

PUBLIC CALL Promo-LEX Association calls on the Parliament of the Republic of Moldova to fully address the electoral recommendations of the Constitutional Court

To: The Parliament of the Republic of Moldova
Committee on legal affairs, appointments and immunities
Copy: The Central Electoral Commission

On 10 March 2022, the Parliament approved, in the first reading, the Draft Law No 390 of 13.12.2021 amending some regulatory acts, which provides for the execution of some addresses and decisions adopted by the Constitutional Court between 2011 and 2021. The draft law was developed as result of the Constitutional Court's request for information on the extent to which its decisions and addresses are implemented.

Promo-LEX Association appreciates and supports the efforts of the Parliament of the Republic of Moldova to address the deficient provisions or poor implementation of legislation, but unfortunately, it notes that:

- **of the total of 7 addresses in electoral matters identified by the Association as unresolved between 2011 and 2021, only one is included in the draft law.**
- **no public consultations were organised and held, including ones with the participation of civil society organisations.**

In this regard, **Promo-LEX Association** calls on the **Parliament of the Republic of Moldova** to hold public consultations and urgently address the following issues identified by the **Constitutional Court**:

- **Address No PCC-01/139e-34/1 of 13.12.2016**, which highlights the need to clarify the law on **the examination of complaints regarding the organisation and conduct of elections**, suggesting the explicit regulation of how complaints shall be reviewed for various types of elections, for two rounds of voting, including on election day.
- **Address No PCC-01/139e-34/2 of 13.12.2016**, whereby the Constitutional Court deems it necessary for the Parliament to **include additional criteria for establishing the number of polling stations abroad** and their geographical distribution.
- **Address No PCC-01/139e-34/5 of 13.12.2016**, which reveals the need for the Parliament to regulate urgently some **prompt and immediate sanctioning mechanisms**, including criminal sanctions, for any **attempt to involve religious cults** in election campaigns.
- **Address No PCC-01/139e-34/6 of 13.12.2016**, which highlights the need for the Parliament to amend the legislation on **broadcasters' liability during election campaigns** and to establish efficient tools, which would allow applying immediately enforceable and dissuasive sanctions, such as the suspension of broadcasting rights during the campaign.
- **Address No PCC-01/40a-24 of 27.07.2017**, which stated that in order to exclude contradictory interpretations of the **competence of the Parliament to declare a referendum**, the legislator shall align the term for declaring a referendum on the dismissal of the President of the Republic of Moldova with the term for declaring a referendum;
- **Address No PCC-01/130a/461 of 08.10.2020** which

highlights the need for the Parliament to provide for some **mechanisms of control and rapid sanctioning, in order to prevent and address hate speech among electoral contenders**, including the one happening **online and on social media**.

In conclusion, **we emphasise** that the need for resolve the addresses in electoral matters is even more urgent in the context of the upcoming general local elections to be organised and held in 2023. We would like to remind that the legislation should be amended in time before the election to ensure that the principle of electoral law stability is respected.

Thus, for the second reading, **we call on** the Parliament of the Republic of Moldova to examine and propose solutions for the above-mentioned addresses of the Constitutional Court. Otherwise, the Parliament could address the recommendations of the High Court during the review of the electoral law initiated by the Central Electoral Commission.