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Report
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Information report on elections in the Popular Assembly of the Autonomous Territorial Unit of Gagauzia, Republic of Moldova (20 November 2016)

Monitoring Committee

Rapporteur:¹ Sevdia UGREKHELIDZE, Georgia (R, EPP/CCE)

Summary

Following the invitation of the President of the Central Election Commission of the Republic of Moldova, a Congress delegation carried out an electoral assessment mission of limited scope in the Autonomous Territorial Unit (ATU) of Gagauzia. Elections for the Popular Assembly of the Regions were held on 20 November 2016.

The 2016 elections for the Popular Assembly was the first vote to be held under the new Electoral Code of ATU Gagauzia adopted in 2015. The new legal framework was generally well implemented on Election Day, which was held in an overall calm and orderly manner. The Congress delegation was able to visit some twenty polling stations in the three electoral districts and observed voting and parts of the counting process.

The improved quality of voters lists, the level of preparation of the election administration as well as investigations into violations of the legislation constitute important elements of progress with regard to electoral processes in the Autonomous Territorial Unit of Gagauzia. The Congress also welcomes the ban on foreign funds for campaign purposes as well as the establishment of the Central Election Commission of ATU Gagauzia as a permanent body.

However, the Congress delegation heard allegations concerning recurring issues related to vote buying, the misuse of administrative resources and the lack of a real level playing field for all candidates, in particular in the media. Moreover, even though the new Electoral Code brought substantial improvements, there is still a need for further amendments in order to reconcile the respective legislation of ATU Gagauzia and the Republic of Moldova.

¹ Chamber of Local Authorities / R: Chamber of Regions
 EPP/CCE: European People's Party Group in the Congress
 SOC: Socialist Group
 ILDG: Independent Liberal and Democratic Group
 ECR: European Conservatives and Reformists Group
 NR: Members not belonging to a political group of the Congress

Introduction

1. Following an invitation by the President of the Central Election Commission of the Republic of Moldova, Mrs Alina RUSSU, dated 3 October 2016, the Congress of Local and Regional Authorities deployed a mission of limited scope to assess the regional elections held in the Autonomous Territorial Unit of Gagauzia² on 20 November 2016.
2. Due to the specific nature of this vote and the fact that the Congress had already specifically observed local elections in the Autonomous Territorial Unit of Gagauzia in March 2015, the delegation was of a reduced scale. It included two Congress' members and was accompanied by Mr Carlos PACHECO AMARAL, member of the Congress' Group of Independent Experts as well as by members of the Congress' Secretariat. The delegation, headed by Sevdia UGREKHELIDZE (Georgia, EPP/CCE), visited the Republic of Moldova from 17 to 21 November 2016.
3. The following information report focuses specifically on issues arising out of exchanges held with Congress' interlocutors in the context of the regional elections held on 20 November 2016 in the Autonomous Territorial Unit of Gagauzia and on observations made by the members of the delegation in the field on Election Day. In particular, the Congress' delegation could meet with major authorities in ATU Gagauzia, political parties and their respective candidates, as well as non-governmental organisations. Further details on the electoral assessment mission can be found in the appendices.
4. The Congress wishes to thank all those who met the delegation for their open and constructive dialogue. It thanks the Moldovan and Gagauz authorities as well as Jose Luis HERRERO, Head of the Council of Europe Office in Chisinau, and his team for their support in preparing this mission.

1. Political and institutional background

1.1 National context

5. The overall political situation in the Republic of Moldova is marked by a widespread distrust in the institutions and the elites, due to multiple corruption scandals. Former Prime Minister Vlad FILAT was arrested in October 2016 as part of the investigation on the loss of 1 billion Dollars by three private banks in 2014. Moreover, the long-lasting tug-of-war over the geopolitical orientation of the country continues, as a new Government was set up in January 2016 after months of protests and the Association Agreement with the EU entered into force on 1 January 2016.
6. On 30 October and 13 November 2016, the first direct presidential elections since 1996 were held in the Republic of Moldova. Because of the President's powers, which mainly include foreign and defense policy, the geopolitical orientation of the country was a core issue of the electoral campaign, in general.
7. The run-off elections were held on 13 November 2016 between Igor DODON (Party of Socialists of the Republic of Moldova) and Maia SANDU (Action and Solidarity). The pro-Russian-perceived candidate Igor DODON won the elections with 52.2% of votes. Parliamentary elections are scheduled for late 2018, but DODON already announced that he would push for early Parliamentary elections in 2017, to foster the Moscow-oriented path of Moldova.³
8. The relations between the ATU Gagauzia and the central Government had been often tense as the Autonomous Territorial Unit of Gagauzia is a stronghold of Moscow-oriented politics and has special and strong ties with the Russian Federation. In March 2015, Irina VLAH (supported by the Party of the Socialists of the Republic of Moldova and its leader, Igor DODON) was elected Bashkan (Governor) of ATU Gagauzia.

1.2 Regional context

9. The Autonomous Territorial Unit of Gagauzia is an autonomous region of the Republic of Moldova, established by the Law of the Republic of Moldova on the Special Status of Gagauzia of 1994. As an

² The Autonomous Territorial Unit of Gagauzia is shortened as "ATU Gagauzia" in the following report.

³ <http://www.aljazeera.com/news/2016/11/igor-dodon-wins-moldova-presidential-election-161114195900115.html>

Autonomous Territory, Gagauzia has the right to independently determine issues related to its political, economic and cultural development.⁴ However, the Special Status of Gagauzia is a regular law of the Republic of Moldova, which could be challenged by any other law, creating legal uncertainty for regional authorities. As such, the Special Status does not provide with defined competences for the regional level nor for the effective distribution of power between the central and regional institutions. For this reason, the Gagauz authorities mainly claim for respect of the autonomy of the territory and conditions for its effective implementation rather than for strengthening or expansion of the scope of their autonomy.⁵

10. Despite the Law on the Special Status of Gagauzia, tensions between Chisinau and Comrat are also regularly fuelled by inconsistencies between central laws and Gagauz legislation. It has been a structural significant problem, including in the field of elections and also a major point of conflict, as regional legislation has been regularly challenged by the central authorities in administrative courts. A Joint Parliamentary Commission integrating representatives of the national and the regional Parliaments has been set up to work towards harmonization of national and regional legislation and constitutes a step towards a more coherent legal framework.

1.3 Regional institutional setting

11. The Governor (Bashkan) of the Autonomous Territorial Unit of Gagauzia holds the executive power as Head of the Executive Committee of ATU Gagauzia. The Bashkan responds before the Popular Assembly (Halc Topluşu), the regional Parliament and is a de facto member of the Government of the Republic of Moldova. The Bashkan's role within the central Government ensures some coordination between the national and the regional Governments. The Bashkan holds a wide array of responsibilities, including supervision of local authorities.

12. The Popular Assembly of Gagauzia holds the legislative power in ATU Gagauzia. The Assembly includes 35 members elected for a 4-year term. Members of the Popular Assembly are directly involved in framing the major political options of ATU Gagauzia, participation in the nomination of major regional authorities and political oversight of the executive.

13. Except for its leadership positions, members of the Popular Assembly are not remunerated.⁶ This practice is at odds with Congress Recommendation 383(2015) which states that "local and regional authorities provide adequate financial reward for the work performed by local and regional elected representatives, which realistically reflects the workload demands of the role, according to the duties and size of the local authority." The absence of adequate support and resources provided to the members of the Popular Assembly might prevent people from all sectors of the population to stand for regional office, putting into question the representativeness of the Assembly. Moreover, such situation entails the danger of use of resources from private or unknown origin.

2. Organisation of the elections

2.1 The 2015 Electoral Code

14. The 20 November 2016 elections were the first governed by the new Electoral Code of ATU Gagauzia, adopted in 2015. Overall, the new Code was welcomed as it introduced rather extensive regulations over the entire election process and settled major shortcomings identified in previous Congress election observation reports. In particular, the new provisions include the establishment of the Central Election Commission of ATU Gagauzia as a permanent body. Campaign financing, which was a major issue during the elections of the Bashkan in 2015, is further regulated, including a ban on funds of foreign origin for electoral purposes.

15. In the course of the reform, the Gagauz legal framework of elections became a major contentious issue between the central and the regional level of administration. In particular, the State Chancellery of Moldova has challenged the fact that the new Electoral Code of ATU Gagauzia includes regulations

4 <http://www.dw.de/moldovas-gagauz-region-leans-toward-moscow/a-17504239>

5 According to the interlocutors the Congress delegation met in Comrat and Chisinau on 18 and 19 November 2016.

6 According to the interlocutors the Congress delegation met in Comrat and Chisinau on 18 and 19 November 2016.

also with regard to general local elections. This remains an issue for the future and should be clarified well in advance of the next vote.

16. The authorities already identified areas in which amendments are needed in order to harmonise the regional legislation with its national counterpart, in particular with regard to the number of signatures needed to register as a candidate. Moreover, the method for compiling voters' lists needs to be clarified as lists for national and regional elections do not contain the same number of voters.⁷ Other areas where substantial improvement is needed include the use of so-called supplementary voters' lists.

2.2 Election administration

17. Elections for the Popular Assembly are organised in 35 single-mandate electoral districts under a two-round absolute majority system. The results are valid if at least one third of the registered voters participate in each round of the elections.

18. Each member of the Assembly represents a maximum of 5,000 voters, granted that each locality is represented. Accordingly, the number of voters in each of the 35 constituencies oscillates between 5000 (legal maximum) and 500 voters (size of the smallest locality). However, according to the Congress' interlocutors, the difference in the number of voters could create problems related to malapportionment of mandates and the borders of constituencies need to be re-designed in this respect.

19. The Congress' observers were able to confirm that the authorities made a genuine effort to ensure broad dissemination of the new Electoral Code. Training was provided to members of the election administration and in particular to members of the Precinct Electoral Commissions in charge of managing voting and counting in polling stations.

2.3 Voters and candidates' registration

20. Voters' lists appeared to have been improved since the last elections in ATU Gagauzia and presented no major difficulties on Election Day. However, the use of supplementary voters' lists remained possible under the new Electoral Code, officially because of Gagauz voters regularly change their permanent residence.⁸

21. Candidates may run as independents, nominating themselves, or on the ticket of a political party, electoral bloc or activist group that nominated them. In total, for the 35 mandates, there were 126 candidates, 95 of which were independent.

22. Although there is no Constitutional ban on regional parties, the legislation actually limits the possibilities to set them up. The creation of a political party requires the support of representatives from two thirds of the country. As a result, major political parties are usually perceived – in ATU Gagauzia – as not representing the region or as not having a specific Gagauz agenda. This could explain the high number of independents who stood for election on 20 November. The high distrust among Gagauz voters towards political parties in general could further explain this phenomenon. However, it is common practice that most independent candidates, once elected, join political parties as soon as having been elected.⁹

3. Electoral campaign and financing

23. The electoral campaign took place in an overall calm atmosphere. Given that the second round of the Presidential elections had happened only a week before the 20 November 2016 elections, broader issues overshadowed the electoral campaign for the Popular Assembly. Independent candidates perceived this as a disadvantage for their candidacy.¹⁰

7 According to the interlocutors the Congress' delegation met in Comrat and Chisinau on 18 and 19 November 2016.

8 According to the interlocutors the Congress' delegation met in Comrat and Chisinau on 18 and 19 November 2016.

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24. There were cases of negative campaigning, smear campaigning and disclosure of private information illegally obtained at the Prosecutor's Office reported to the Congress delegation. Moreover, the campaign was tarnished by allegations of corruption, vote buying, carousel voting and other irregularities.

25. Another recurring issue is the lack of playing field for all candidates, in particular in the media. Some candidates have reported unequal coverage of the campaign by the public broadcasters. They complained about discriminatory practices by the official Gagauz Radio and TV, including the fact that debates were not broadcasted.¹¹ As provided both by national and regional legislation, a "silent day" was established and observed within 24 hours before Election Day.

26. Despite the new regulation on campaign financing, the absence of clear information on financial resources available to candidates remained an issue. Moreover, discrepancies between the declared resources and the number and nature of campaign materials used raised questions about the genuineness of financial information provided by some candidates.

27. Another recurring issue in ATU Gagauzia is the misuse of public resources during electoral campaigns. Alleged cases of misuse of administrative resources include the use of public schools for campaign activities, threats against public employees to vote for specific candidates and interference of public officials in the electoral process. Some incumbents also launched last-minute infrastructure projects, such as roads, shortly before the elections.¹²

4. Election Day

28. In the places visited by the two Congress teams, the Election Day took place in a calm and peaceful atmosphere. With the exception of some procedural inconsistencies, voting and counting was well organised, carried out broadly in line with international standards. Minor inconsistencies included the presence of recording devices within the polling stations, allowed in some places but forbidden in others because of the lack of clarity of the Electoral Code.

29. The two Congress teams visited, randomly, some 20 polling stations out of the 66 set up for the elections. Throughout the polling stations visited, the election process unfolded smoothly and without any particular problem. Polling stations opened and closed normally, from 7:00 am to 9:00 pm. Closing and counting procedures observed by a Congress' team also took place in an overall transparent and professional manner.

30. Members of the Precinct Electoral Commission were well aware of the new procedures established by the 2015 Electoral Code, which they executed with professionalism. Polling stations were well-equipped with proper ballot boxes, duly sealed, and appropriate booths. As stated in the Electoral Code, ballot papers were prepared in three languages: Russian, Moldovan and Gagauz. They were usually available in polling stations even though voters generally used only ballots in Russian. The delegation could observe that a majority of voters did not fold their ballot, a practice that called into question the secrecy of the vote.

31. Supplementary voters' lists were also used in all polling stations visited by the Congress teams, albeit substantially reduced compared to previous elections. The observers could also verify that an additional measure of security was put into effect to reduce the risk of manipulation: citizens were required to present a special form accompanying their ID cards, which was duly stamped upon voting.

32. The observers were told that a relatively high number of voters requested to vote by mobile voting boxes. The systematic recourse to mobile boxes could be caused by the difficulty for people with disabilities to access most polling stations throughout the region.

33. The delegation appreciated that information posters for voters were posted at the entrance of all polling stations visited and that it found no propaganda materials, either at the polling stations or in their vicinity.

¹¹ According to the interlocutors the Congress delegation met in Comrat and Chisinau on 18 and 19 November 2016.

¹² According to the interlocutors the Congress delegation met in Comrat and Chisinau on 18 and 19 November 2016.

34. Throughout Election Day, the Congress' observers could identify the systematic presence of citizen (domestic) observers, including representatives of the non-governmental organisation Pilgrim Demo, as well as representatives of political parties and independent candidates.

5. Election results and the aftermath

35. On 21 November 2016, the Central Election Commission of ATU Gagauzia presented the preliminary results according to which 17 of the 35 deputies were elected in the first round. The turnout was of 42.8 percent, making it lower than the voter turnout for the Presidential elections.

36. After the second round held on 4 December 2016 – which could not be observed by the Congress' delegation – 32 members of the Popular Assembly were elected. Out of the 32 members elected, only four were women. Moreover, only nine of them were affiliated with political parties before being elected. The elections needed to be repeated in three districts due to a turnout lower than 33%. The results of the elections held on 20 November and 4 December 2016 can be found in the appendices.

37. In January 2017, the Supreme Court of the Republic of Moldova decided to cancel the elections in the first district of Comrat on the ground that serious violations of the legislation – in particular, vote buying and issues related to voters' identification – were observed on Election Day in two polling stations. The Court decided to forbid the incumbent member of the Popular Assembly, Dmitrii KONSTANTINOV, from running again. Moreover, the Central Election Commission of ATU Gagauzia was asked to fully replace the staff of these polling stations, as the previous staff was accused of complicity in bribing voters.¹³

13 <http://www.infotag.md/rebellion-en/237735/>

APPENDIX I

CONGRESS ELECTORAL ASSESSMENT MISSION
Elections of the Popular Assembly
of the Autonomous Territorial Unit of Gagauzia, Republic of Moldova
20 November 2016

CONGRESS DELEGATIONMembers of the Congress:

Mrs Sevdia UGREKHELIDZE, EPP/CCE, Chamber of Regions, Georgia, Head of Delegation
Mr Saimir PLAKU, SOC, Chamber of Regions, Albania

Expert:

Mr Carlos PACHECO AMARAL, Expert, Congress' Group of Independent Experts

Congress' Secretariat:

Ms Renate ZIKMUND, Head of Division, Local and Regional Election Observation
Ms Martine ROUDOLFF, Assistant, Local and Regional Election Observation
Mr Leonard CUSCOLECA, Local and Regional Election Observation

FINAL PROGRAMME

Thursday, 17 November 2016

Various times **Arrival of the Congress' Delegation in Chisinau**

Friday, 18 November 2016
Meetings in Comrat

7:30	Transfer from Chisinau to Comrat
10:00 – 11:00	Meeting with candidates/representatives of the Socialist Party (PSRM) for the 20 November 2016 elections to the Popular Assembly of ATU Gagauzia Venue: str. Biruintei 73, Comrat
11:15 – 12:15	Meeting with the Bashkan (Governor) of ATU Gagauzia, Mrs. Irina VLAH and the Speaker of the Popular Assembly of ATU Gagauzia, Mr. Dmitri KONSTANTINOV Venue: 196 Lenin street, Comrat
13:00 – 13:45	Meeting with the Chairperson of the CEC of ATU Gagauzia, Mr. Ivan KOMUR Venue: 196 Lenin street, Comrat
13:45 – 14:30	Lunch break
14:30 – 15:15	Meeting with the Deputy Speaker of the Popular Assembly of ATU Gagauzia Mr. Alexandr TARNAVSCI (member of the Delegation of the Republic of Moldova to the Congress) Venue: Altin Palace, Comrat
15:15 – 17:30	Meetings with candidates:
15:15 – 15:45	Meeting with Mr. Vladimir KISA, Democratic party
15:45 - 16:15	Meeting with Mr. Gheorghii CIOBAN, Communist Party
16:15 – 16:45	Meeting with a candidate from Our party
16:45 – 17:30	Meeting with Ms. Ecaterina JECOVA, independent candidate Venue: Altin Palace, Comrat
17:30 – 18:30	Meeting with Mr Mihail SIRCHELI, Executive Director, Gagauz citizens observers organisation "Pilgrim-Demo"

Venue: 11, Pobeda Str., Comrat

18:30 Transfer from Comrat to Chisinau

**Saturday, 19 November 2016
Meetings in Chisinau**

09.00 – 10.00 Background briefing with the Congress Secretariat and the Head of the Council of Europe Office in Chisinau, Jose-Luis HERRERO
Venue: Jazz Hotel, Chisinau (breakfast room)

10:00 – 11:30 Briefing with the Congress Secretariat for the E-Day
Venue: Jazz Hotel, Chisinau

**Sunday, 20 November 2016
ELECTION DAY**

07:30 Transfer to spot-check selected polling stations in ATU Gagauzia

09:00 approx. Teams deploy from Chisinau to spot-check selected polling stations in ATU Gagauzia

21:30 Transfer to Chisinau

Monday, 21 November 2016

Various times **Departure of the Congress Delegation**

APPENDIX II

Press release - Ref. CG-CP037 (2016)

Congress delegation concludes electoral information mission to Gagauzia

Chisinau, 21 November 2016 - A 6-member delegation from the Congress of Local and Regional Authorities of the Council of Europe, led by Vice-President Sevdia Ugrehelidze (Georgia, EPP/CCE), visited the Republic of Moldova from 19 to 20 November, and held meetings with interlocutors in Comrat and Chisinau, prior to the elections for the Popular Assembly of the Autonomous Unit of Gagauzia conducted yesterday.

In Comrat, the delegation including also Congress member Saimir Plaku (Albania, SOC), and Congress' expert Carlos Pacheco Amaral from the University of the Azores (Portugal), exchanged views with the Bashkan of Gagauzia, Irina Vlah, and with the Speaker of the Popular Assembly, Dmitri Konstantinov, on the situation further to recent elections in the country and with regard to developments on regional autonomy and co-operation between Comrat and the central authorities in Chisinau.

The new Electoral Code of Gagauzia adopted in 2015, was at the center of meetings with the Chairperson of the Central Electoral Commission of Gagauzia, Ivan KOMUR. The elections for the Popular Assembly on 20 November were the first vote governed by this new Code which incorporates provisions of parts of different previous legislations. In addition, the Congress' delegation held briefings with representatives of parties and independent candidates running in the elections. The pre-electoral meetings were rounded up by a briefing with 'Pilgrim-Demo', a Gagauz citizens observer organisation which monitored the elections throughout the region.

On Election Day, two Congress teams spot-checked some 20 polling stations (of a total of 66) in all parts of Gagauzia and found the situation satisfactory overall. With the exception of some procedural inconsistencies, in particular with regard to the use of cameras and mobile phones, voting was well organised, carried out in a calm and orderly manner and broadly in line with international standards. A particular feature of the E-Day was a relatively high number of mobile voting boxes requested and of voters on the so-called supplementary lists in polling stations visited by the Congress. Of particular interest will be the further implementation of the new Electoral Code of Gagauzia which, prior to these elections, had been challenged, related to specific parts, at the higher level by central Moldovan authorities.

A detailed Congress Information Note including also information on campaign-related features will be prepared and discussed in the framework of the next plenary meeting of the Chamber of Regions of the Congress at its 32nd Session in March 2017.