

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 227 (2007)¹ Local elections in the Republic of Moldova (observed on 3 and 17 June 2007)

The Congress,

1. Refers to:

a. the Committee of Ministers' Statutory Resolution (2000) 1 on the Congress of Local and Regional Authorities of Europe, in particular its Article 2, paragraph 3, entrusting the Congress with drawing up country reports on the situation of local and regional democracy in member states (*monitoring reports*);

b. the principles laid down in the European Charter of Local Self-Government (ECLSG) which was ratified by Moldova on 2 October 1997 and entered into force in that country on 1 February 1998;

c. its Recommendations 38 (1998), 84 (2000), 110 (2002) and 179 (2005) on the situation of local and/or regional democracy in the Republic of Moldova;

d. its previous reports on elections monitored in the Republic of Moldova;²

e. its report on the local elections in the Republic of Moldova held on 3 and 17 June 2007 detailing the findings of the Congress observation mission;

2. Recalls the role of the Congress in monitoring local and regional elections, based on the premise that the holding of free and fair local and regional elections and their organisation in accordance with international electoral standards is essential with a view to ensuring the legitimacy of the institutions, to building up a democratic system based on sound foundations, and to establishing the grounds for good governance at local and regional level;

3. Welcomes:

a. the positive developments on local self-government which have taken place in the Republic of Moldova since the adoption of Congress Recommendation 179 (2005) on local and regional democracy in Moldova;

b. the will demonstrated by the Moldovan authorities to co-operate with the Congress on electoral matters and commends the Moldovan authorities for the efforts made to improve the administration of local elections;

c. the fact that the city of Chişinău has now an elected mayor, after four failed election attempts in 2005;

4. Notes:

a. that the elections in the Republic of Moldova are regulated by the Electoral Code of Moldova which has been amended numerous times since its adoption in 1997;

b. that, in response to the Joint Opinion adopted by the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODHIR) in March 2006,³ the latest amendments to the Electoral Code were adopted only a few months prior to the local elections, without further assessment;

c. that the election administration was for the first time composed of party-nominated members at all levels;

d. that the electoral campaign was characterised by a weak political debate as well as by serious irregularities such as intimidation of candidates and media representatives, lack of equal conditions for all contestants and unclear use of administrative resources for electoral purposes;

e. that major inaccuracies on the basis of the minimum standards required by the Code of Good Practice in Electoral Matters, remain with regard to the registration of candidates, voters' lists and the handling of complaints both by election bodies and by the courts;

f. that the standard of administration of the polling stations varied considerably all over the country mainly due to an inadequate training of most election commission members;

g. that a significant number of voters were not fully aware of the procedures to be followed, which seriously compromised the secrecy of the vote in many instances;

h. that most polling stations were difficult to reach or inaccessible for the elderly and people with disabilities;

5. The Congress therefore invites the Moldovan authorities to ensure that future elections are organised and conducted in full compliance with international electoral standards and, with a view to this, to implement the following recommendations, namely to:

a. ensure that future amendments to election legislation are introduced well before the date of the elections and are submitted to the Venice Commission prior to their adoption in order to bring legislative provisions fully into line with its recommendations;

b. promote political dialogue, guarantee equal campaign conditions for all candidates and avoid unclear use of administrative resources;

c. pursue efforts aiming at improving the accuracy of the voters' register in time for the forthcoming parliamentary elections;

d. take any appropriate measures to strengthen the role and authority of the Central Electoral Commission as the legally independent body responsible for the administration of the elections, in particular by establishing mechanisms to enforce its decisions;

e. ensure that all electoral commission members receive professional, timely and adequate training;

f. foster real understanding of local democracy among the population and provide adequate voter-education campaigns;

g. increase efforts to make polling stations more accessible for elderly persons and for people with disabilities;

6. The Congress furthermore recommends that the Committee of Ministers take note of the present recommendation and its explanatory memorandum and transmit it to the relevant bodies of the intergovernmental sector, the Venice Commission, the Directorate General of Democracy and Political Affairs and the Commissioner for Human Rights;

7. It also invites the Parliamentary Assembly of the Council of Europe to take account of this recommendation in its procedure for monitoring Moldova's commitments and undertakings;

8. It renews its readiness to:

a. contribute to the implementation of the conclusions adopted by the Venice Commission on the use of the media during electoral periods;

b. support and assist the Moldovan authorities in their efforts to implement the above-mentioned recommendations and to consolidate local and regional democracy all over the country in conformity with Moldovan commitments in respect of international electoral standards and of the European Charter of Local Self-Government. The Congress therefore reiterates the invitation to the authorities of Moldova to inform the Congress Bureau of the status of implementation of Recommendation 179 (2005) on local democracy in Moldova.

1. Debated and adopted by the Standing Committee of the Congress on 21 November 2007 (see Document CG(14)23REC, draft recommendation presented by J. Borg (Malta, R, EPP/CD, rapporteur).

2. Report on the election of the Bashkan (Governor) of Gagauzia, Moldova (3 and 17 December 2006), CG(13)43PART2; **report on the** local by-elections in Moldova (27 November and 11 December 2005), CG/BUR (12) 98; report on the local by-elections in Moldova (10 and 24 July 2005), CG/BUR (12) 34; report on the regional elections in Gagauzia, Moldova (16 and 30 November 2003), CG/BUR (10) 89; report on the local elections observation mission to Moldova (25 May and 8 June 2003), CG/BUR (10) 19 and report on the regional elections in Gagauzia, Moldova (6 and 22 October 2002), CG/BUR (9) 59.

3. CDL-EL(2006)017rev.