

**34th Session – Strasbourg, France, 27-28 March 2018**

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*Check against delivery*

### **Report “ Fact-finding mission on the situation of local elected representatives in the Republic of Moldova”**

**Strasbourg, France, 27 March 2018**

Dear colleagues,

As my co-rapporteur Marc COOLS just reminded you, our work which we present to you today derives from the resolution which Congress members adopted at the last session in October and which entrusted the Monitoring Committee to carry out fact-finding visits to the Republic of Moldova in order to clarify the situation of local elected representatives in that country.

This was decided not only because of the situation of our colleague, Dorin Chirtoaca, who was suspended from his function, and who recently resigned from his position, but also because the Monitoring Committee of the Congress has received recurrent complaints and testimonies from local elected representatives. They have complained about judicial harassment, threats and the fact they are unable to manage freely their municipalities.

As my colleague Marc COOLS has just stressed, the situation in Moldova is indeed extremely worrying. We listened to Moldovan mayors and local councillors who described their difficulties to manage their municipalities always with that risk of being arrested on the ground of suspicion of corruption, without precise charges....some situations described by them were just unbelievable to say the least....

Apart from the violations highlighted by Marc Cools and which you will find details in our report, the report also questions the strange combination of the invalidity of imperative mandate at local level (which can be found in the law) and the possibility to organise local recall referenda. We question in particular the conformity of such referenda to international standards. This is also why we asked for an opinion from the Venice Commission which I hope we will soon receive. As rapporteur I personally believe that local recall referenda are contrary to the spirit of our modern democracies. Regular local elections should be the

political moment for citizens to express their satisfaction or disagreement with an elected representative or a candidate.

I must say the report and draft recommendation approved at the last meeting of the Monitoring Committee in February highlight very worrying situations. Among others, they remind us of several violations of the European Charter of Local Self-Government which I already quoted in my previous report adopted in October, in particular the strong supervision – in fact, interference - of national authorities in local public affairs, and the inability of local elected representatives to manage freely their affairs. The draft recommendation calls on national authorities to review the current legislation (and notably the electoral code), as regard the procedure of suspension of local elected representatives as well as local recall referenda in order to provide a more reliable legislative framework which shall be in conformity with the Council of Europe standards. We also recommend finding a good equilibrium between local public interest and the fight against corruption. This is a crucial point in my view as the anti-corruption measures cannot serve in any way as a systematic ground for what we would call “massive “ arrests. The dialogue between the national association and the government is also an issue that still deserves to be clarified. The monitoring process can help in this respect. Meanwhile we recommend resuming this very necessary dialogue.

In a nutshell, I must say that today, I am sad to see how democracy in Moldova was deteriorated so quickly since the last monitoring report, which was adopted in 2012, and welcomed progress in the field of local democracy.

I hope that we will manage to re-establish a fruitful cooperation towards a better level of local democracy and on the basis of a climate of trust between national and local elected representatives.

I call on you to adopt the draft recommendation and we are ready, with my co-rapporteur, to answer your questions.

Thank you for your attention