

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 239 (2008)<sup>1</sup> Elections to the People's Assembly in Gagauzia (Republic of Moldova) observed on 16 and 30 March 2008

1. The Congress refers to:

*a.* the Committee of Ministers' Statutory Resolution Res(2007)6 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, in particular its Article 2, paragraph 4, entrusting the Congress with the preparation of reports and recommendations following the observation of local and/or regional elections;

*b.* the principles laid down in the European Charter of Local Self-Government (ETS No. 122), 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 Moldova;

*d.* its previous reports on elections monitored in the Republic of Moldova;<sup>2</sup>

*e.* its report on the elections to the People's Assembly of Gagauzia, held on 16 and 30 March 2008 detailing the findings of the Congress observation mission.

2. The Congress recalls its role in monitoring local and regional elections, based on the premise that the holding of local and regional elections in accordance with international electoral standards is essential to ensure good governance at local and regional level.

3. The Congress welcomes the fact that this election was conducted in line with Council of Europe and international standards and that a friendly and courteous atmosphere prevailed throughout the polling stations, as well as an inclusive attitude towards observers – both domestic and international.

4. The Congress recommends, however, that:

*a.* appropriate budget provisions are made in good time to allow for effective preparation of elections;

*b.* all polling stations should make use of the documents and information material issued by the Central Electoral Commission;

*c.* members of the polling station commission should inform voters more consistently about correct voting procedures, including the proper folding of ballot papers to ensure secrecy;

*d.* booths should preferably have only one entrance in order to avoid two people being in the same booth accidentally and they

should also have three-quarter length curtains so that occupancy of the booth is evident;

*e.* paper used for ballot papers should be of sufficient quality and not translucent;

*f.* the chair of the polling station commission should observe procedures without becoming involved in the procedural tasks as such;

*g.* an electronic, regularly updated register of voters be set up urgently to eliminate supplementary voter lists, which have been heavily used in this election, including in the second round and in spite of the incorporation of the supplementary voters in the voter rolls before the second round;

*h.* mobile voting be managed more consistently and with sufficient time allocated to the exercise to ensure that all persons who requested a mobile vote are able to exercise their right to vote;

*i.* the discrepancies that still exist between the Electoral Law of Gagauzia and the Electoral Code of the Republic of Moldova be reconciled;

*j.* extra efforts are made in the future to locate premises for polling stations on the ground floor in order to facilitate access for voters with disabilities;

*k.* a real understanding of local democracy among the population is promoted through adequate voter education campaigns.

5. The Congress recommends furthermore that the Committee of Ministers takes note of the present recommendation and its explanatory memorandum and transmits it to the Moldovan authorities and the relevant bodies of the intergovernmental sector, the European Commission for Democracy through Law (Venice Commission), the Directorate General of Democracy and Political Affairs and the Commissioner for Human Rights.

6. 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.

7. The Congress reaffirms its readiness to support the Moldovan authorities in their efforts to consolidate local and regional democracy, in conformity with Moldovan commitments in respect of international electoral standards and with the European Charter of Local Self-Government.

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1. Adopted by the Congress on 28 May 2008 (tacit adoption procedure, Rule 26 of the Congress Rules of Procedure, see Document CG(15)11REC, draft recommendation prepared by P. Rondelli (San Marino, L, SOC), 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; report on the regional elections in Gagauzia, Moldova (6 and 22 October 2002), CG/BUR (9) 59; and the explanatory memorandum on the local elections in Moldova (2007), CG(14)23REP.