



Doc. 11870

27 April 2009

Observation of the parliamentary elections in Moldova (5 April 2009)

Report

Ad hoc Committee of the Bureau of the Assembly

Rapporteur: Mr David WILSHIRE, United-Kingdom, European Democrat Group

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I. Introduction

1. At the invitation of the Speaker of the Moldovan Parliament, the Bureau of the Parliamentary Assembly of the Council of Europe decided, on 30 January 2009, to form an ad hoc committee composed of 20 members to observe the parliamentary elections in Moldova on 5 April 2009, and to organise a pre-electoral visit by five members of this committee, one from each political group. This visit took place on 5 and 6 March 2009. Mr David Wilshire was appointed chair and rapporteur of the ad hoc committee.

2. On 4 October 2004, the Parliamentary Assembly and the European Commission for Democracy through Law (the Venice Commission) signed a co-operation agreement. Article 15 of the agreement states that "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."

3. Based on the proposals from the Parliamentary Assembly's political groups, the ad hoc committee had the following membership:

Mr David Wilshire, Chairman of the delegation

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

Mr Giuseppe Galati, Italy
Mr Yusuf Ziya Irbeç, Turkey
Mr Denis Jacquat, France
Mr Mustafa Ünal, Turkey
Mr Egidijus Vareikis, Lithuania
Mr Piotr Wach, Poland

Socialist Group (SOC)

Mrs Josette Durrieu, France
Mrs Sinikka Hurskainen, Finland
Lord Tomlinson, United Kingdom

European Democratic Group (EDG)

Mr Igor Chernyshenko, Russian Federation
Mr David Wilshire, United Kingdom

Group of the Unified European Left (UEL)

Mr Ioannis Bantias, Greece
Mr Aleksei Lotman, Estonia

Venice Commission

Mr Owen Masters, Expert

Secretariat

Mr Chemavon Chahbazian, Deputy Head of the Interparliamentary Co-operation and Election Observation Unit
Mr Gaël Martin-Micallef, Secretariat, Venice Commission
Ms Rachel Morel, assistant
Ms Anne Godfrey, assistant

4. The ad hoc committee was 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 pre-electoral mission visited Chisinau on 5 and 6 March 2009 to assess the state of preparation and the political climate in advance of the parliamentary elections on 5 April 2009. The delegation comprised Mr Andres Herkel (Estonia, EPP/CD), interim Head of the delegation, and Mr Ioannis Bantias (Greece, UEL).

6. The pre-electoral mission concluded that the forthcoming parliamentary elections would be a test of Moldova's democratic maturity, since its citizens would be required to elect 101 members of parliament, who would then elect the country's new President. It called on Moldova to resolve the problems identified concerning electoral practice and to implement the Assembly's recommendations in its Resolution 1572 (2007). The end-of-visit memorandum on the pre-electoral mission and the press statement appear as Appendices 1 and 2.

7. The ad hoc committee met in Chisinau from 4 to 6 April 2009. The committee's programme of meetings appears in Appendix 3.

8. On 4 April it met representatives of the main political parties who were standing for election, the secretary 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.

9. This programme was unrealistically long and the allocation of time between various topics was unbalanced. The informal group considering the future of election monitoring missions is asked to consider the format of the briefing day.

10. On polling day (5 April), the ad hoc committee was divided into nine teams, which observed the elections in the capital Chisinau and its surrounding areas, and also in the following cities: Riscani, Glodeni and Falesti (in the north-west of the country) and Gagauzia, in particular Basarabeasca (in the south). The teams that visited Dubasari, Causeni and Rezina were able to observe the voting in the special polling stations where Moldovan citizens living in Transnistria could cast their votes.

11. The IEOM concluded that the Moldovan parliamentary elections on 5 April 2009 were conducted in accordance with many international standards and commitments but that additional progress was needed to ensure that the electoral process was free from undue administrative interference and to increase public confidence. The IEOM press release is at Appendix 4.

12. 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 for the committee and its pre-electoral visit. In recent times, the relationship between Assembly missions and OSCE/ODIHR has not been easy. This time real efforts were successfully made by both sides to improve it.

II. Political and legal context

13. Moldova has a unicameral Parliament of 101 members elected for four years by proportional representation by the entire nation. Fifteen parties and six independent candidates were registered by the CEC for the April 2009 elections.

14. Elections in Moldova result in a new parliament which has to elect a President of Moldova within 45 days. This requires at least 61 MPs voting in favour.

15. The second (and final) term of the current president, Mr Vladimir Voronin, expired on 7 April 2009 but he continues in office until his successor is elected. If the new parliament fails to elect a president, new elections will have to be held.

16. In April 2008, the Moldovan Parliament approved certain amendments to the Electoral Code. Some involved technical changes to the electoral process. Others had major political implications, such as an increase in the threshold for parliamentary representation from 4 to 6%, a ban on forming electoral alliances ahead of elections and the requirement for candidates with dual nationality to renounce their second nationality if elected.

17. According to the Moldovan authorities, the higher threshold for representation in Parliament and the ban on electoral alliances are intended to stabilise the country's political system, which is very fragmented and includes many political parties, most of which only exist on paper. The restriction on the rights of citizens with dual nationality was designed to avoid any outside influence on the country's domestic politics, in view of the large number of Moldovan citizens living abroad.

18. The Assembly's Monitoring Committee had asked the Moldovan authorities to continue to co-operate with the Venice Commission in assessing its electoral legislation before the 2009 elections (AS/Mon (2008)28). On 23 October 2008, the Venice Commission stated in its joint opinion with OSCE/ODIHR that the revised Electoral Code of Moldova provided a good basis for the organisation of genuinely democratic elections, but added that some recommendations of the opinion of 2007 have been only partially reflected in the revised text.

19. The threshold for representation in Parliament has been altered on a number of occasions. In 2005 it was reduced from 6 to 4% for political parties and 12 to 8% for blocs of political parties. For independent candidates it is 3%. For the April 2009 parliamentary elections the threshold was again raised to 6%. The votes of parties that fail to reach the 6% threshold are redistributed using the d'Hondt system. The preliminary results published by the CEC on 8 April 2009 show that the votes to be redistributed among the four winning parties represent more than 15% of the votes cast.

20. Despite the recommendation of the Venice Commission and the OSCE/ODIHR concerning Article 91 of the Electoral Code, which requires a 50% turnout for elections to be valid, this article has not been amended.

21. Unfortunately, as with previous elections, there was no election in Transnistria, which has been outside the *de facto* authority of the Moldovan government since 1992. The CEC decided to open 10 regular polling stations in the security zone for Moldovan citizens residing in Transnistria. These voters were registered on supplementary and separate electoral rolls and placed their votes in separate ballot boxes. The votes were counted and the documents announcing the results were published separately.

III. Electoral administration

22. The elections were administered by a three-tier structure, comprising the CEC, 35 district electoral councils (DECs) and 1,977 polling stations. 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.

23. The DECs 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.

24. The CEC operated in a transparent and effective way. Its meetings were open to the public, and to foreign and domestic observers. The meeting agendas were announced on its Internet site. The CEC took a number of important decisions, such as to stamp identity cards to avoid double voting and to authorise persons whose identity cards had expired to vote. However, improvements can still be made.

25. The major challenge for the CEC in the April 2009 elections was the very large number of Moldovan citizens living in other countries where there was no diplomatic representation to facilitate the establishment of polling stations. These voters were therefore unable to take part in the elections. According to various estimates, up to 500,000 persons were affected.

IV. Registration of candidates and voters

26. Fifteen parties and six independent candidates were registered by the CEC for the April 2009 elections. The political party lists had to comprise between 51 and 103 names. Independent candidates required between 2,000 and 2,500 signatures to be registered.

27. A total of 1,183 candidates were registered for the elections, of whom 208 had dual nationality. Most of them were on the 12 lists presented by the political parties. Following the ban on pre-electoral alliances in the 2008 legislation, some party lists included candidates who had until recently still been members of other parties. It should be noted that although candidates are not obliged to be members of the party for which they are standing, they may not at the same time be affiliated to any other party.

28. The recent amendments to the Electoral Code dating from April 2008 restrict the eligibility of persons with dual or multiple nationalities. They can stand for election but must renounce their second nationality if elected. On 18 November 2008, the European Court of Human Rights ruled that this constituted a breach of the right to be elected under Article 3 of Protocol No. 1 of the European Convention on Human Rights and found against Moldova (European Court of Human Rights, case of Tănase and Chirtoacă v. Moldova (application no. 7/08), judgment, Strasbourg, 18 November 2008).

29. On 17 March the CEC announced that 2,549,804 voters were registered on the electoral roll, an increase of some 10% compared with the 2005 parliamentary elections. A comparison of data supplied by the Information Development Ministry on the number of voters with the number of voters on the electoral registers produced by local authorities shows a discrepancy of about 160,000. This has caused considerable concern about the accuracy of the electoral registers.

30. In this context, the OSCE/ODIHR observers reported that the methods used to draw up electoral lists differ from one local authority to another, particularly with regard to the inclusion of citizens living abroad. On 23 March the CEC announced that voters residing abroad should be included on the electoral registers.

31. The Electoral Code requires voters living abroad to cast their votes in diplomatic representations or consulates. For this purpose, 33 polling stations were opened abroad and 22,064 voters were registered for the elections. According to the Electoral Code, the number of ballot papers intended for polling stations

abroad must not exceed the number of registered voters by more than 5% (i.e. just over 23,000). In the event 63,091 ballot papers were printed.

32. The accuracy of voters' lists in Moldova continues to be a matter of concern. 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.

33. The situation concerning the accuracy of voters' lists must be clarified as rapidly as possible, for at least two obvious reasons: to avoid the risk of double voting and to increase Moldovan citizens' confidence in the democratic process.

V. The election campaign

34. The political landscape in Moldova is fragmented. 12 political parties and 5 independent candidates were registered for the 5 April elections. Public opinion polls suggested that only four or five parties would manage to exceed the 6% minimum threshold for representation in Parliament.

35. The new Law on Political Parties adopted in December 2007 required the parties to bring their statutes into line with the new legal provisions by 1 October 2008. At the end of January 2009 the Justice Minister considered the documents of all 28 political parties and concluded that they complied with the requirements of the new legislation.

36. The electoral campaign was pluralist, peaceful and without any major violent incidents. Pluralism of opinions was mainly to the fore in the press.

37. Some political parties, NGOs and media representatives reported claims of intimidation and pressure exerted by the authorities. Criminal investigations were conducted against a large number of representatives of the opposition, including party leaders. According to the authorities, these investigations were part of the fight against corruption and tax evasion. The best known case was the criminal investigation of Mr Urechian, the former mayor of Chisinau and leader of the "Our Moldova" Alliance.

38. Claims of threats to dismiss civil servants supporting the opposition, especially at local level and of pressure on civil servants and students to take part in events organised by the ruling party or to stay away from opposition meetings were also reported.

39. Most of the representatives interviewed during the election campaign, including those from the opposition parties, did not think that there would be any electoral fraud on election day, but did feel that the electoral process had been unfair in the light of the problems noted during the election campaign.

VI. Media environment

40. Media coverage of the election campaign is regulated by the Electoral Code and the CEC's Regulations on Media Coverage of Election Campaigns, which is based on a document prepared by the Audiovisual Co-ordination Council (ACC), the audiovisual media regulating body.

41. 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.

42. While welcoming the pluralism of opinions expressed, particularly in the print media, the ad hoc committee was concerned by the reports from the OSCE/ODIHR about equality of access and balance in the coverage of the activities of all political parties by the audiovisual media, especially the nationwide public TV channels, which are funded from the State budget.

43. OSCE/ODIHR reported that, the election campaigning by the Communist Party of Moldova was presented positively, whereas the activities of the opposition parties were generally shown in a neutral or even negative light. The Moldova 1 public channel devoted a great deal of airtime to the official activities of the President of Moldova and the members of the Government, many of whom were included on the ruling party's list of candidates.

44. In December 2008, the private channel PRO TV ran into problems with extending its licence, despite being a source of balanced information, according to some people we interviewed. On 25 February 2009 the TV channel Albasat was visited by the police, officially in order to check on specific staff employment contracts and look into possible tax evasion.

45. OSCE/ODIHR also reported that the PRO TV and TV7 channels covered the electoral process much more even-handedly, including reports criticising the authorities, although they had much lower audience ratings than Moldova 1.

46. The CEC and the ACC received dozens of complaints about the functioning of the media during the election campaign. The ACC is the only body empowered to take action against media bodies that breach the relevant legislation. On 24 March 2009 the ACC issued warnings to seven TV channels, including Moldova 1, for failing to comply with the principles of pluralism in covering the election campaign.

VII. Election day

47. Election day passed calmly, voting was well organised, and the atmosphere was peaceful in virtually all the polling stations visited by the members of the ad hoc committee. According to the observers' statistics, the voting procedure was deemed "good" or "very good" in 98% of all polling stations.

48. The members of the ad hoc committee were pleased to note the long opening times of polling stations, from 7 am to 9 pm; the presence in virtually all polling stations of representatives of most political parties and national observers; the atmosphere of mutual respect among party representatives present in the polling stations; the absence of police around the polling stations and inside the buildings housing the stations.

49. The members of the ad hoc committee noted a number of relatively minor problems, including the presence of numerous representatives of the same political party in the polling stations, although this is not prohibited by the regulations; long queues in some polling stations; minor unintentional procedural errors; isolated cases of voters being turned away for lack of an official stamp on their identity cards; difficult access to some polling stations and old fashioned ballot-boxes.

50. A few members of the ad hoc committee also noted a very small number of more serious problems, such as people voting on behalf of someone else and unsealed ballot boxes.

51. Turnout at the parliamentary elections was 57.54%, meaning that they were valid under Moldovan law, which requires a minimum 50% turnout. Only four parties managed to exceed the minimum threshold during the elections, namely the Communist Party of the Republic of Moldova, with 49.48% of the vote (60 seats), the Liberal party with 13.13% (15 seats), the Democratic Liberal Party with 12.43% (15 seats) and the "Our Moldova" Alliance with 9.77% (11 seats). These results confirm the ad hoc committee's concerns that the high minimum threshold for representation in Moldova might be detrimental to pluralism. Of the 101 members elected to the new Parliament, 22 hold dual nationality; their mandates will be validated if they renounce the second nationality

VIII. Events after the election

52. After the departure of the ad hoc committee on 7 April, thousands of demonstrators, mainly students, took to the centre of Chisinau to protest about the results of the parliamentary elections. The demonstration began peacefully, but demonstrators subsequently managed to enter the Moldovan presidential and parliamentary buildings, causing material damage. A number of demonstrators and members of the security forces were injured. Some 200 individuals were arrested.

53. The representatives of the international community immediately condemned the acts of violence and vandalism. Mr Lluís Maria De Puig, President of the Parliamentary Assembly of the Council of Europe and Mr Miguel Angel Moratinos, Chairman of the Committee of Ministers and Spanish Minister for Foreign Affairs and Co-operation made the following statement: "We have learned with concern about the violent events which have taken place in Chisinau following the 5 April parliamentary elections in Moldova. The storming of public buildings is unacceptable and we urge a halt to any further violence on all sides. We underline at the same time the importance of securing people's right to peaceful assembly. We call on all political leaders in the country to enter into a dialogue with a view to preventing any further violence".

54. The President responded to the mass protests by asking the Constitutional court to order a recount. It agreed.

55. The CEC held the recount on 15 April. Observers accredited for the 5 April 2009 elections were invited to be present but the opposition parties boycotted the recount. On 21 April, the CEC announced the results of the recount which confirmed the results announced on 6 April. The Communist party obtained 60 seats, the Liberal party – 15 seats; the Liberal Democratic Party – 15 seats and the “Our Moldova” Alliance – 11 seats. The opposition immediately declared that it would contest the results in court.

56. The situation, at the time of writing, remains tense and unclear.

IX. Conclusions

57. The Assembly Ad hoc Committee to observe the parliamentary elections in the Republic of Moldova concluded that the elections held on 5 April 2009 had met many international standards and commitments, but that further improvements were required to ensure an electoral process free from undue administrative interference and to increase public confidence.

58. The ad hoc committee notes that the 2008 amendment to the Electoral Code made technical improvements to the electoral process during the 5 April 2009 parliamentary elections.

59. The ad hoc committee considers that the CEC worked efficiently and transparently. It notes with satisfaction that its meetings were open to the public, including foreign and national observers. Furthermore, the meeting agendas were published in advance on the CEC’s website in order to reinforce trust in the electoral process.

60. The ad hoc committee stresses that the lists of all political parties and independent candidates were registered in an inclusive manner, that there was an atmosphere of tolerance during the election campaign and that pluralism of opinions was respected, especially in the press.

61. The ad hoc committee regrets that according to evidence collected by OSCE/ODIHR and others a number of problems identified during previous elections remain. We were told that they include:

- cases of pressure during the election campaign against opposition party representatives, by the police;
- threats to dismiss civil servants supporting the opposition;
- lack of electoral list accuracy and the uneven updating of these lists by the various local government bodies;
- unbalanced media coverage of the election campaign by the public audiovisual media, and the uneven access to the media for the political parties standing for election.

62. The ad hoc committee concluded that the citizens were able to express their choices freely on election day, in an atmosphere of tolerance and mutual respect among the political party representatives in the polling stations. According to ODIHR statistics, such observers were present in 97% of the polling stations.

63. The ad hoc committee condemns the acts of violence and vandalism committed in Chisinau after the elections, although it supports the right of individuals to express their political opinions in a peaceful manner.

64. The ad hoc committee believes that all the disputes relating to the elections, as well as the inquiries into the events after the elections, must be handled through the courts.

65. The ad hoc committee welcomes the decision taken by the Constitutional Court of the Republic of Moldova to organise a recount of the ballot papers in order to bolster the citizens’ confidence in the democratic process.

X. Recommendations

66. The ad hoc committee recommends that the government and parliament of Moldova should:

- continue their co-operation with the Monitoring Committee to further improve their electoral legislation and procedures;
- improve effective implementation of its electoral legislation;
- before further amending electoral legislation ensure there is close consultation with individual politicians and political parties;
- amend legislation well in advance of the next national elections in order to make the political system more stable;

67. The ad hoc committee also recommends that the government and parliament should continue to draw on the recommendations and expert opinions of the Venice Commission of the Council of Europe to improve their electoral legislation, especially in following fields:

- electoral thresholds;
- drawing up electoral lists enabling all Moldovan citizens to take part in the elections, including those residing abroad;
- increasing the independence and neutrality of the electoral commissions;
- ensuring equal access and party balance in the media;
- clarifying responsibilities for handling complaints and appeals.

68. Finally the ad hoc committee recommends that the informal ASSEMBLY group considering the future of our electoral missions seeks to build on the improvements in our relationship with OSCE/ODIHR.

APPENDIX 1

**Observation of the parliamentary elections in the Republic of Moldova
(5 April 2009)****Pre-electoral mission, Chisinau, 5 and 6 March 2009****Memorandum prepared by Mr Andres Herkel (Estonia, EPP/CD), Head *ad interim* of the delegation**

1. The pre-electoral delegation visited Chisinau on 5 and 6 March 2009 to assess the state of preparations and the political climate in the run-up to the parliamentary elections of 5 April 2009. The delegation consisted of Mr Andres Herkel (Estonia, EPP/CD), Head *ad interim* of the delegation, and Mr Ioannis Baniass (Greece, UEL). Unfortunately no members were available to represent the other political groups of the Parliamentary Assembly of the Council of Europe within the delegation.
2. The declaration issued by the delegation at the end of its visit can be found in Appendix 1.
3. During the visit to Chisinau the delegation had meetings with Mr Marian Lupu, Speaker of Parliament, Mr Vitalie Pirlog, Minister of Justice, the leaders of the parliamentary parties participating in the elections and the leaders of the principal non-parliamentary opposition parties, the President and members of the CEC, the Chairman of "Teleradio Moldova", the Chairman of the Audiovisual Coordinating Council and representatives of the international community, civil society and the media. The programme of the visit is set out in Appendix 2. The pre-electoral delegation wishes to thank the Parliament of the Republic of Moldova and the staff of the office of the Special Representative of the Secretary General of the Council of Europe in Chisinau for the excellent organisation of the visit and the logistical support given to the delegation.
4. For the parliamentary elections being held on 5 April 2009, the CEC has registered fifteen political parties and six independent candidates. The 101 members of Moldova's parliament will be elected under a proportional representation system. Two political issues are at stake in these parliamentary elections: the establishment of a 61-seat parliamentary majority and, subsequently, the election by the newly elected parliament of the new President of Moldova, for which a 61-member majority is required.
5. The second term of office of the incumbent President, Mr Vladimir Voronin, expires on 7 April 2009. He will continue to perform his duties until his successor is elected. Under the country's constitution the new parliament has 45 days to elect the new President. In this connection, the pre-electoral delegation noted that none of the parties had so far advanced the name of a potential presidential candidate.
6. The pre-electoral delegation reminded the persons with whom it spoke that the ASSEMBLY Monitoring Committee had called on the Moldovan authorities to continue co-operating with the Council of Europe's Venice Commission in its assessment of the country's electoral legislation prior to the elections taking place in 2009 (AS/Mon(2008)28). In its October 2008 opinion on the subject the Venice Commission concluded that the revised Electoral Code of Moldova "provides a good basis for the organisation of genuinely democratic elections" while adding that some of its earlier recommendations were not reflected in the revised text.
7. In this connection the pre-electoral delegation voiced concerns about the following issues: the increase in the threshold for obtaining seats in parliament from 4 to 6%; the ban on forming pre-electoral alliances; the restriction of the rights of citizens with dual nationality, who can stand for election but must renounce their second nationality if elected.
8. During its meeting with Mr Marian Lupu, Speaker of Parliament, the pre-electoral delegation was informed that the increase in the threshold for obtaining seats in parliament and the ban on forming pre-electoral alliances were aimed at stabilising the country's political scene, which was very fragmented with a proliferation of parties, many of which existed only on paper. The restriction of the rights of citizens holding dual nationality would prevent external factors from having a potential impact on the country's domestic politics given the large number of Moldovan citizens living abroad.
9. In this context the pre-electoral delegation referred to the case of Tanase and Chirtoaca versus the Republic of Moldova in which, on 18 November 2008, the European Court of Human Rights had held that this restriction of the rights of citizens with dual nationality constituted a violation of the right to stand for election pursuant to Article 3 of Protocol No. 1 to the European Convention on Human Rights.

10. All of the opposition parties criticised the increase in the threshold for obtaining seats, since, based on the statistics, it would mean that nearly 16% of votes cast would be unrepresented in parliament. Moreover, according to some of the people with whom the delegation spoke, the principal reason for this increase was the authorities' desire to prevent regional parties, in particular those from Transdnistria and Gagauzia, from obtaining seats in parliament.

11. Moreover certain political parties, NGOs and media representatives drew the pre-electoral delegation's attention to the existence of cases of intimidation and to pressures exerted by the authorities. In particular, criminal investigations had been initiated against many opposition representatives, not least party leaders. The authorities' official version is that these investigations are linked to the efforts to prevent corruption and tax fraud. The most well-known case is the criminal investigation concerning Mr Urechean, former mayor of Chisinau and the leader of the Our Moldova Alliance. It is nonetheless unlikely that these investigations will be concluded, and result in referrals to the courts, before the elections of 5 April 2009.

12. Certain NGOs, opposition parties and media representatives also mentioned other cases of pressure or intimidation by local authority representatives, such as threatening opposition party activists employed in local government with loss of their jobs, difficulties in obtaining places for organising meetings and events and intimidation by the police during public gatherings. In addition, they reported that administrative resources were being used for the election campaign and that the authorities had been distributing humanitarian aid just before the start of the campaign.

13. Most of the people with whom the delegation spoke, including opposition party representatives, thought there would be no fraud on the day of the elections but that the electoral process could not be deemed fair on account of the problems noted during the campaign. In this connection, the pre-electoral delegation underlined that democratic elections are not confined to voting day and that the country's authorities and all political players had a huge responsibility for ensuring the necessary conditions so that all citizens of Moldova could freely express their will.

14. Concerning media coverage of the election campaign, the public service radio and television (Moldova 1) are the most easily accessible by people virtually all over the country, especially in rural areas. In December 2008 a private channel PRO TV, which some of the people with whom the delegation spoke described as a source of balanced news coverage, encountered problems in obtaining a licence extension. On 25 February 2009 the Albasat television channel received a visit from the police with the official aim of verifying certain employment contracts and detecting possible tax evasion.

15. While welcoming the pluralism of opinions in the print media, the pre-electoral delegation voiced concerns about the equal access of all political parties to the broadcast media, in particular television channels with nationwide coverage. The delegation considers that the news reporting environment should be much calmer, tolerant and neutral and that the media should avoid becoming means of spreading propaganda for specific political parties. Incidentally, in spite of the fact that the Council of Europe's office in Chisinau had invited representatives from various political backgrounds to the round table, some media representatives, close to the Government, in particular the representative of the multimedia news agency, OMEGA, expressed their disagreement with the choice made.

16. The pre-electoral delegation draws attention to the fact that the CEC, where five members out of nine come from the opposition parties, has been operating in a transparent manner and to the climate of confidence that reigns there. The great challenge for the CEC during the parliamentary elections will be the very large number of Moldovan citizens who live abroad in countries where there is no diplomatic representation making it possible to set up polling stations, as a result of which these voters may be unable to participate in the elections. According to estimates, over 500,000 people could be disenfranchised in this way.

17. The delegation concluded that the parliamentary elections of 5 April 2009 will be a test of the maturity of democracy in the Republic of Moldova, since its citizens will elect 101 members of parliament, who will then elect the country's new President. It calls on the authorities of Moldova to eliminate the problems identified in electoral practice and to implement the recommendations set out in the Parliamentary Assembly's Resolution 1572 (2007).

18. The Moldovan authorities and the CEC have assured the delegation that all steps will be taken to solve the problems noted, so as to guarantee the democratic nature of these parliamentary elections.

APPENDIX 2

Republic of Moldova: Declaration of the pre-electoral mission of the Parliamentary Assembly of the Council of Europe

Chisinau, 6.03.2009 – A pre-electoral delegation from the Parliamentary Assembly of the Council of Europe, visiting Chisinau on the eve of the parliamentary elections of 5 April 2009, noted considerable pluralism in the political landscape of the country.

However, the delegation stresses that, despite the repeated recommendations of the Assembly and other bodies of the Council of Europe, a number of concerns continue to subsist during this electoral campaign.

More precisely, the pre-electoral delegation was informed of the following issues: use of administrative resources for the campaign, cases of pressure or intimidation, accuracy of voters' lists.

The delegation welcomes the pluralism of opinions in the print media but is preoccupied by the problem of equal access of all political parties to the broadcast media, particularly those TV channels with nationwide coverage.

The ASSEMBLY pre-electoral delegation notes that the Venice Commission of the Council of Europe, in its October 2008 opinion, concluded that the revised Electoral Code of Moldova "provides a good basis for the organisation of genuinely democratic elections", while adding that some of its recommendations have not been reflected in the revised text.

The delegation considers that the parliamentary elections of 5 April 2009 will be a test of the maturity of democracy in Moldova, as its citizens will elect 101 members of the Parliament, which will then elect the new President of the country. It calls on the authorities of Moldova to eliminate the problems identified in electoral practice and to implement the recommendations of the Parliamentary Assembly contained in its Resolution 1572 (2007).

The delegation stresses that democratic elections are not limited only to voting day. The authorities of the country and all political actors have a huge responsibility to ensure the necessary conditions for the free expression of the will of all citizens of the Republic of Moldova.

The pre-electoral delegation has been assured by the authorities of Moldova, as well as by the Central Electoral Commission (CEC), that all measures will be taken to eradicate the problems identified in order to guarantee the democratic character of these parliamentary elections.

The pre-election delegation met Marian Lupu, the Chairman of the Parliament, Vitalie Pirlog, the Justice Minister, the Chairman and members of the CEC, leaders of political parties participating in these elections, representatives of the mass media, civil society and the international community.

The Parliamentary Assembly will send a 20-member delegation to observe the parliamentary elections on 5 April 2009.

Members of the delegation:

Mr Andres Herkel (Estonia, EPP/CD), Head ad interim of the delegation

Mr Ioannis Baniias (Greece, UEL)

APPENDIX 3

**Ad hoc Committee for the observation of the Parliamentary Elections in the Republic of Moldova
(5 April 2009)**

Programme

Thursday, 2 April 2009

Arrival at Chisinau.

Friday, 3 April 2009

18h00-18h30 Informal meeting of the members of the Assembly delegation

Saturday, 4 April 2009

08h30-09h30 Meeting of the Assembly delegation (Jolly Alon Hotel)
(files and accreditations available for collection – organisation of deployment)

09h45 Departure for the Leogrand Hotel Conference Center

10h00-10h15 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 the OSCE STOs
- Ms Marianne Mikko, Head of Delegation of the European Parliament
- Mr David Wilshire, Head of Delegation of the CoE Parliamentary Assembly

10h15-10h30 Political background
- Mr Mindaugas Kacerauskis, Political Advisor to the EU Special Representative for the Republic of Moldova
- Ambassador Philip N. Remler, Head of the OSCE Mission to Moldova
- Mr Vladimir Ristovski, Special Representative of the Secretary General of the Council of Europe

10h30-11h30 OSCE/ODIHR Core Team
Introduction: Mr Nikolai Vulchanov, Head of Mission
Political overview; National Minorities; Gender: Mr Falk Lange, Political Analyst
Campaign activities and media landscape: Mr Ivan Godarsky, Media Analyst
Complaints: Ms Francine Barry, Legal Analyst
Election administration and E-Day procedures: Mr Alexander Yurin, Election Analysts
Observation forms: Mr Anders Eriksson, Statistics Expert
Questions and answers

11h45-12h30 Electoral Administration
Mr Iurie Ciocan, CEC Secretary

12h30-13h15 Roundtable with Observer organisations
- Mr Paul Strutzescu, Chairperson or Ms Olga Straton, Program Coordinator, League for Human Right Protection in Moldova (LADOM)
- Mr Alexandru Barbov, Executive Director of the coalition "Civic Control – Elections 2009"

13h15 Lunch

14h30-16h30 Meeting with representatives of Political Parties
- Mr Grigorie Petrenco, Party of Communists of the Republic of Moldova (PCRM)
- Mr Vlad Cubreacov, Christian Democratic People's Party (PPCD)

- Centre right parties:
Mr Veaceslav Untila, 'Moldova Noastra (Our Moldova)' Alliance (AMN)
Mr Dorin Chirtoaca, Liberal Party (PL)
Liberal Democratic Party of Moldova (PLDM)

- Centre left parties:
Mr Dumitru Braghis, Chairperson, Social Democratic Party of Moldova (PSDM)
Mr Olentir Andrei, Democratic Party of Moldova (PDM)
Mr Veaceslav Afanasiev, Centrist Union of Moldova (UCM)

- 16h30-16h45 Break
- 16h45-17h30 Roundtable with NGO Representatives (International and Moldovan)
- Mr Igor Botsan, Executive Director, Association for Participative Democracy (ADEPT)
 - Mr Serghei Ostaf, Executive Director, Resource center for Human Rights NGOs in Moldova - CREDO
 - Mr Alex Grigorevs, Resident Director or Aleksandar Bratkovi, Program Manager, National Democratic Institute (NDI)
 - Mr Stevan Rader, Program Director, International Republican Institute (IRI)
 - Mr Andrei Brighidin, Program Manager, Eurasia Foundation
 - Ms Nadine Gogu, Interim Director, Independent Journalism Centre
 - Mr Petru Macovei, Executive Director, Association for Independent Press (API)
- 17h30-18h30 Roundtable with Media representatives
- TV: Mr Igor Burciu, News Director, Euro TV and Mr Serguey Riazantzev, Director, NIT
- Radio: Mr. Veaceslac Tabuleac, Director, Vocea Basarabiei
- Print press:
- Mr Ion Berlinski, Editor in Chief, Moldova Suverană,
 - Mr Dmitrii Ciubasenco, Editor in Chief, MoldavskieVedomosti,
 - Ms Marian Rata, Jurnal de Chişinău,
 - Mr Gheorghe Budeanu, Timpul de Dimineaţă
- 18h30 Concluding remarks by the heads of delegations
- 18h35 Deployment
Observers' Safety
Mr Emil Pyrich, Security Officer
Area specific briefing conducted by OSCE/ODIHR LTO teams and distribution of the regional briefing packs
Meeting with interpreters and drivers

Sunday, 5 April 2009

- Election day Observation of Opening, Voting and Vote Count
- 17h00 Informal meeting of the members of the Assembly delegation

Monday, 6 April 2009

- 08h30-09h30 Debriefing Assembly delegation (meeting room of the Jolly Alon Hotel)
- 10h00 Debriefing Heads of Delegation (Hotel Leogrand)
Preparation of press conference and press statement
- 14h00 Press conference (Hotel Leogrand)

APPENDIX 4

Moldova's elections met many international standards, but further improvements are needed, observers say

Strasbourg, 6.04.2009 – Yesterday's parliamentary elections in Moldova met many international standards and commitments, but further improvements are required to ensure an electoral process free from undue administrative interference and to increase public confidence, the International Election Observation Mission said in a statement issued today.

The elections took place in an overall pluralistic environment, offering voters distinct political alternatives. The legal framework generally provided an adequate basis for the conduct of a democratic election, although important previous recommendations remain to be addressed.

Election day was well-organized and passed calmly and peacefully, with no major incidents reported. The voting and counting process was assessed positively by the observers, despite a number of significant procedural shortcomings.

The media provided contestants with opportunities to convey their messages, in particular through debates and paid airtime. The observers noted, however, that the state broadcaster blurred the distinction between the coverage of duties of state officials and their campaign activities.

The campaign environment was affected by frequent allegations of intimidation of voters and candidates, and claims of misuse of administrative resources. Some of these allegations were verified by the observers.

"I am delighted with the progress of democracy in Moldova. These elections were very good and they gave me great confidence in the future of this country," said Petros Efthymiou, head of the delegation of the OSCE Parliamentary Assembly and Special Co-ordinator of the OSCE short-term observers.

"The people of Moldova are to be congratulated on a relaxed, mainly well-run and democratic polling day. Now the new parliament needs to make the necessary improvements to Moldova's legal framework and electoral code," said David Wilshire, head of the delegation of the Council of Europe's Parliamentary Assembly.

"We noted real improvements in comparison with the 2005 parliamentary elections. However, further efforts must be made, in particular with regard to the position of the public broadcasting organization", said Marianne Mikko, head of the delegation of the European Parliament.

"Our overall assessment of this election is positive, but there is a need to inject more trust in the electoral environment, including through unbiased news reporting by the public broadcaster, improving voter registration procedures, and ensuring that contestants are treated equally by the authorities," said Nikolai Vulchanov, head of the long-term election observation mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).