

36th Session of the Congress of Local and Regional Authorities (2-4 April 2019)

## Speaking notes for Gunn Marit HELGESEN, Norway (R, EPP/CCE)

### Local and regional democracy in the Republic of Moldova

*Check against delivery - Seul le prononcé fait foi*

Dear members,

I am pleased to present to you today a draft recommendation on local and regional democracy in the Republic of Moldova.

My colleague Marc COOLS and I paid a monitoring visit to Moldova from 12 to 15 June 2018.

We met the usual interlocutors for a monitoring visit, and I must say that our exchanges were very fruitful.

I would like to thank everyone, whom we met, and also the Permanent Representation of Moldova to the Council of Europe for their valuable assistance in the organisation of the visit.

The Republic of Moldova ratified the Charter in its entirety on 2 October 1997.

Two monitoring visits have been conducted in Moldova and resulted in two Recommendations (one in 2005), and the second one - in 2011- led to a rather positive report. They praised the progress made in the Republic of Moldova and the government's efforts in response to all of the Council of Europe recommendations.

However, since 2012, the overall situation of local democracy in the Republic of Moldova has unfortunately become an almost recurrent point of attention for the Congress. It has received many complaints from the National Congress of Local Authorities of Moldova (CALM), as well as from mayors or councillors in Moldova.

In 2016 a post-monitoring Roadmap was signed between Moldova and the Congress aimed at assisting Moldova to overcome the existing problems in the area of local and regional self-government and put Congress monitoring recommendations to practice.

As you also remember, two fact-finding visits were conducted in Moldova, in August 2017 and in December 2017 following the Congress Bureau's decisions. My co-rapporteur and I went to Chişinău to learn first-hand about the situation of Dorin Chirtoacă, the then Vice-President of the Congress and Mayor of Chişinău who had been suspended from office and placed under home arrest in May 2017, as a consequence of a criminal investigation opened against him. Just to remind you, the conditions of the suspension of the mayor appeared problematic in the light of the Charter.

Following those fact-finding visits, the Congress adopted two reports, in October 2017 and in March 2018.

In both reports, the Congress expressed concerns that the way the local recall referendum was carried out, targeting the Mayor of Chişinău, caused the dysfunction of local governance in the capital city and more broadly affected the functioning of local democracy. It also acknowledged that the situation of local democracy had substantially deteriorated in Moldova since 2012.

As rapporteurs we were particularly worried about the lack of a clear legal basis for the suspension of a local elected official. We were alarmed by the fact that anti-corruption fight had been used as a ground for a large number of criminal prosecutions against local officials. And we also noted inadequate consultation with the CALM on matters that concern local self-government.

This year's monitoring visit re-confirmed our previous findings on the situation of local democracy in Moldova and added new matters of concern.

In our view, the recommendations contained in the roadmap which was signed with Moldovan authorities in 2016 remain all valid.

We have concluded that several provisions of the Charter have been violated, in particular as regard the conditions of office of local elected representatives (very low salaries, for instance), supervision of local authorities by national level and low financial capacities of local self-government- to cite the most serious concerns.

Moreover, we have observed that many Moldovan mayors and city councillors have had to switch their political affiliation towards the governing party if they wanted to continue fulfilling their mandates without being put under constant pressure.

Finally, during the monitoring visit, on 14 June, we held a very good meeting with new mayor of Chisinau, elected on 3 June. To our great surprise, on 20 June the mayoral elections were invalidated and the invalidation decision was later upheld by the Supreme Court of Moldova.

You remember that at its last meeting the Monitoring Committee adopted a Declaration on this issue. We condemned this invalidation decision "as a direct threat to the proper functioning of Moldovan local democracy and an unprecedented step by the judiciary to intervene in the democratic process".

Thank you for your attention.