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*Plenary sitting*

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**B8-0328/2018**

3.7.2018

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the political crisis in Moldova following the invalidation of the mayoral elections in Chisinau  
(2018/2783(RSP))

**Rebecca Harms, Heidi Hautala, Barbara Lochbihler**  
on behalf of the Verts/ALE Group

**European Parliament resolution on the political crisis in Moldova following the invalidation of the mayoral elections in Chisinau (2018/2783(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Moldova, in particular its resolution of 21 January 2016 on Association Agreements / Deep and Comprehensive Free Trade Areas with Georgia, Moldova and Ukraine<sup>1</sup>,
  - having regard to the Association Implementation Report on the Republic of Moldova of 3 April 2018,
  - having regard to its legislative resolution of 4 July 2017 on the proposal for a decision of the European Parliament and of the Council providing macro-financial assistance to the Republic of Moldova,
  - having regard to the Joint Statement by the European Parliament, the Council and the Commission laying down political pre-conditions for granting macro-financial assistance to the Republic of Moldova annexed to the legislative resolution of 4 July 2017,
  - having regard to the statement by the HR/VP for CFSP Mogherini and Commissioner Hahn of 20 June 2018 and 27 June 2018 on the invalidation of the election of the mayoral elections in Chisinau,
  - having regard to the statements by the European Parliament Foreign Affairs Committee Chair, its Rapporteur and the Euronest co-Chair of 21 June 2018,
  - having regard to article 1 of the Association Agreement between the European Union and the Republic of Moldova, which states that “respect for democratic principles, human rights and fundamental freedoms...shall form the basis of the domestic and external policies of the parties and constitutes an essential element of this Agreement”,
  - having regard to Rule 135 of its Rules of Procedure,
- A. whereas Andrei Nastase won the early mayor elections in Chisinau, after a two round contest on 20 May and 3 June, receiving 52.7% of support defeating Ion Ceban, who received 47.43 % of votes,
- B. whereas on 19 June 2018 a Chisinau Court voided the results of the second round of the mayoral elections, on the grounds that both candidates had addressed voters on social media on election day, after the legal end of campaigning; whereas none of the competitors in the electoral process asked for the annulation of the elections,

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<sup>1</sup> Texts adopted, P8\_TA(2016)0018.

- C. whereas on 21 June an appeals court in Chisinau upheld the decision of the court of lower instance, concluding that social-media communications with voters illegally affected the outcome of the elections,
- D. whereas on 25 June the Supreme Court of Moldova upheld the decisions of the courts of lower instances to invalidate the results of the elections of the Mayor of Chisinau,
- E. whereas on 29 June Moldova's Central Electoral Commission confirmed the Supreme Court's decision to invalidate the mayoral elections in the capital,
- F. whereas national and international observers of the mayor elections in Chisinau recognised the results and the competitive character of the race,
- G. whereas thousands of people took to the streets protesting the decision of the courts in Chisinau,
- H. whereas the international community, including the European Union and the US Department of State have criticised the decision, underlining that the will of the voters needs to be respected,
- I. whereas the invalidation of the mayoral elections in Chisinau raises serious doubts about the independence and impartiality of Moldova's judicial system, runs counter to the democratic will of the citizens of Chisinau and puts at risk the credibility of the electoral process leading to the general elections scheduled for next Autumn,
- J. whereas the Parliament of the Republic of Moldova, contrary to negative recommendations by the Venice Commission, adopted a controversial electoral reform in July 2017 that raised concern about the risks of undue influence on candidates, the design of single-mandate constituencies, excessive thresholds for parliamentary representation in the proportional component and the risk of inadequate representation of minorities and women; whereas this reform was strongly criticised by some minority parties and many NGOs,
- K. whereas according to the UN Special Rapporteur on the Situation of Human Rights Defenders Michael Forst in Moldova human rights defenders and journalists are victims of stigmatization campaigns, lawyers face politically motivated criminal charges or are threatened whenever they defend people with dissenting voices, and journalists' access to information is restricted,
  - 1. Expresses serious concern as regards the decision, on dubious grounds and in a non-transparent way, to invalidate the results of the election for Mayor of Chisinau by the Courts of Moldova;
  - 2. Stresses that elections are the cornerstone of any democratic system and that maintaining the impartiality and independence of the judiciary from any kind of political influence is the bedrock of trust in the political system of the country,
  - 3. Remind Moldova's commitment and obligation, as EU-associated country, to adhere to and respect the core values upon which the EU was founded;

4. Expresses its sympathy and solidarity with the people protesting in the streets of Chisinau, demanding the Moldovan authorities to ensure that the results of the Chisinau mayoral elections are respected as recognised also by national and international observers;
5. Expresses grave concern about the deterioration of democratic standards in Moldova, takes the view that the decision of the courts, which already have been many times criticised as being politically influenced and driven, is an example of state capture that questions the credibility of the institutions in Moldova;
6. Considers that following the decision to invalidate the results of the second round of the mayoral elections in Chisinau the political conditions for the disbursement of Macro-Financial Assistance have not been met, reminding that a “pre-condition for granting macro-financial assistance is that the beneficiary country respects effective democratic mechanisms, including a multi-party parliamentary system and the rule of law and guarantees respect of human rights”;
7. Calls therefore on the European Commission to suspend any foreseen disbursements of Macro-Financial Assistance to Moldova; believes that any decision on future disbursements should only take place after the planned parliamentary elections and on the condition that these elections are conducted in line with internationally recognised standards as assessed by specialised international bodies; reiterates in this regard its readiness to take part in the expected International Election Observation Mission for this election,;
8. Regrets the decision of the Parliament of the Republic of Moldova to change the electoral law despite the recommendation made by the Venice Commission; expresses its concern at the fact that the new legislation might have further detrimental effects on democratic standards in the Republic of Moldova,
9. Calls on the Moldovan authorities to respect international principles and best practices and guarantee an enabling environment for civil society; expresses concern, in particular, over proposals to include in the current draft NGO legislation that is being discussed in the Moldovan parliament provisions that might curb foreign funding for Moldovan NGOs;
10. Reiterates its concerns about the deterioration of the rule of law, democratic standards, respect for human rights, the lack of independence of the judiciary, the excessive politicisation of state institutions, systemic corruption and media pluralism;
11. Calls on the Moldovan Parliament to consult the civil society and independent media before the final adoption of the new Audiovisual Code, and to reject its “dual destination reform”, as the law appears to fight Russian disinformation but in reality it would eliminate the Moldovan independent, local and opposition media which have insufficient resources to implement the new Code’s requirements regarding obligatory local content;
12. Deplores the slow pace of the investigation concerning the huge bank fraud of 2014; believes this is a key case the solution of which is indispensable to rebuild the trust of the Moldovan citizens in the institutions and restore the credibility of the Moldovan

authorities;

13. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Council of Europe, and the President, Government and Parliament of Moldova.