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Electoral Assessment Mission to the Republic of Moldova – 20 May 2018 early local elections in 7 localities including Chisinau and Balti

Strasbourg, France, 8 November 2018

Dear colleagues,

You may be aware that the Congress paid a lot of attention to the current challenges for territorial democracy in the Republic of Moldova and it devoted considerable resources to activities that are intended to improve processes - be it in the context of local self-government or elections. I myself have participated in a number of fact-finding missions since the summer of 2017 – not least in connection with the suspension of former Mayor of Chisinau and Congress Vice-President Dorin CHIRTOACA and a recall referendum that was organised against him in November 2017, following different charges on abuse of power.

Let me mention at this point that, to date, there has been no court ruling on the culpable conduct of the former mayor of Chisinau. This does not cast a good light on the investigating authorities and the judiciary. Only yesterday, the Local Chamber of Congress held a debate on the subject of "Mayors under pressure". - I think Congress must continue to engage here, because the pressure that elected representatives are exposed to in some member countries of the Council of Europe is, indeed, worrying for the democratic security in our municipalities and regions.

The regular assessment by the Congress of the implementation of the Charter of Local Self-Government is a heart rate monitor regarding the state of health of territorial democracy in a given country. Most recently, in June, together with my Co-Rapporteur Marc COOLS, I carried out such a monitoring visit to the Republic of Moldova. Given the complexity of the situation there, the according report will be dealt with at the next Monitoring Committee meeting in February 2019, when there will be more time for an in-depth discussion.

But let me come back to the latest local elections held in Moldova before the summer. The fact that in a total of seven localities - including the two largest cities Chisinau and Balti - no Mayors were in office due to resignations, dismissals or deceases, made it necessary to call elections for 20 May 2018.

In view of the generally tense situation of local democracy and reports that Mayors and Councillors had been pressurised to make them change their party affiliation and switch to the side of the ruling party, the Congress decided to accept the invitation to observe this voting. Supported by my colleagues Lelia HUNZIKER from Switzerland, Rosaleen O'GRADY from Ireland and Jos WIENEN from the Netherlands, it has been my pleasure to lead this Electoral Assessment Mission composed of eight members, in total.

In general, the campaign atmosphere was described as tense by most interlocutors. Given the fact that voters in the two major cities were called to cast their ballot, this vote was seen as a test for the Parliamentary elections which will be held in February next year. We are talking about some 750.000 voters that is roughly one third of the total electorate of the Republic of Moldova.

We can say that, technically speaking, the elections were well prepared and administered by an overall experienced electoral staff at the level of the polling stations. The counting observed was efficient and, with the exception of tensions observed by us in some localities outside Chisinau and isolated inconsistencies, mainly regarding the sealing of the ballot boxes, the Election Day can be described as orderly and calm.

Apart from reports about pressure exerted on local elected representatives using investigations, court proceedings and business influence, as I said, mainly to make Mayors and Councillors change their party affiliation, our Delegation was informed of cases of misuse of administrative resources and a general lack of level playing field for all candidates. This includes also the access to the media for independent candidates or candidates not running for the two major political players - the Party of the Socialists of the Republic of Moldova and the Democratic Party of Moldova.

This was substantiated by the description of cases where advertising agencies, under pressure from the parties in power, refused to put up billboards for opposition candidates; or of pressure exerted on employees of State-run enterprises to support certain candidates.

Based on these findings, the recommendations contained in the present Information Report are not entirely new compared to the last election observation mission carried out by the Congress in 2015:

And we recommend the following:

- to clarify the distinction between 'domicile' and 'temporary residence' and the right to vote in local elections of voters residing *de facto* abroad, in order to improve the accuracy of voters' lists and to ensure the fair representation of local communities in local elections;
- we think that the absence of a residence requirement to run for the position of Mayor should be revised in order to ensure the fair representation of local populations;
- and we believe that the use of video equipment in polling stations should be better regulated in order to avoid intimidation of voters, notably by party proxies who are allowed as electoral observers.

However, our most important recommendation concerns the basic attitude towards free, fair and democratic elections as such:

The decision taken on 19 June 2018 by the Chisinau Court to invalidate the results of the second round of local elections in Chisinau (and this decision was upheld by both the Chisinau Court of Appeals and the Supreme Court) raised many questions regarding the proportionality and transparency of courts' decisions in the Republic of Moldova. The cancellation of the result of the 2nd round of mayoral elections held on 3 June 2018 in Chisinau – which had brought victory to Andrei NASTASE, the candidate supported by the Platform “Dignity and Truth” over the candidate of the Socialist Party Ion CEBAN – astonished us, to say the least.

And what's more, this annulment of the election result contributed to further uncertainty and frustration among the population and to the already existing lack of trust in the State institutions.

This being said, we can only appeal to the sense of responsibility of political decision-makers in Moldova to do everything in their power to make the next regular local elections scheduled for spring 2019 fair, transparent and democratic. Above all, the citizens of the capital city Chisinau have a right to a democratically legitimised Mayor instead of the untenable succession of acting executives in the City Hall.

As Congress we stand ready - if invited - to make our contribution as electoral observers, as we have done in the past years.

I thank you for your attention!