



TEXTS ADOPTED

P8_TA(2018)0303

The political crisis in Moldova following the invalidation of the mayoral elections in Chişinău

European Parliament resolution of 5 July 2018 on the political crisis in Moldova following the invalidation of the mayoral elections in Chişinău (2018/2783(RSP))

The European Parliament,

- having regard to its previous resolutions on Moldova, and in particular that of 21 January 2016 on Association Agreements / Deep and Comprehensive Free Trade Areas with Georgia, Moldova and Ukraine¹ (AA/DCFTA),
- 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 Moldova²,
- having regard to the Joint Statement by the European Parliament, the Council and the Commission laying down political preconditions for granting macro-financial assistance to the Republic of Moldova annexed to the legislative resolution of 4 July 2017,
- having regard to the vote of the Parliament of the Republic of Moldova of 20 July 2017 adopting changes to the electoral system,
- having regard to the OSCE/ODIHR and Venice Commission recommendations of 19 July 2017,
- having regard to the statements of 21 June 2018 by the chair of the European Parliament's Committee on Foreign Affairs, its rapporteur on Moldova and the Euronest Co-Chair, as well as the statements by the European External Action Service of 20 June 2018 and 27 June 2018 on the validation of the election of the Mayor of Chişinău,
- having regard to Article 2 of the Association Agreement between the European Union and the Republic of Moldova, which states that 'respect for ... democratic principles,

¹ OJ C 11, 12.1.2018, p. 82.

² Texts adopted, P8_TA(2017)0283.

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 Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Andrei Năstase won the early mayoral elections in Chişinău, after a two-round contest on 20 May and 3 June 2018, receiving 52,57 % of the vote and defeating Ion Ceban, who obtained 47,43 %;
- B. whereas the international observers of the mayoral elections in Chişinău recognised the results and the competitive nature of the contest;
- C. whereas on 19 June 2018 a Chişinău court voided the results 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 contenders in the electoral process asked for the annulment of the elections;
- D. whereas on 21 June 2018 an appeal court in Chişinău upheld the decision of the lower court, concluding that social media communications with voters had illegally affected the outcome of the elections;
- E. whereas on 25 June 2018 the Supreme Court of Moldova upheld the decisions of the lower courts to invalidate the results of the mayoral elections in Chişinău;
- F. whereas on 29 June 2018 Moldova’s Central Election Commission confirmed the Supreme Court’s decision to invalidate the mayoral elections in Chişinău;
- G. whereas the ‘get out the vote’ invitation, which the courts considered as amounting to pressure and undue influence on voters, has been a common practice in previous elections in Moldova and had never led to their cancellation;
- H. whereas this development risks derailing the country’s adherence to European values and principles and further undermines the already weak trust of Moldovan citizens in the state institutions; whereas Moldovan political parties have declared that this sets a dangerous precedent for future elections and thousands of people have been protesting against the decision of the courts in Chişinău;
- I. whereas the international community, including the European Union and the US Department of State, has criticised the decision, underlining that the will of the voters needs to be respected;
- J. whereas the EU and Moldova have undertaken the joint commitment to advance their political association and economic integration, a process that implies the adoption and implementation of structural and other substantial reforms by the country in line with the provisions of the AA/DCFTA and the Association Agenda, and also entails a commitment by Moldova to safeguard European values, including respect for human values and freedoms, democracy, equality and the rule of law;
- K. whereas the invalidation of the elections is a disturbing and significant sign of the continuing deterioration of the application of democratic standards in Moldova, particularly recalling that an independent and transparent judiciary is a key pillar of democracy and the rule of law; whereas this invalidation demonstrates the increasing

proclivity towards authoritarian and arbitrary rule and the significant decrease of trust of the people in their authorities and institutions;

- L. whereas the Parliament of the Republic of Moldova, contrary to the negative recommendations of the OSCE/ODIHR and the Venice Commission, adopted a controversial change in the electoral law in July 2017, which raised concern over the risk of undue influence on candidates, the of single-member constituencies, excessive thresholds for parliamentary representation in the proportional component and the risk of inadequate representation of minorities and women; whereas the Venice Commission also underlined that the existing polarisation around this legislative initiative was not a sign of meaningful consultation and broad consensus among key stakeholders;
- M. whereas according to the UN Special Rapporteur on the Situation of Human Rights Defenders, in Moldova human rights defenders and journalists are victims of stigmatisation campaigns and face politically motivated criminal charges or are threatened whenever they defend people with dissenting voices, while journalists' access to information is restricted;
- N. whereas in October 2017, due to insufficient progress in reforming the judiciary in Moldova and the country's failure to fulfil EU conditions, the EU took the decision to withhold a payment of EUR 28 million within the EU justice reform programme;
 - 1. Expresses its deep concern at the decision to invalidate the results of the elections for Mayor of Chişinău by the Supreme Court of Moldova, taken on dubious grounds and in a non-transparent way, which has significantly undermined the integrity of the electoral process;
 - 2. Recalls that credible, transparent, fair and inclusive elections are the cornerstone of any democratic system, maintaining the impartiality and independence of the judiciary against any kind of political influence, as well as being the bedrock of trust in the political system of the country, and that political interference in the judiciary and in the conduct of elections is contrary to the European standards to which Moldova has subscribed, notably as part of the EU-Moldova Association Agreement;
 - 3. Expresses strong solidarity with, and shares the demands of, the thousands of people protesting in the streets of Chişinău and demanding that the Moldovan authorities take appropriate measures to ensure that the results of the Chişinău mayoral elections, as also recognised by national and international observers and reflecting the will of the voters, are respected; calls on the authorities to guarantee the right to peaceful protest;
 - 4. Urges the Moldovan authorities to guarantee the functioning of democratic mechanisms, insists that both the executive and the judicial branch of power mutually respect the separation of powers, fully endorse democratic principles and obey the rule of law;
 - 5. Expresses its grave concern over the further deterioration of democratic standards in Moldova; recognises that the decision of the courts, which have already been cited many times as politically influenced and driven, is an example of state capture and reveals a very deep crisis of the institutions in Moldova; regrets that, despite numerous calls by the international community, the authorities continue to undermine the trust of the people in the fairness and impartiality of state institutions;

6. Considers that following the decision to invalidate the mayoral elections in Chişinău, the political conditions for the disbursement of macro-financial assistance (MFA) have not been met, recalling that a ‘pre-condition for granting MFA 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. Urges the Commission to suspend any foreseen disbursements of MFA to Moldova; believes that any decision on future disbursements should only take place after the planned parliamentary elections and on condition that they are conducted in line with internationally recognised standards and assessed by specialised international bodies, and that the MFA conditions have been met;
8. Demands that the Commission suspend budgetary support for Moldova, using the precedent of July 2015 when such suspension took place in the aftermath of the banking crisis; considers that the mechanism for suspension of EU budgetary support should be adopted as a reaction to the invalidation of the mayoral elections in Chişinău, and that it should include a list of conditions to be implemented by the Moldovan authorities, which should include the validation of the elections in Chişinău and concrete results-oriented and exhaustively transparent investigations, as well as asset recovery and the prosecution of perpetrators, in the case of banking fraud;
9. Calls on the Moldovan authorities to address the recommendations of the OSCE/ODIHR and the Venice Commission on electoral reform;
10. Reiterates its concerns over the concentration of economic and political power in the hands of a narrow group of people, the deterioration of the rule of law, of democratic standards, and of respect for human rights, the excessive politicisation of state institutions, systemic corruption, insufficient investigation of the 2014 banking fraud, and limited media pluralism; expresses its concern at the lack of independence of the judiciary, and particularly the cases of selective justice being used as a tool to exert pressure on political opponents; calls on the Moldovan authorities to reform the judicial system, including nominating new judges, so as to prevent the judiciary from intervening in the electoral and political process or in any other way undermining the democratically expressed will of the people of Moldova;
11. Is concerned that political opponents and their lawyers are being persecuted by the Moldovan authorities through fabricated accusations and criminal proceedings, and warns that in doing so the authorities are violating the rule of law and the rights of political opponents and lawyers;
12. Regrets the fact that following the 2014 banking fraud, during which a total of around USD 1 billion was stolen from the Moldovan financial system, the authorities made very little progress in conducting a thorough and impartial investigation into the matter; urges that determined efforts be undertaken with a view to recovering the stolen funds and bringing those responsible to justice, irrespective of their political affiliation; believes that this is indispensable to rebuild the trust of Moldovan citizens in the institutions and restore the credibility of the authorities;
13. Calls on the Moldovan authorities to respect international principles and best practices and guarantee an enabling environment for civil society; expresses its concern, in particular, at the inclusion in the current draft legislation on NGOs, now being discussed

in parliament, of provisions that might curb foreign funding for Moldovan NGOs;

14. Calls on the Moldovan Parliament to consult civil society and independent media before the final adoption of the new Audiovisual Code, and to reject its ‘dual destination reform’; expresses its concern as to whether independent, local and opposition media in Moldova, which among other things lack sufficient resources, will be able to implement the new Code’s requirements regarding obligatory local content;
15. Calls on the EEAS and the Commission to closely monitor developments in all these areas and to keep Parliament duly informed;
16. 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 (VP/HR), the European External Action Service, the Council, the Commission and the Member States, the President, Prime Minister and President of Parliament of the Republic of Moldova, the OSCE/ODIHR and the Venice Commission.