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## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for the 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**

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on behalf of the EPP Group

## **European Parliament resolution on the political crisis in Moldova following the invalidation of the mayoral elections in Chisinau**

*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 vote of the Parliament of the Republic of Moldova of 20 July 2017 implementing changes to the electoral system,
  - having regard to the statements by the European Parliament Foreign Affairs Committee Chair, its Rapporteur on Moldova and the Euronest Co-Chair of 21 June 2018 as well as the statement by the European External Action Service of 20 June 2018 and 27 June 2018 on the validation of the election of the Mayor of Chisinau,
  - 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 the international observers of the mayor elections in Chisinau recognised the results and the competitive character of the race;
- C. 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 annulment of the elections;

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

- D. 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;
  - E. 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;
  - F. Whereas thousands of people have been protesting the decision of the courts in Chisinau;
  - G. 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;
  - H. Whereas the invalidation is an important sign of the continuing deterioration of application of democratic standards in Moldova, demonstrates the increasing proclivity towards authoritarian and arbitrary rule and significant decrease of trust of the people in their authorities and institutions;
  - I. Whereas the Parliament of the Republic of Moldova, contrary to negative recommendations by the Venice Commission, adopted a controversial change of electoral law in July 2017, which 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 it underlined moreover that the existing polarisation around this legislative initiative was not a sign of meaningful consultation and broad consensus among key stake holders;
1. Strongly condemns the decision, to invalidate the results of the election for Mayor of Chisinau by the Supreme Court of Moldova on dubious grounds and in a non-transparent way, which has significantly undermined the integrity of the electoral process;
  2. Reiterates that the "get out the vote" campaign, which the courts considered as amounting to pressure and undue influence on voters, has been a standard practise in previous elections in Moldova and never led to their cancellation;
  3. Reminds that elections are the cornerstone of any democratic system, 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 and that political interference in the judiciary and in the conduct of elections in contrary to European standards to which Moldova has subscribed, notably as part of the EU - Moldova Association Agreement;
  4. Expresses strong solidarity with thousands of people protesting in the streets of Chisinau, demanding the Moldovan authorities to take appropriate measures to ensure that the results of the Chisinau mayoral elections, as recognised also by national and international observers and reflecting the will of the voters, are respected;
  5. Expresses grave concern about further deterioration of democratic standards in Moldova, recognises that the decision of the courts, which already have been many times cited as politically influenced and driven, is an example of state capture and a very deep crisis of institutions in Moldova; regrets that, despite numerous calls of 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 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. Expects 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 they are conducted in line with internationally recognised standards and assessed by specialised international bodies;
8. Demands for the European Commission to suspend the budgetary support, using the precedent of July 2015, when the budgetary support was suspended in the aftermath of the banking crisis; considers that the mechanism for suspension of the EU’s budgetary support to Moldova should be adopted by the EU Council as a reaction against the invalidation of the elections; underlines that the new mechanism of suspension should include a list of conditions to be implemented by Moldovan authorities having among top priorities the validation of the elections in Chisinau, the cancellation of the mixed voting and the concrete result-oriented and exhaustively transparent investigation, assets recovery and prosecution of perpetrators in the case of banking fraud;
9. Reiterates its regret as regards regarding the decision of the Parliament of the Republic of Moldova to change the electoral law despite the strong recommendation made by the Venice Commission and concerns that the new legislation might have further detrimental effects on democratic standards in the Republic of Moldova;
10. Reiterates its concerns about the deterioration of the rule of law, of democratic standards, and of respect for human rights, the lack of independence of the judiciary, particularly cases of selective justice being used as a tool to exert pressure on political opponents, the excessive politicisation of state institutions, systemic corruption, insufficient investigation of the 2014 banking fraud and limited media pluralism;
11. Instructs its President 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, as well as the President, Prime Minister and Speaker of the Republic of Moldova.