

Observation of the 20 October 2019 local elections in the Republic of Moldova

Preliminary conclusions of the Delegation from the Congress of Local and Regional Authorities of the Council of Europe

Statement of the Head of Congress Delegation, Vladimir PREBILIC (Slovenia, SOC)

Dear ladies and gentlemen,

As you may know, following the invitation of the authorities of the Republic of Moldova, yesterday, the Congress of Local and Regional Authorities of the Council of Europe deployed 11 teams involving 24 observers from 21 European countries to monitor the 2019 local elections in this country. All in all, we were able to follow the electoral processes in some 180 polling stations throughout the country.

The Congress members on this Delegation have all elected local or regional mandates in their own countries. Myself, I have been Mayor of the largest municipality of Slovenia over the last 9 years. Many of us have also practical experiences in the administration of elections in our own communities and we were supported by the members of the Congress' Secretariat in Strasbourg and a member of the Congress' Group of Independent Experts from the Republic of Ireland.

Before I present to you the preliminary conclusions of our mission, let me thank everybody who contributed to this observation mission including the representatives of the Republic of Moldova, a country that has joined the Council of Europe in 1995 and since then, despite some ups and downs, has shown its constant solidarity with the European family.

My special thanks go to those who came to our briefings and replied to our questions, in particular, the many representatives from the international community here in Chisinau, from NGOs, the media, national and local government institutions and - of course - the candidates and politicians we met.

It was the information we gathered during these briefings, held during our pre-election mission at the beginning of October and during the two days prior to yesterday's vote, that made us fit for the observation in the field on the Election Day and helped us to better understand recent political developments in Moldova in the wake of the notable change of Government which occurred over summer.

What we saw - in over 150 polling stations we visited from the early hour of the opening until the late-night counting - was a calm and orderly polling day and a largely well-administered electoral process. With the exception of a few shortcomings and procedural inconsistencies observed in some places, mainly regarding the use of video cameras, respect of the secrecy of the vote and the sealing of the ballot boxes, the elections were run by mainly well-prepared and experienced commissions in the polling stations. There was one issue on unusual voter migration in the south of our deployment area and a case of intimidation reported to our observers. Also the counting was conducted professionally, by and large, with exceptions in two polling stations.

It is true that given a turnout of 42%, one could have wished for more active interest of the citizens in the fate of their municipalities. However, we should not forget that the campaign was low-key for a long time, there was no conflictual political environment comparable to the situation prior to the Parliamentary elections

in February and that a whole series of elections have been organised in Moldova lately. All that may have contributed to some voter fatigue.

Most of our interlocutors assessed the recent amendments of the electoral legal framework, by and large, positively, apart from the fact that they came very late and thus in contradiction of the Venice Commission's Code of Good Practice in Electoral Matters. Progress to be mentioned in this context concerns the campaign financing, notably the reduced ceiling for donations and measures to prevent misuse of administrative recourses through stricter procurement-related rules, the return of the Silence Day and the ban of campaigning on the Election Day as well as more possibilities to verify the accuracy of voters' lists.

What remains, apart from some legislative gaps and inconsistencies which should be addressed by the authorities in the near future, is our concern with regard to two major issues:

- First, the registration requirements for independent candidates which we from the Congress, together with other election observers, consider as overly cumbersome compared to the situation of candidates from political parties. It's not conducive to democratic conditions if it's easier in a country to create a political party than run as an independent candidate. The minimum requirement regards the collection of signatures for an independent mayoral candidate is 5% compared to the 1 % of voters in the constituency concerned, as recommended by the Venice Commission. The authorities of Moldova should amend the according provisions.

- Second, the situation of women in local politics and the fact that the legal requirement of a 40% quota-provision for candidates' lists was, de facto, undermined in many instances, by a rounding-down instead of a rounding-up applied for the calculation of the number of female candidates on the lists. It is interesting to know that yesterday more women turned out at the polling stations and that in most of the polling stations we visited, there were mainly women working on the commissions. The Republic of Moldova has now a female Prime Minister, this should be commitment and obligation at the same time to increase also the number of female politicians at the local level!

Let me now turn to a feature of the environment which is of utmost importance for genuinely free, fair and democratic elections: it's the situation of the media. Meeting with journalists during our pre-election mission, we heard that the overall situation has improved over the last months - and this is very much appreciated by the Congress. A journalists told us that she could breathe freely again without being afraid of a fate of Daphne Galizia or Jan Kuciak. There is hardly a better sign of democratic progress in a country. The media must have the opportunity to report critically, especially in pre-election times. But the media, in turn, must also act professionally and responsibly.

Just like the politicians. That's why we from the Congress were more than surprised to hear that none of the top candidates for the Mayor of Chisinau took part in a TV debate. This means that there is still a lot to be done to raise awareness of democratic rules.

The need to pursue reform is also urgently felt in the justice area. With the exception of one opposition candidate, we have heard no reports this time about open pressure, intimidations or threats before yesterday's local elections. Nevertheless, it remains a bitter aftertaste to know that only 6 out of 100 cases in Moldova are concluded by a court's judgement. The Chisinau-related cases Chirtoaca, Codreanu and Nastase have been described vis-a-vis our Delegation as „case studies“ in respect of disputable application of law.

Ladies and gentlemen,

There are still many procedural improvements or legal clarifications that I could mention here. Efficient measures to prevent the misuse of administrative resources are at the top of the Congress' wish list regarding local elections. But also legal amendments to enfranchise only those voters who actually have a permanent residence (or domicile) in the according constituency, and not only a temporary residence, in line with Congress Recommendation 369(2015).

Our written Report which will be adopted at the meeting of the Monitoring Committee on 11 February 2020 will contain all these concrete recommendations.

Let me conclude by a quote of one of the Congress' interlocutors during one of our many briefings prior to these local elections: The situation in the Republic of Moldova is better than it has been - but it's not as good as it should be. I would add that the forthcoming run-off in Chisinau between Mr Ceban and Mr Nastase will be a sort of litmus test regarding the further democratisation of the electoral environment.

We definitely hope for a fair, free and transparent campaign.

Thank you for your attention.