

PUBLIC APPEAL
on the transparency of the activity of the National Commission for the Establishment of
Permanent Uninominal Constituencies

4 October 2017

Civil society organizations from the country and abroad are concerned about the lack of transparency of the activity of the National Commission for the Establishment of Permanent Uninominal Constituencies. Given that there are suspicions of political interference on this Commission, its activity has to be as transparent as possible to ensure permanent access to the information about adopted decisions, as well as open and impartial public consultation of the draft decision on the establishment of uninominal constituencies.

On 20 July 2017, the Parliament of the Republic of Moldova approved Law no. 154 on the switch from the proportional electoral system to a mixed system, despite the lack of a social and political consensus and contrary to the recommendations of the Venice Commission.¹ The law stipulated, among others, the creation of an independent Commission for establishing permanent uninominal constituencies (hereinafter "the Commission") within 30 days from the entry into force of the law. On 6 September 2017, with a delay of more than two weeks, the Government created the Commission.

Previously, on 23 August 2017, the Government approved the Commission's Regulation, although the Electoral Code provided that the Commission would act on its own regulation approved by the Government. This was criticized by several civil society organizations in Moldova because it is a direct interference with the Commission's work and violates its independence.² The risk of political influence in the process of creating uninominal constituencies was also underlined by the Venice Commission in its opinion on the amendment of the electoral system in the Republic of Moldova in June 2017.³

According to the Commission's Action Plan,⁴ it will hold 6 meetings and subsequently on 24 October 2017 it will approve the decision on the establishment of uninominal constituencies to be submitted to the Government. Out of the 6 meetings envisaged, 3 have already taken place. So far, no minutes of the meetings have been published on the website of the State Chancellery, which according to point 14 of the Commission's Regulation, is the institution that provides its

¹ Venice Commission, OSCE/ODIHR, Opinion on the electoral system for the election of the Parliament, CDL-AD(2017)012, 19 June 2017, [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)012-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)012-e).

² Promo-LEX, Legal Resources Centre from Moldova, Declaration: The implementation of the mixed electoral system starts late, in violation of the law and undermines the independence of the Commission for the constitution of uninominal constituencies (Romanian only), 21 August 2017, <https://promolex.md/10189-opinia-asociatiei-promo-lex-cu-referire-la-proiectul-regulamentului-initiat-de-ministerul-justitiei-privind-activitatea-comisiei-de-delimitare-a-circumscripțiilor-uninominal/>.

³ Venice Commission, OSCE/ODIHR, Opinion on the electoral system for the election of the Parliament, CDL-AD(2017)012, 19 June 2017, page 5, p. 14.

⁴ http://brd.gov.md/sites/default/files/planul_de_actiuni_calendaristic.pdf.

Secretariat. Moreover, the information on discussions about the meetings and decisions adopted by the Commission is not available for the interested public.

According to Law no. 239 on transparency in the decision-making process of 13 November 2008 and Government Decision no. 967 on the public consultation mechanism with civil society in the decision-making process of 9 August 2016, the public authorities are obliged to ensure the transparency of the decision-making process at all stages, to ensure the access to information and to ensure the public consultation on the draft decisions.

In view of the above, namely the context in which the electoral system was changed and in which the Commission was created, the way in which the Commission's Regulation was adopted, the Commission lacks already public confidence. This is why the transparency and professionalism requirements to the work of this Commission are even stricter. Otherwise, the suspicions that it was created for the benefit of the parties which voted for the change of the electoral system, will be confirmed.

In view of the above, as well as of the importance and impact of the decisions adopted by this Commission and the short time limits for its activity, we call on the Commission for the Establishment of Permanent Uninominal Constituencies and the State Chancellery to:

1. urgently publish the minutes of all Commission meetings and any other information relating to the Commission's work on the State Chancellery website;
2. publicly consult the draft decision on the constitution of uninominal constituencies by publishing an announcement for submission of comments on the draft decision before its adoption within a reasonable deadline;
3. publish the summary of comments and objections, as provided by the legislation on decisional transparency.

SIGNATURES:

1. Association of the Entrepreneurs with Disabilities in Moldova "European abilities without limits"
2. Association "AssoMoldave", Rome, Italy
3. Association "Baștina - Comunitatea Cetățenilor Moldoveni și nu numai", Padova, Italy
4. Association "Dacia", Venice, Italy
5. Association "Gente Moldava", Venice, Italy
6. Moldovan-Italian Volunteer Association "Renașterea", Parma, Italy
7. Association for Participatory Democracy (ADEPT)
8. Association for Efficient and Responsible Governance (AGER)
9. Promo-LEX Association
10. Cluster of pro-social Organizations "Innovations for Social Cooperation"
11. CPR-Moldova
12. Legal Resources Centre from Moldova (CRJM)
13. Center Partnership for Development (CPD)
14. Community of Bessarabians in Ireland "Moldova Vision", Dublin, Ireland
15. Institute for Public Policy (IPP)
16. Transparency International-Moldova
17. Moldovan-Greek Friendship Union "Alexandru Ipsilantis", Atena, Greece