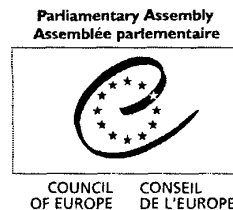


Parliamentary Assembly Assemblée parlementaire



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29 March 2005

Observation of the parliamentary elections in Moldova (6 March 2005)

Report
Ad hoc Committee of the Bureau of the Assembly
Rapporteur: Mr André Kvakkestad, Norway, European Democrat Group

The Parliamentary Elections in Moldova generally complied with most Council of Europe and OSCE standards for democratic elections but fell short of meeting some commitments that are essential for a genuinely democratic election process, most notably unrestricted and equal campaign conditions, free and equal media access and unbiased news coverage for all participating parties and blocs in these elections. In this respect the negative trends already noted during the 2003 local elections were regrettably confirmed.

I. Introduction

1. Following an invitation by the Speaker of the Parliament of Moldova, the Bureau of the Assembly decided on 24 January 2005 to set up a 40 member ad hoc Committee to observe the Parliamentary Elections in Moldova to be held on 6 March 2005 and appointed Mr André Kvakkestad as Chairperson and rapporteur of this ad hoc Committee.

2. On 4 October 2004 a co-operation agreement was signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission). In conformity with article 15 of the agreement – *“When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser”* -, the Bureau of the Assembly invited an expert of the Venice Commission to join the ad hoc Committee as advisor.

3. Based on proposals by the political groups in the Assembly, the ad hoc Committee was composed as follows:

Socialist Group (SOC)

Mrs Meritxell BATET	Spain
Mr Tom COX	United Kingdom
Mr Osman COSKUNOGLU	Turkey
Mr Andreas GROSS	Switzerland
Mr Michael HAGBERG	Sweden
Mr Ewald LINDINGER	Austria
Mr Algirdas PALECKIS	Lithuania

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

Mr Eduard LINTNER	Germany
Mr Andrea RIGONI	Italy
Mr Marko MIHKELSON	Estonia
Mme Rosmarie ZAPFL-HELBLING	Switzerland
Mr Mehmet TEKELIOGLU	Turkey
Mr Egidius VAREIKIS	Lithuania
M. Pedro AGRAMUNT	Spain

Mr Peter LETZGUS	Germany
M. Renzo GUBERT	Italy
Mr Jerzy SMORAWIŃSKI	Poland

Liberal, Democratic and Reformers' Group (LDR)

M. Stef GORIS	Belgium
Mr Dirk DEES	Netherlands
Ms Jorunn RINGSTAD	Norway
Mr Gabor SZALAY	Hungary

European Democratic Group (EDG)

Mr André KVAKKESTAD	Norway
Mr Mevlüt ÇAVUŞOĞLU	Turkey
Mr Akhmed BILALOV	Russia
Mr Victor KOLESNIKOV	Russia
Mr Valery GREBENNIKOV	Russia

Group of the Unified European Left (UEL)

Mr Anatoliy RAKHANSKY	Ukraine
Mr Doros CHRISTODOULIDES	Cyprus

Venice Commission

Mr Dimitri CONSTAS	Greece
Mr Gaël MARTIN-MICALLEF	Program Officer

Secretariat

Mr Vladimir DRONOV, Head of Unit
Mr Bas KLEIN, Deputy to the Head of Unit
Ms Bonnie THEOPHILOVA-PERMAUL, Administrator
Mr Bogdan TORCĂTORIU, Administrator
Ms Farida JAMAL, Administrative Assistant
Mr Angus MACDONALD, Press Officer

4. The ad hoc Committee acted as part of the International Election Observation Mission (IEOM) which also included the election observation missions of the OSCE Parliamentary Assembly and the European Parliament as well as the election observation mission of the Organisation for Co-operation and Security in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

5. The ad hoc Committee met in Chişinău from 4 to 7 March 2005 and held, inter alia, meetings with representatives of the main parties and blocs contesting in these elections, the President of Moldova, the Speaker of the Moldovan Parliament, the Chairman of the CEC, the Head of the election observation mission of the OSCE/ODIHR and his staff, as well as representatives of the civil society and mass media. The programme of the meetings of the ad hoc Committee appears in Appendix 1.

6. On Election Day the ad hoc Committee was split into 25 teams which observed the elections in and around Balti, Causeni, Chişinău, Comrat, Dubasari, Falesti, Hincesti, Leovo, Orhei, Rezina, Stefan Voda and Telenesti. The teams in Dubasari, Causeni and Rezina also observed the ballot in the special polling stations where Moldovan citizens residing in Transdnistria could cast their vote.

7. In order to draw an assessment of the electoral campaign as well as the political climate in the run-up to the elections, the Bureau sent a pre-electoral mission to Moldova from 16 to 19 February 2005. The pre-electoral mission, composed of a member of each of the political groups in the Assembly, consisted of: Mr André Kvakkestad (EDG, Norway), Mr Stef Goris (LDR, Belgium), Mr Andreas Gross (SOC, Switzerland), Mr Eduard Lintner (EPP/CD, Germany) and Mr Doros Christodoulides (UEL, Cyprus). In Chişinău the delegation met with, inter alia, representatives of parties and blocs participating in the elections, the President of Moldova, the Speaker of the Moldovan Parliament, the Chairman of the Central Election Commission (CEC), the ministers of Internal Affairs and Justice, the

General Prosecutor, the Head of the OSCE/ODIHR election observation mission, Ambassadors of Council of Europe member states as well as representatives of the civil society and mass media. The press release issued by the delegation at the end of their stay appears in Appendix 2.

8. The IEOM unanimously concluded that the Parliamentary Elections in Moldova generally complied with most Council of Europe and OSCE standards for democratic elections but that they fell short of meeting some commitments that are essential for a genuinely democratic election process, most notably, unrestricted and equal campaign conditions, free and equal media access and unbiased news coverage for all participating parties and blocs in these elections. In this respect the negative trends already noted during the 2003 local elections were regrettably confirmed. The press statement issued by the IOM appears in appendix 3.

9. The ad hoc Committee wishes to thank the Parliament of Moldova, the OSCE/ODIHR election Observation Mission, the Ambassador of Poland in Moldova representing the Chairmanship of the Committee of Ministers of the Council of Europe and the Special Representative of the Secretary General of the Council of Europe in Moldova for their co-operation and support provided to the ad hoc Committee and its pre-election mission.

II. Political and legal context

10. Moldova has a unicameral Parliament consisting of 101 members elected by proportional representation in a single nation-wide constituency for a four-year term. The President of Moldova is elected by the Parliament after the elections, therewith increasing the stakes in these elections as they were a de facto contest about which political force will lead the country in the upcoming period.

11. The 2005 elections were organised at the end of the regular mandate of the Parliament which was elected in 2001 in which the Communist Party of Moldova held a 71 seat majority. The elections took place in a context of increasing polarisation between the government and opposition parties, the latter, with clear reference to the recent events in Georgia and Ukraine, repeatedly announced their intention not to recognise the outcome of the elections and to organise protests and campaigns of civil disobedience. The ruling party countered with allegations of foreign interference in the election campaign. In this polarised context it should be noted that two failed attempts by Parliament to elect the President will automatically trigger early parliamentary elections.

12. These elections were governed by the Election Code of Moldova that was adopted in 1997 and amended several times since, lastly in February 2003. The Election Code of Moldova in general could provide for an adequate basis to organise democratic elections if there is the political will to implement its provisions effectively and in good faith.

13. In June 2004 the European Commission for Democracy through Law of the Council of Europe (Venice Commission) and the OSCE/ODIHR issued a set of joint recommendations to address shortcomings in the election law and to clarify ambiguous provisions. Regrettably, none of these recommendations were implemented by the authorities who stated that they did not want to change the election law to avoid accusations that these amendments were made in the interest of the ruling party and that changing the electoral law at this stage would be contrary to the Code of Good Practice in Electoral Matters issued by the Venice Commission. The ad hoc Committee would like to stress that the last argument used by the authorities is not valid as the joint Venice Commission-OSCE/ODIHR recommendations were reiterations of recommendations made by the Parliamentary Assembly, Venice Commission and OSCE/ODIHR as early as 2001 and 2002. However, although not relevant in the context of these elections, the ad hoc Committee would like to suggest to the Venice Commission to clarify, and if necessary amend, the time limit given in the Code of Good Practice as the current criterion of 12 months could be too rigid on some occasions.

14. A serious shortcoming in the election law is the exceptionally high threshold for parties and blocs to enter parliament which is 6% for individual parties, 9% for coalitions of 2 parties, 12% for coalitions of 3 or more parties and 3% for independent candidates. This high threshold affected both the result of these elections and the balance in the newly elected parliament as it favours the largest parties. Moreover this threshold, combined with stringent provisions in the Law on Political Parties, de facto prevents any representation of national minority based parties – national minorities make up 30% of Moldova's population - in the Parliament.

15. Regrettably, as in previous elections, no voting took place in Transdniestria which is de facto not under the control of the Moldovan Government since 1992. The CEC had sent a letter to the Transdniestrian leadership proposing to also organise the elections in the territories under their control. However, the conditions under which the elections would have to take place were ultimately rejected by the leadership in Tiraspol. The CEC therefore decided that 9 regular polling stations in the security zone would also be opened for Moldovan citizens residing in Transdniestria. These voters were added to separate supplementary voters' lists and cast their ballots in separate ballot boxes. In turn, these ballots were counted separately and recorded in separate results protocols.

III. Election Administration

16. The Parliamentary Elections were administered by a three-tiered structure consisting of the CEC, 37 District Election Commissions (DECs) and 1.967 Polling Station Election Bureaux (PSEBs). The CEC is a permanent body composed of 9 members for a six-year mandate. Three of its members are appointed by the President, three by the Parliament and three by the Supreme Council of Magistracy. The DECs and PSEBs are temporary bodies appointed for each election by the CEC and competent DECs respectively. Each contestant in the election is entitled to appoint a non-voting member to the CEC and DECs and representatives to the PSEBs.

17. The Election Code aims at establishing a non-partisan election administration. Members of the election commissions are not allowed to be politically affiliated or be local councillors. However, given the fact that the President is also the leader of the ruling party with an absolute majority in Parliament, 6 of the 9 CEC members were in effect nominated by the same political grouping when the CEC was appointed in December 2003. As a result, many of the opposition parties expressed little confidence in the impartiality of the election administration.

18. The election commissions on all levels generally functioned effectively and took their decisions in accordance with the law. However, CEC decisions were not always transmitted in a consistent and timely manner, leading at times to a lack of uniformity in their implementation and casting some doubts about the highest commitment to the principles of transparency in the work of the CEC.

19. The Election Law leaves a wide margin of decision making for the discretion of the CEC. Significant issues which were left to CEC decisions were, inter alia, the appointment of the DECs, regulations regarding the news coverage of the campaign, the right of students to vote in their place of temporary residence as well as the vote for Moldovan residents in Transdniestria. This amplifies the need for, and public confidence in, impartial, uniform, transparent and efficient decision making by the CEC.

IV. Candidate and voter registration

20. In total, 9 political parties, 2 electoral blocs and 12 independent candidates registered for these elections offering the voters a genuine choice on Election Day. The main contestants in these elections were the ruling Party of Communists of the Republic of Moldova, the Christian Democratic Peoples Party, the Social Democratic Party of Moldova, the electoral bloc "Moldova Democrată" and the electoral bloc "Patria-Rodina". All other contestants were from the onset onwards given little chance to overcome the threshold to enter parliament.

21. The accuracy of the voters' lists in Moldova is an ongoing point of concern. Moldova uses a passive system of voter registration, leaving it to the local authorities to update the voters' lists before each election. The Election Law does allow a high degree of independence and authority to the mayor's office in the compilation of the voters' list which led to a lack of uniformity with regard to the updating of these lists.

22. Voters who on election day cannot vote at their place of permanent residence can obtain an "Absentee Voter Certificate" at their regular polling station. The issuing of the certificate is marked on the voters' list and the certificate is maintained at the polling station where the voter cast his or her ballot. The ad hoc Committee was informed that a proper accounting procedure for the absentee voters' certificates was put in place by the CEC.

23. The issue of voting of students in their place of study proved to be an important and highly politicised issue during the pre-election period. The issue was in the opinion of the ad hoc Committee satisfactorily solved when the CEC allowed students to vote in their place of study by obtaining an Absentee Voter Certificate directly from the CEC or DEC in the place of study rather than from the PSEB in the place of their permanent residence. In addition, students were provided with extra holidays and the possibility of free travel to, and from, their place of permanent residence. Some ongoing protests by the students after this decision was made should mostly be seen in the light of the charged political climate during the pre-election period.

24. On 15 February, the CEC adopted a decision regarding voting abroad according to which Moldovan citizens residing abroad on election day could cast their votes in one of the 23 polling stations located in diplomatic representations of the Republic of Moldova. Requests to open more polling stations abroad were turned down by the CEC citing financial, organisational and diplomatic reasons. Taking into account the large number of Moldovan Citizens living abroad, this could potentially have disfranchised a not insignificant part of the electorate.

V. Pre-election period

25. The absence of a clearly visible election campaign during the pre-election period was a major point of concern for the ad hoc Committee. The traditional method of campaigning in Moldova, door-to-door canvassing, may have partly contributed to this but it was foremost the result of highly restrictive legal provisions regarding the election campaign and the media coverage thereof. The lack of a visible campaign and media coverage brings into doubt the ability of voters to obtain the information necessary to make an informed choice on election day which is essential for truly democratic elections.

26. The election campaign, mainly of opposition parties, was further hindered by the failure of local public authorities to provide sufficient campaign opportunities or, worse, by interference in, and obstruction of, the election campaigns of parties not belonging to the local majority by local officials.

27. The IEOM received credible reports of, albeit isolated, instances of pressure being put by government officials on students, teachers and public service workers to attend meetings organised by the ruling party and to cease political activity in favour of opposition parties. Moreover, numerous cases were recorded of harassment by the police and other law enforcement forces of opposition candidates, campaign activists and party members, including police searches of the premises of opposition parties and media. The ad hoc Committee would like to stress that such practices have no place in a democratic society.

28. The ad hoc Committee regrets numerous reports of abuse of administrative resources by both ruling and opposition parties.

29. The CEC, DEC and Courts made numerous decisions on complaints submitted by electoral contestants regarding violations of the election law and media regulations. Complaints about intimidation and harassment were forwarded to the Public Prosecutor for further investigation. In general, CEC and court decisions were in compliance with the electoral law but some courts did not respect the legal deadlines for court decisions set out in the Election Law potentially depriving the contestants of their right to an effective legal remedy.

VI. Media

30. Broadcast media, especially television, are the main sources of information in Moldova. Printed media such as newspapers suffer from low circulation and occasional distribution problems. The media were regulated during the election campaign by three normative acts: Article 47 of the election code; the "Concept for the reflection of the Election Campaign for the Parliamentary Elections in Broadcast Institutions" adopted by the CEC; and the CEC decisions on the "Regulation on the Coverage of the Election Campaign for the Parliamentary Elections in the Mass Media".

31. The overly restrictive and at times ambiguous media regulations seriously hindered the ability of voters to obtain the necessary information to make an informed choice on election day. The legal framework governing the coverage of the election campaign actually reduced the flow of information to the public with a number of broadcasters taking talk shows and analytical programmes off the air for fear of possible sanctions.

32. Private broadcasters have the legal option not to cover the campaign, a decision which was taken by two major broadcasters Pervii Kanal (the main private broadcaster) and Pro TV Chişinău. On the contrary, publicly owned broadcasters are legally obliged to offer fixed amounts of free airtime to all contestants as well as organise, free of charge, electoral debates for a maximum of two hours per week equally divided between all contestants and not to be broadcasted on Sundays.

33. On 10 February, the CEC made a decision prohibiting the physical appearance on TV news of government officials running as candidates in the elections. Ostensibly, this decision was taken to mitigate the incumbent advantage of government officials with regard to news coverage but, as it was widely interpreted to be applicable to all candidates, it further limited the possibilities for contestants to present themselves and was disadvantageous for opposition parties as news coverage of government officials in cases of "national interest" was still allowed.

34. On 23 February, also as a result of complaints about absence of a clearly visible Media Campaign by the pre-electoral mission of the Parliamentary Assembly, the CEC drastically changed its media policy by obliging public broadcasters to organise 90 minute debates every day including Sundays and to oblige broadcasters covering the campaign to include at least five news stories about the campaign in their daily news broadcasts. This decision created a more adequate framework for the coverage of the campaign but was taken too late to be truly effective and its overall impact was unfortunately rather limited.

35. The public television and radio showed a clear bias in favour of the ruling party as did the nationwide private channel NIT. The print media showed a greater variety of political preferences and opinions.

VII. Election day - Vote count and tabulation

36. The voting and vote count took place in a calm and orderly fashion and was overall assessed positively by international observers, although procedures were not always followed uniformly. Overcrowding was reported in several polling stations and a relatively high number, approximately 8,5%, of voters had to be added to supplementary voters lists, confirming concerns about the accuracy of the voters lists in Moldova.

37. According to the election law, the identity papers of voters which have cast their ballots are stamped "voted". This rule was not always uniformly applied, therewith reducing its effectiveness as a mechanism to prevent double voting and in several instances voters objected to their identity papers being stamped. While the ad hoc Committee supports measures to prevent double voting, especially taking into account the state of voters lists in Moldova, it considers the stamping of passports and identity papers counter to the democratic right of a person not to vote as the stamping procedure provides for a long term record of who has voted in these elections and who has not. The ad hoc Committee would therefore like to call upon the Moldovan authorities to investigate for future elections other manners to mark voters who have cast their ballot, for instance by applying indelible ink as is the case in other countries. A good central voters register would also help in this regard.

38. The election law stipulates that the ballot has to be stamped by a member of the PSEB after the voter has made his or her choice but before the ballot is put in the ballot box. This potentially infringes on the secrecy of the vote and the ad hoc Committee would therefore recommend to the Moldovan authorities, like PACE has done for similar cases during elections in other countries, to change the election law such that either the ballot is stamped before the voters make their choice or to abolish the stamping requirement all together.

39. The ad hoc Committee was informed that far too little ballot papers were available in the polling station in the Moldovan Embassy in Moscow which has a sizable Moldovan population. Although the ad hoc Committee did not observe the out-of-country vote, it would regret if this would have disfranchised a number of Moldovan citizens from exercising their democratic rights.

40. An estimated 9000 Moldovan citizens residing in Transdnistria exercised their right to vote in one of the 9 polling stations available to them. Very few problems were noted, with the exception of one polling station in Varnita which became seriously overcrowded when approximately 4000

Transdniestrian residents showed up to vote. The leadership in Tiraspol was reported to have actively encouraged Moldovan citizens residing in Transdniestria to vote in these elections and was providing free transport to bring them to the polling stations.

41. The turnout for the 2005 Parliamentary Elections was 63.71% which makes them valid under Moldovan law which stipulates that the turnout needs to be at least 50% for elections to be declared valid. Only three parties overcame the threshold during these elections, the Party of Communists of the Republic of Moldova with 45.98% of the vote (56 mandates), the Christian Democratic Peoples Party with 9.07% of the vote (11 mandates) and the Electoral bloc "Moldova Democrată" with 28.53% of the vote (34 mandates). This confirms the concerns of the ad hoc Committee that the exceptionally high threshold in Moldova has affected the plurality and balance in the incoming parliament.

VIII. Conclusions and recommendations

42. The Parliamentary Elections in Moldova generally complied with most Council of Europe standards for democratic elections but fell short of meeting some commitments that are essential for a genuinely democratic election process, most notably unrestricted and equal campaign conditions, free and equal media access and unbiased news coverage for all participating parties and blocs in these elections.

43. Previous national elections in Moldova were assessed positively by international observers and in line with Council of Europe commitments and standards for democratic elections. However, during the local elections in 2003 notable shortcomings were observed during the campaign, including abuse of administrative resources, bias of state media in favour of the incumbents and incidents of harassment of opposition candidates. The 2005 Parliamentary elections regrettably confirm this negative trend.

44. It will now be up to the Moldovan authorities, including the incoming Parliament, to turn this trend around and show the political will to adhere to the commitments regarding democratic elections Moldova took upon itself when acceding to the Council of Europe. The ad hoc Committee therefore calls upon the Moldovan authorities to address, before the next elections take place, the shortcomings noted and recommendations made by the Council of Europe.

45. The joint recommendations regarding the changes in the election law made by the Venice Commission and OSCE/ODIHR should now be implemented without any further delay in close consultation with experts from the Venice Commission and the rapporteurs on Moldova of the Monitoring Committee of the Parliamentary Assembly.

46. These elections have proven that the exceptionally high threshold to enter Parliament in Moldova undermines the plurality and balance of the Parliament. The ad hoc Committee therefore calls upon the authorities to lower the threshold across the board for all parties and blocs to the European average of 4%, as mentioned in the recommendations of the Venice Commission.

47. The ad hoc Committee invites the Moldovan authorities to seek Council of Europe expertise in changing the over-restrictive media regulations that governed these elections so that during future elections media can play their rightful role in providing pluralist information to voters necessary to make an informed choice on election day.

48. Harassment and intimidation by public officials have no place in a democratic society. All complaints of harassment and intimidation should be fully investigated by the competent authorities and where violations are found perpetrators should be held accountable to the law.

49. The stamping of passports and identity papers of voters who have cast their ballot runs counter to the democratic right of a person not to vote, as the stamping procedure provides for a long-term record of who has voted in these elections and who has not. The ad hoc Committee would therefore like to call upon the Moldovan authorities to investigate for future elections other manners to mark voters who have cast their ballot, for instance by applying indelible ink as is the case in other countries.

50. The stamping of ballots after the voter has made his or her choice infringes on the secrecy of the vote and should either be abolished or the ballot should be stamped before the voter makes a choice. The election law should be changed to this effect.

Appendix 1**AD HOC COMMITTEE FOR THE OBSERVATION OF
PARLIAMENTARY ELECTIONS IN MOLDOVA**

4-7 March 2005

**Joint briefing for the delegations of the
OSCE PA, PACE and EP**

PROGRAMME

Friday, 4 March 2005

14:30	<u>Deployment packs for Chisinau/Chisinau region available</u>	Hotel DEDEMAN
15:00 – 15:30	Opening remarks of the Heads of Delegation of PACE, OSCE-PA and EP	Hotel DEDEMAN
15:30 – 16:45	Briefing by OSCE/ODIHR EOM Amb. Istvan Gyarmati, Head of the ODIHR EOM Mr. Stefan Krause, Deputy Head <u>Mr. Laurent Marion, Political Analyst</u> Ms. Jana Sindelkova, Election Analyst Mr. Yannis Karamitsios, Legal Analyst Mr. Riccardo Barranca, Media Analyst	Hotel DEDEMAN
16:45 – 17:00	Coffee Break	Hotel DEDEMAN
17:00 – 18:00	Meeting with the Central Election Commission <u>Mr. Petru Railean, Chairman (TBC)</u>	Hotel DEDEMAN
18:00 – 19:00	<u>Meeting with representatives of NGOs and media</u>	Hotel DEDEMAN
Afternoon/ Evening	Private arrangements	

Saturday, 5 March 2005

09:30	<u>Bus transfer to Jolly Alon Hotel</u>	Hotel DEDEMAN
10:00 – 10:45	Party of Communists of the Republic of Moldova	Hotel JOLLY ALON
10:45 – 11:30	Christian Democratic Party of Moldova	Hotel JOLLY ALON
11:30 – 12:15	Electoral Block “Moldova Democrata”	Hotel JOLLY ALON
12:15 – 13:00	Social Democratic Party of Moldova	Hotel JOLLY ALON
13:00	Bus transfer to Dedeman Hotel	Hotel JOLLY ALON
13:30	Meeting with drivers and interpreters	Hotel DEDEMAN

Sunday, 6 March

All Day	<u>Observation of Opening, Voting and Vote Count</u>	Various Polling Stations
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Monday, 7 March

09:00 – 10:00	Debriefing of delegation (conducted in English)	Hotel DEDEMAN
14:00	Press Conference (TBC)	
Afternoon / Evening	Departures	

Appendix 2

PRESS RELEASE (Pre-election)

PACE delegation concerned by lack of a clearly visible election campaign in Moldova

Strasbourg, 18.02.2005 – A delegation from the Parliamentary Assembly of the Council of Europe (PACE) visiting Moldova has voiced its concern at the lack of a clearly visible campaign just sixteen days before the parliamentary elections, due on 6 March 2005. "Without a visible campaign, ordinary citizens in Moldova will lack the information necessary to make an informed choice on election day. Vibrant election campaigns are an essential component of truly democratic elections," said the five-member delegation in a statement issued at the end of a visit to the country (16-18 February 2005).

"An election without a visible campaign is like a fish without water," said André Kvakkestad (Norway, EDG), head of the delegation.

The statement continued: "The mass media, and especially television, play a crucial role in informing the public. The delegation therefore calls upon all broadcasters, and especially public television and radio, to ensure broad and equal access to, and impartial news coverage of, all parties and candidates in order to make their views known to the Moldovan electorate."

"The delegation considers it crucial that all Moldovan citizens are able to express their free will on election day and therefore supports any measure that will facilitate the voting of all Moldovan citizens, including students and Moldovans living abroad and in Transdniestria. With regard to the question of voting in Transdniestria, the delegation calls on the authorities to open suitable polling stations sufficiently near to those voters, for instance in the security zone. All concerned should ensure that voters, as well as international and national election observers, have free and full access to these polling stations."

The members of the delegation welcomed the "calm and orderly manner" in which the organisation of the elections is taking place and stressed the importance of the Central Election Commission (CEC) carrying out its duties in an impartial and balanced manner.

The pre-election delegation, representing all political groups in the Assembly, visited Moldova from 16 to 18 February 2005 at the invitation of the Moldovan Parliament and met, among others, the President of the Republic of Moldova, the Speaker of the Parliament, the Interior and Justice Ministers, Ambassadors of Council of Europe member states, political parties participating in these elections and representatives of the mass media and civil society.

The Parliamentary Assembly will send a 40-member delegation to observe the parliamentary elections on 6 March. The members of the pre-election delegation were:

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Eduard Lintner (Germany, EPP/CD), mobile +49 1702 130 305
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Appendix 3

Moldova elections generally complied with international standards but concerns remain

CHISINAU, 7 March 2005 – The 6 March parliamentary elections in Moldova were generally in compliance with most OSCE and Council of Europe commitments and other international election standards. They did however, fall short of some key commitments, particularly regarding campaign conditions and media access, concluded the International Election Observation Mission, in a statement today.

The Mission, consisting of some 500 observers, was a joint undertaking of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly (PACE) and the European Parliament.

"The fact that these elections generally complied with OSCE standards was undercut by negative aspects of unequal campaign conditions and constrained media coverage that were already noted in the 2003 election and have no place in a democracy," said Kimmo Kiljunen, Head of delegation of the OSCE Parliamentary Assembly, who was appointed by the OSCE Chairman in Office to lead the short-term observation.

"We regret that Moldova has not lowered its threshold as the Council of Europe recommended already in 2001. This has influenced the result and the balance of the new Moldovan parliament," said André Kvakkestad, who headed the PACE delegation.

Marianne Mikko, Head of the European Parliament delegation said: "Although there have been a lot of problems during the election campaign, the people of Moldova have shown that they want to be a part of a democratic Europe. It is the clear wish of the European Parliament to build on this desire and assist Moldovans in the future development of their democracy."

"Restrictive regulations on the campaign and media made it difficult for voters to get basic information about the contestants. The OSCE and the Council of Europe have already suggested changes to the election code to address these and other shortcomings. They should be dealt with without delay," said István Gyarmati, Head of the OSCE/ODIHR Mission.

The Observer Mission noted that a competitive and pluralistic party system gave voters a genuine choice. Print media offered diverse political views and the Central Election Commission sought to increase campaign coverage in broadcast media, albeit somewhat belatedly. Over 2,000 domestic observers followed the elections and there was an increased number of women candidates.

Shortcomings included obstruction of parties' campaign activities, instances of harassment of candidates and opposition media, reports of pressure on public employees not to campaign in support of opposition parties and instances of abuse of public resources. Furthermore a number of courts failed to respect the legal deadlines to rule on complaints.

Election day was calm and orderly, with observers making a positive assessment of the polling in 80.4 per cent of the 1,400 polling stations visited. There were some cases of overcrowding and presence of unauthorized persons during the vote and the count. Observers also noted inconsistency in how rules were applied, for instance regarding supplementary voter lists, stamping of identity documents and control mechanisms during the count.

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