

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 213 (2007)¹ The election of the Bashkan (Governor) of Gagauzia (Moldova) (observed on 3 and 17 December 2006)

The Congress,

1. Refers to:

a. the Committee of Ministers' Statutory Resolution (2000) 1 on the Congress of Local and Regional Authorities of the Council 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 Moldova, including in Gagauzia (Moldova);²

e. its report on the election of the Bashkan (Governor) of Gagauzia held on 3 and 17 December 2006 detailing the findings of the Congress observation mission;

2. Welcomes the high turnout which, in the Congress' opinion, reflects the continued faith of Gagauzian citizens in local and regional democracy;

3. Notes:

a. that the election of the Bashkan (Governor) of Gagauzia is regulated by the Law of the Autonomous Territorial Unit of Gagauzia No. 32-XXXIII/I and that this law includes provisions which are not consistent with the Electoral Code of Moldova;

b. that Law No. 32-XXXIII/I was amended only a few months prior to the election and that these amendments were not submitted to the Venice Commission for assessment;

c. that the composition of the Central Election Commission of Gagauzia as well as the fact that this body is set up on ad hoc basis does not guarantee its impartiality;

d. that the electoral campaign was characterised by unequal access to the media as well as by an unclear use of administrative resources for electoral purposes and the absence of accountability of all candidates regarding the campaigning material;

e. that major inaccuracies remain with regard to the voters' register;

f. that in certain polling stations, voters' lists were typewritten and handwritten;

g. that a significant number of voters were included in the supplementary lists on election day, including during the second round;

h. that modifications concerning the registration on mobile voting lists were introduced between the two rounds;

i. that undue pressure and influence on voters was observed on election day, especially on elderly persons, and on polling station commission members;

j. that a significant number of election commission members were not adequately trained;

k. that most polling stations were inaccessible for people with disabilities and present accessibility difficulties for elderly persons;

4. 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. take any appropriate measures aiming at ensuring the consistency between the electoral legislation of Moldova and the laws applicable to electoral procedures in Gagauzia;

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

c. take any appropriate measures to guarantee the impartiality of the Central Election Commission;

d. take any appropriate measures to avoid misuse of administrative resources for partisan electoral purposes in future elections;

e. pursue efforts aiming at improving the accuracy of the voters' register in time for the forthcoming local elections and at guaranteeing an appropriate use of supplementary and mobile voting lists;

f. avoid changes in electoral practice between the two rounds;

g. ensure that all election commission members receive professional, timely and adequate training;

h. ensure that polling stations are adapted to the needs of the voters and are adequate and suggests, in this regard:

i. that polling stations be, as far as possible, made more accessible for the elderly and for people with disabilities;

ii. that the law on the number of voters per polling station be re-examined and consideration be given to fixing a threshold of 1 500 voters per polling station;

5. Invites the Committee of Ministers to take note of the present recommendation and its explanatory memorandum, and to transmit it to the relevant bodies of the inter-governmental sector, the Venice Commission, the Directorate of Co-operation for Local and Regional Democracy, the Directorate of Political Affairs and the Commissioner for Human Rights;

6. 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. Renews its readiness to 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, including in the Autonomous

Territorial Unit of Gagauzia, in conformity with Moldovan commitments in respect of international electoral standards and of the European Charter of Local Self-Government. The Congress therefore wishes to invite the authorities of Moldova to inform the Congress Bureau of the status of implementation of Recommendation 179 (2005) on local democracy in Moldova, and of the present recommendation.

1. Debated and adopted by the Standing Committee of the Congress on 28 March 2007 (see Document CG(13)43, draft recommendation presented by S. Bolam (United Kingdom, R, EPP/CD) and P. Rondelli (San Marino, R, SOC), rapporteurs).
2. 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.