cases.

58. Throughout the polling day, members of the ad hoc committee observed the presence of a large number of partisan observers from all main political parties running in these elections. Domestic non-partisan observers, mainly from LADOM, were also present in almost all polling stations observed. The main complaints by domestic observers concerned the accuracy of the voters' list; in one case, a domestic observer brought the attention of members of the ad hoc committee to voting booths in that particular polling station, which were partly open and accessible from the back.

59. At polling stations attended for the counting of votes, counting was conducted in a correct and timely manner. Training of PEB members had been undertaken in all polling stations visited; this was reflected in the efficient manner in which Election Day procedures were administered.

60. The turnout at the parliamentary elections was 58.77%, which exceeded slightly that of the 5 April election (57.54%). Following the events of 7 April and the fact that this election took place less than three months after the previous election, the active participation of voters throughout the country was considered by the members of the ad hoc committee as a healthy sign of a burgeoning democracy.

61. Five parties exceeded the 5% electoral threshold, namely the Communist Party of the Republic of Moldova, with 44.69% of the vote (48 seats), the Liberal Democratic Party with 16.57% (18 seats), the Liberal Party with 14.68% (15 seats), the Democratic Party of Moldova with 12.54% (13 seats) and the "Our Moldova" Alliance with 7.35% (7 seats).

62. The fact that the parties previously in opposition subsequently mustered together a sufficient number of seats to form a coalition almost immediately directed the tensions that had concentrated around the electoral process to efforts of coalition building. On 8 August, the four "non-communist" parties that crossed the electoral threshold — PLDM, PL, PDM and AMN — constituted a Coalition "Alliance for European Integration". These parties together hold 53 parliamentary seats, but they fall eight votes short of being able to elect a president. Meanwhile, PCRM, who won 48 seats, is reported to have declared its readiness to go into opposition.

63. On 14 August, the Constitutional Court validated the legality of elections and the election results. One party, the Christian Democratic People's Party (PPCD), which had obtained 1.9% of votes, had requested a recount of votes. The Constitutional Court dismissed this request as unfounded.

64. On 17 August, the outgoing President signed a decree, convening the newly elected Parliament on 28 August. The new parliament will again face the challenge of installing a government and electing a new President of Moldova within prescribed time limits, failing which another round of parliamentary and presidential elections would be held next year.

IX. Conclusions

65. The PACE Ad hoc Committee to observe the parliamentary elections in the Republic of Moldova concludes that the elections held on 29 July 2009 met many international standards and requirements, but that the democratic process is still far from being complete and trust between major political forces needs to be restored and public confidence in the electoral process established.

66. The ad hoc committee welcomes the fact that this election provided voters with a clear choice of distinct political alternatives. In areas observed, the election was conducted in a calm and peaceful manner, without an incident. Following the events of 7 April and an expected election fatigue, the active participation of voters throughout the country sent a positive signal for democracy in Moldova.

67. The ad hoc committee welcomes the recent changes to the Election Code after the 5 April election, including the lowering of the electoral threshold to 5% and the turnout requirement to 1/3 of voters. It is concerned, however, that the electoral threshold still remains too high as compared to the recommendations of the Venice Commission. Also, it holds with previous Venice Commission and OSCE/ODIHR recommendations suggesting that turnout requirements should be altogether removed.

68. The ad hoc committee also recognises the improved efficiency and professionalism of the election administration, while still identifying several problems in this field that need to be addressed in the near future.

69. On the other hand, the ad hoc committee is concerned about the lack of trust by voters in the conduct of the election process and the political polarisation that governed this election.

70. While the electoral legislation provides the basis for the adequate conduct of elections, the ad hoc committee regrets that the recent changes in the legal framework failed to address a number of important recommendations of the Venice Commission and OSCE/ODIHR. These recommendations include, amongst others, the complaints and appeals procedure, which should be clearly defined in order to avoid potential conflict of jurisdictions. The code should not grant the appellants, or the authorities, the right to choose from among different appeal bodies.

71. The ad hoc committee regrets that a number of other problems identified during previous elections remain. These include:

- the voters' register has once again exposed serious inaccuracies, which should not be tolerated. The correct maintenance of voters' lists is vital in guaranteeing fairness in the conduct of elections and in boosting public confidence in the process. The current system fails to provide a uniform way in which the lists are compiled and verified. A central electronic system of voter registration should be established as a priority for future elections. Besides the accuracy, it would serve as an additional safeguard to protect against multiple voting.
- the current system of stamping voters' identity documents to prevent multiple voting contravenes the secrecy of voting, and should be stopped. Instead, other methods such as the use of invisible ink on a voter's finger should be explored instead.
- most of the TV channels, and especially the public one, once again failed to provide fully impartial and balanced coverage, even if some improvements were achieved in facilitating the access of all political parties to televised debates and in avoiding the blurring of state functions with the electoral campaign.

72. Finally, the ad hoc committee is convinced that the Republic of Moldova would benefit from a constitutional reform that would remove the possibility of continued paralysis of the state structures for the sake of possible ambitions of one or a few political forces. It therefore deems it desirable to lift the requirement of a qualified majority from the procedure of electing president once a parliament has already been dismissed. It also proposes that the legal status and length of extension of office of the outgoing president should be clarified, particularly when the latter is completing his/her second term, should there be delays in forming a new parliament.

X. Recommendations

73. In order to boost public confidence in the democratic process in Moldova, the ad hoc committee recommends that the following steps to be taken:

- The newly-elected parliament is encouraged to enhance its co-operation with the Monitoring Committee to further improve the functioning of democratic institutions in Moldova and to pursue rigorous reforms.
- the newly elected parliament should initiate, as soon as it has started to function properly, a fully transparent and credible process of substantial revision of electoral legislation that would take into account all previous recommendations of the Venice Commission and OSCE/ODIHR, in particular as regards a further lowering of the electoral threshold, removing electoral turnout requirements, introducing additional safeguards against multiple voting, and improving the consistency and transparency in handling complaints and appeals decisions. The Venice Commission of the Council of Europe should be involved in this work from the outset.
- An accurate voters' register should be drawn up enabling all Moldovan citizens to take part in the elections, including those residing abroad. The voters register should be centralised, computerised and scrupulously updated at regular intervals until the next elections. Immediate efforts should be made to resume activities on producing an electronic electoral register of voters as outlined by the 2008 Law on the Concept of State Automatic Information System "Elections";
- Public broadcasters should ensure fair and balanced media access for all electoral contestants as guaranteed by law. An independent media council should be established in order to ensure equity and equality of opportunity in the media for all contestants, in accordance with paragraph 2.3 of the Code of Good Practice in Electoral Matters.

Appendix 1

Ad hoc Committee for the observation of the early parliamentary elections in the Republic of Moldova (29 July 2009)

Programme (27-30 July 2009)

Monday, 27 July 2009

- 13:00-14:30 Ad hoc Committee meeting
- 15:00-15:15 Opening by the Heads of Parliamentary Delegations:
- Mr Petros Efthymiou, Head of Delegation of the OSCE Parliamentary Assembly and Special Co-ordinator of the OSCE CiO to lead OSCE STOs
 - Mr Mevlüt Cavuşoğlu, Head of Delegation of the CoE Parliamentary Assembly
 - Mr Marian-Jean Marinescu, Head of Delegation of the European Parliament
- 15:15-15:30 Political background:
- Ambassador Philip Remler, Head of the OSCE Mission to Moldova
 - Mr Kálmán Mizsei, EU Special Representative for the Republic of Moldova
 - Mr Vladimir Ristovski, Special Representative of the Secretary General of the Council of Europe to Moldova
- 15:30-16:30 OSCE/ODIHR EOM Core Team:
- Introduction: Ambassador Boris Frlec, Head of ODIHR Mission
 - Political overview; National Minorities; Gender - Mr Volker Jakoby, Political Analyst
 - Campaign activities and media landscape - Mr Ivan Godarsky, Media Analyst
 - Complaints - Mr Donald Bisson, Legal Analyst
 - Election administration and E-Day procedures - Mr Alexander Yurin, Election Analyst
 - Observation forms - Mr Dimitar Dimitrov, Voter Registration expert
- 16:45-17:30 Electoral Administration: Central Election Commission of Moldova
- Mr Eugen Stirbu, President
 - Ms Renata Lapti, Vice President
 - Mr Iurie Ciocan, Secretary
- 17:30-18:15 Roundtable with Observer Organisation
- League for Human Right Protection in Moldova (LADOM) - Mr Paul Strutzescu, President
 - 'Civic Control Elections 2009' – Mr Alexandru Barbov, President

Tuesday, 28 July 2009

- 09:00-11:00 Meetings with representatives of Political Parties
- Party of Communists of the Republic of Moldova (PCRM) – Mr Grigore Petrenco, Deputy of the Communists Party
 - Christian Democratic People's Party (PPCD) – Mr Ghenadie Vaculovschi, member of the PPCD party
- Roundtable with centre-right parties
- 'Moldova Noastra (Our Moldova) Alliance (AMN) – Mr Veaceslav Untila, Prime Vice President
 - Liberal Party (PL) – Ms Corina Fusu, Vice President
 - Liberal Democratic Party of Moldova (PLDM) – Mr Vlad Filat, Leader of PLDM
- Roundtable with centre-left parties
- PSD – combination of Social Democratic Party of Moldova (PSDM) and Centrist Union of Moldova (UCM) – Mr Iurie Bolbocean, President of PSD National Council
 - Democratic Party of Moldova (PDM) – Mr Andrei Popov, member of the PDM

- 11:15-12:15 Roundtable with NGO representatives (International and Moldovan)
- Association for Participative Democracy (ADEPT) – Mr Igor Botan, President
 - Resource center for Human Rights NGOs in Moldova- CREDO – Mr Serghei Ostaff, Director
 - IDOM – Mr Vlad Lupan, Project Coordinator
 - National Democratic Institute (NDI) – Ms Kate Head, NDI Representative
 - International Republican Institute (IRI) – Mr Stevan Rader, Program Director
 - Promo Lex – Mr Ion Malone, Director
 - Eurasia Foundation - Mr Andrei Brighidin, Program Manager
- 12:15-13:15 Roundtable on the Media
Presentations by :
- Independent Journalism Centre – Ms Nadine Gogu, Director
 - Association for Independent Press (API) – Mr Petru Macovei, Director
- Comments by media representatives:
- TV: Euro TV, NIT TV, PRO TV, Moldova 1
 - Radio: Vocea Basarabiei – MM Veaceslav Tibuleac and Valeriu Saharneanu, founders
 - Print press:
Moldova Suverană – Mr Vasile Grozavu, Reporter
Moldavskie Vedomosti – Mr Dmitrii Ciubasenco, Editor in Chief
Timpul de Dimineață – Ms Sorina Stefarta, Editor in Chief
- Concluding Remarks
- Deployment
- Area specific briefing conducted by OSCE/ODIHR LTO teams

Wednesday, 29 July 2009

All day *Observation of elections*

Thursday, 30 July 2009

- 09:00-10:30 Ad hoc Committee meeting
- 14:00 Press Conference (Leogrand Hotel)
- Departures of ad hoc committee members

Appendix 2

Moldova's parliamentary elections met many standards, but underscore need for democratic reform to restore trust

Chisinau, 30.07.2009 - Yesterday's parliamentary elections in Moldova met many international standards, but the process underscored the need for continued democratic reforms to restore public trust, the international election observation mission concluded in a preliminary statement issued today.

The election was overall well-administered, allowing for competition of political parties representing a plurality of views. The observers stressed that the campaign was negatively affected by subtle intimidation and media bias.

"I am encouraged by the conduct of these elections. Many OSCE commitments were met, but important challenges remain if the lack of trust among the country's political parties and voters is to be overcome so that Moldova's democracy can continue to improve," said Petros Efthymiou, head of the delegation Parliamentary Assembly (OSCE PA) and special co-ordinator of the OSCE short-term observers.

"I welcome the active participation of voters in this election, which is a good signal for democracy in Moldova. However, voters must feel confident with the entire election process. The inaccuracy of the voters lists has once again exposed weaknesses and an urgent need for major improvement. The voters of Moldova have expressed their will; it is now time for the country's political forces to demonstrate their ability for constructive political dialogue and power-sharing," said Mevlüt Çavuşoğlu, head of the delegation of the Parliamentary Assembly of the Council of Europe (PACE).

"We cannot say, unfortunately, that these elections complied with all international criteria. However, the overall assessment of election day is positive. Yet, without structural democratic change, Moldova will not be able to meet its challenges. The way forward is not less but more democracy. On this road, the EU will be on the side of Moldova," said Marian-Jean Marinescu, head of the delegation of the European Parliament.

"It is encouraging that this election was run overall professionally and efficiently. But the deep-rooted mistrust among the contestants during the campaign underscores the pressing need for all parties to engage in a meaningful dialogue to overcome the blockade of the democratic process and tackle the manifold challenges Moldova is facing," said Ambassador Boris Frlec, Head of the election observation mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

The observers noted that election day was well-organised and calm, and proceedings were generally assessed as positive. While the campaign took place in a highly polarized atmosphere, candidates were overall able to campaign across the country. The misuse of administrative resources, however, had a negative effect on the equality of campaign opportunities. Methods of subtle pressure and intimidation were used by the authorities to control the campaign environment.

The media offered voters information about key contestants, but the main TV channels failed to provide impartial and balanced coverage, favouring the ruling party both in terms of time and tone.

Election administration bodies operated transparently and overall in a professional manner. Despite some efforts to improve the quality of voter lists, voter registration lacked uniformity and observers identified shortcomings in the accuracy of voter lists on election day.