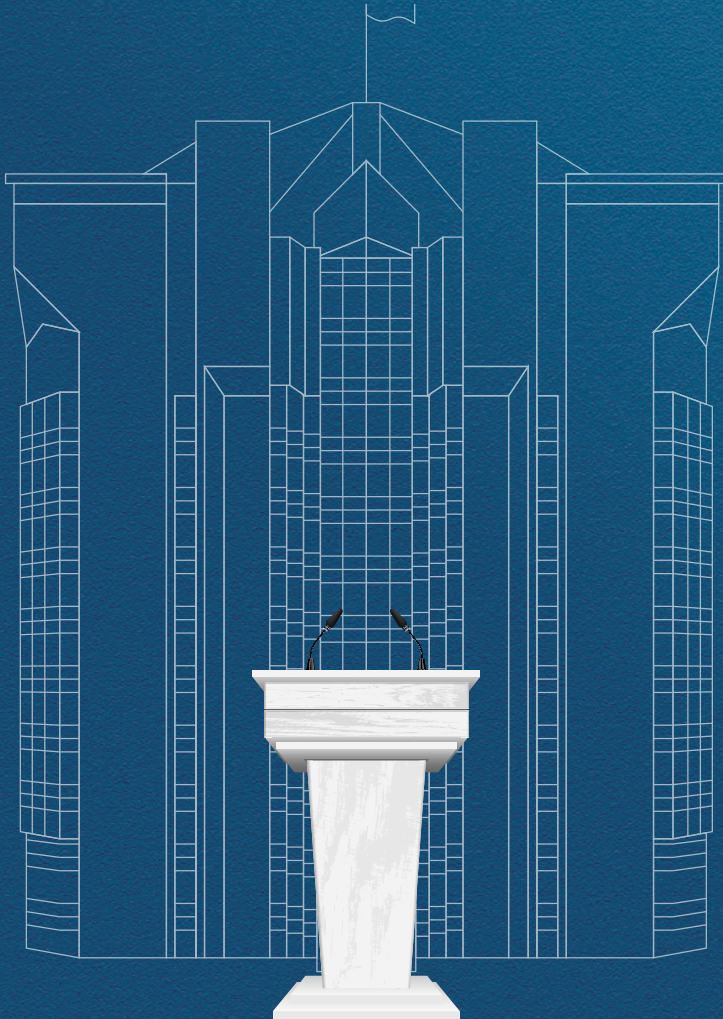


**RESEARCH
NOTE**

OCTOBER
2024

ELECTORAL PROGRAMS OF PRESIDENTIAL CANDIDATES FROM THE PERSPECTIVE OF HUMAN RIGHTS AND THE RULE OF LAW



LRCM
Rights and justice for all

TABLE OF CONTENTS

Summary	5
Methodology	7
Research Purpose	7
Research Objectives	10
Research Approach.....	10
Alexandr STOIANOGLO	10
Maia SANDU	12
Renato USATÎI	14
Vasile TARLEV.....	16
Irina VLAH	18
Ion CHICU.....	20
Andrei NĂSTASE	23
Octavian ȚÎCU	25
Victoria FURTUNĂ.....	27
Tudor ULIANOVSKI	30
Natalia MORARI	32

RESEARCH NOTE

ELECTORAL PROGRAMS OF PRESIDENTIAL CANDIDATES FROM THE PERSPECTIVE OF HUMAN RIGHTS AND THE RULE OF LAW

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Chisinau 2024

SUMMARY

The Central Electoral Commission of the Republic of Moldova registered 11 candidates for the presidential election of October 20, 2024. Each candidate presented their electoral program, some of which are detailed and well structured, while others are more superficial, consisting mainly of political statements or lists of intentions.

Only seven out of the 11 electoral programs contain express actions relevant to our analysis that we were able to quantify. For the remaining four electoral programs, we had to identify and collect this information independently. Thus, the general average of activities related to human rights and the rule of law is 33%, while the average per action is roughly 21%.

It is encouraging to see that all the candidates, as prospective heads of state, have made commitments to human rights and the rule of law, signaling a positive change in the country's electoral culture. However, our analysis revealed a concerning trend among candidates to propose unrealistic objectives. Many of their commitments exceed the actual powers of the presidential office or even contradict international principles and standards. This may be an indicative of either a superficial understanding of these critical areas or a tendency to ignore the importance of protecting and strengthening these fundamental values.

Human Rights

All analyzed electoral programs include actions that address human rights. However, the overwhelming majority, primarily focuses on social, economic, and cultural rights (social protection, education, decent living conditions, and the highest possible standards of healthcare). All candidates show a commitment to providing social protection for vulnerable groups (multi-child families, pensioners, people with disabilities, and war veterans), promising actions that align with international standards for the progressive attainment of these rights. Their promises vary from increasing and indexing pensions to raising allowances and establishing new social benefits. The main challenge, however, is the financial sustainability of these actions. Without clear solutions to identifying financing sources, these commitments risk remaining mere campaign pledges.

Civil and political rights are addressed to a lesser degree. For example, only four electoral programs include actions aimed at freedom of the media, the linguistic rights of minorities, sanctions for hate speech, the protection of children against violence and exploitation, etc.

Many promises are formulated vaguely, lacking implementation details, and requiring financial support and collaboration with Parliament and the Government – matters that exceed the president's authority. For example, without clear sources of funding, commitments to increase pensions and support vulnerable groups risk remaining nothing but campaign pledges.

Problematic measures have been identified, such as the prohibition of "LGBT propaganda" in schools and the promotion of a narrow definition of family, based exclusively on heterosexual relations. In a democratic society, human rights protection involves acknowledgment of, and respect for, the diversity of family forms, regardless of sexual orientation, family structure,

or religious beliefs. Such actions are incompatible with the principles of nondiscrimination and pluralism, risking the amplification of social tension and negatively impacting the communities affected.

In conclusion, while some electoral programs include actions related to human rights, many lack depth and specificity in their implementation strategies, relying heavily on external factors for success.

Rule of Law

All analyzed electoral programs include measures related to the principles of the rule of law. However, many of these actions are vaguely described and largely declarative, lacking concrete details or examples of how they will strengthen or support the rule of law. Without clear-cut commitments it is hard to see how this essential objective will materialize.

Additionally, we noticed the candidates' tendency to promise measures that seem to address certain "interests or wishes of the public". While these measures may seem appealing to citizens, they carry numerous risks and challenges. Notable examples include the establishment of the Anticorruption Court, the transition to a presidential republic, the introduction of the introduction of a popular vote for the election of judges and the prosecutor general, and the establishment of a national anticorruption department modeled after the Romanian National Anticorruption Department. Some candidates have also proposed adopting innovations and practices from other legal systems, such as implementing a jury-based system.

These measures, on one hand, could obstruct ongoing reforms, undermining the efforts already made to fight corruption and ensure judicial independence. On the other hand, the implementation of such actions largely exceeds the direct responsibilities of the president and requires legislative and administrative reforms that must be enacted at the Government and Parliament levels, potentially including amendments to the Constitution.

Some actions are aimed at regulating the work of CSOs under the pretext that they "should not endanger national security." This sounds like an attempt at gaining excessive control over civil society by restraining CSOs' work and limiting their capacity to support democracy and human rights and may even indicate the intention to supervise and constrain civil society.

In conclusion, although all candidates emphasize their commitment to fostering the rule of law, without concrete and feasible implementation plans, some of their proposals remain declarative and unrealistic, raising questions about the candidates' capacity to effectively uphold the rule of law and democracy.

METHODOLOGY

DISCLAIMER

This activity does not constitute electoral agitation. The Law on Non-Profit Organizations No. 86/2000 (Article 6, Paragraph 3) provides for the legal right to conduct such research and to express opinions on political electoral programs and election candidates as long as these activities are conducted impartially and do not amount to electoral agitation. The law allows non-profit organizations to express opinions on political matters to inform the public and promote transparency, thereby ensuring informed voting, without violating neutrality or engaging in direct political campaigning.

Research Purpose

This document proposes an analysis of the way presidential candidates integrate the promotion and respect for human rights and the rule of law into their electoral programs and offers an appraisal of concrete political pledges related to these values. This analysis will offer a clear picture of the candidates' priorities related to these essential aspects and will contribute to informing voters.

Research Objectives

- I. Assess the extent to which the commitments to promoting human rights and the rule of law are reflected in the presidential candidates' electoral programs.
- II. Evaluate the clarity and rationale of the commitments, including the justification for implementating the proposed actions.
- III. Examine the alignment of the commitments with international standards and national policies on human rights and the rule of law
- IV. Analyze the feasibility of the commitments, especially from the perspective of presidential powers, available resources, and the duration of the mandate.

Research Approach

PHASE 1: Appraisal of the share of the commitments to human rights and the rule of law

During this phase, we assessed how the electoral programs reflect and address the fundamental aspects related to human rights and the rule of law—core pillars of a functional democracy. These aspects were identified by the research team based on their professional experience and in consideration of the priorities outlined in national sectoral programs.

The following list of aspects is illustrative, not exhaustive. We also considered and evaluated all other topics proposed by the candidates that were relevant to human rights and the rule of law. Any additional relevant matters proposed by candidates, which align with human rights and rule of law principles, have also been included and assessed.

HUMAN RIGHTS aspects

- Fight against discrimination
- Elimination of economic, social, and cultural inequalities
- Eradication of domestic and gender-based violence
- Safeguarding of civil and political rights, including:
 - Protection of freedom of expression and freedom of the media
 - Protection of freedom of assembly and association
 - Strengthening of civil society
- Safeguarding of citizens' social and economic rights (education, healthcare, employment, and housing)

RULE-OF-LAW aspects

- Justice reform
- Strengthening the independence of judges and prosecutors
- Strengthening of the prosecution system and anticorruption institutions
- De-politicization of the justice sector
- Combating grand and systemic corruption
- Protection of whistleblowers
- Improving access to fair and professional justice
- Recovery of criminal assets
- Promoting integrity in public service.

PHASE 2: Appraisal of the quality of commitments on human rights and the rule of law

To ensure an objective and impartial assessment of the electoral programs, the candidates' commitments to improving aspects of human rights and the rule of law were analyzed according to the following criteria:

- I. **Clarity of wording.** We verified whether the commitments description was clear, accessible, precise, and unambiguous. We examined if the reasoning behind the proposals was logical, well-structured, and facilitated the understanding of the candidates' intentions. Attention was paid to whether the commitments maintain a coherent line of argument that makes it easy to grasp the rationale behind their formulation. We ensured that the wording does not allow for contradictory or uncertain interpretations.
- II. **Compatibility with international standards and national policies.** We reviewed whether the candidates' commitments were consistent with national policies and strategies concerning human rights and the rule of law. We analyzed whether the proposed actions supported the implementation of existing national objectives. We also evaluated whether the campaign promises were consistent with international standards on human rights and the rule of law.
- III. **Feasibility.** We assessed whether the proposed commitments fall within the

constitutional powers of the president and in they can be implemented without excessive reliance on other institutions, such as Parliament or the Government. We checked their viability from the perspective of available financial and administrative resources and whether the timeframe for implementation is realistically achievable within the presidential term.

PHASE 3: Drawing of conclusions

Based on analysis findings, we developed general conclusions that reflect:

- I. The share of the commitments to human rights and the rule of law:** We determined the extent to which human rights and the rule of law are presented as priorities on the candidates' political agendas. We identified commitments and declarations incompatible with the principles of human rights and the rule of law, as well as discriminatory or denigratory attacks directed at specific groups.
- II. The quality of commitments:** We evaluated the clarity and the quality of wording and reasoning behind the proposed solutions. We assessed whether candidates presented concrete and well-developed policies to address issues related to the promotion and protection of human rights and the rule of law principles. We separated feasible and efficient commitments from populistic and impracticable promises. We also verified the alignment of candidates' proposals with national programs and relevant international standards.
- III. Statistical analysis.** We generated disaggregated data that allows for a quantitative assessment of the importance of human rights and the rule of law among politicians vying for one of the highest offices in the state. Furthermore, this statistical analysis facilitates a comprehensive evaluation of the quality of the proposed measures for implementation.

The document reflects the analysis of the electoral programs and the information presented/available in the online public domain.

Research limits: The analysis was conducted based on the electoral programs of candidates published before October 15, 2024. In rare cases where primary information was insufficient, we supplemented the research with an analysis of the public statements made by these candidates. Given the limited resources and time, as well as the real-time nature of data collection, certain nuances or specific details regarding each candidate may not be fully reflected – an inherent constraint of this type of research.



ALEXANDR STOIANOGLO

Nominated by the Party of Socialists of the Republic of Moldova (Partidul Socialiștilor din Republica Moldova)



electoral program

General Information

The candidate's electoral program emphasizes the crucial role of the president as the guarantor of social and civic development processes. The candidate promises to transform Moldova into a "territory of justice", meaning, a place where positive changes are visible for all citizens.

The candidate sets three major priorities but does not list concrete actions. His electoral program is characterized by vagueness and lack of specificity about exact actions he intends to implement. As a result, the proposed measures are difficult to identify and consist mainly of principled statements without detailed implementation methods and specific timelines.

Human Rights

The subject of human rights is not addressed through concrete plans. The candidate mentions social-economic support for families and modernization of the infrastructure for children, ranging from kindergartens and schools to development centers – as part of his vision. However, it is not clarified how these initiatives align with standards, resources, and timelines for implementation.

Within his vision, the candidate promotes interethnic tolerance and a constructive interaction of the various languages and cultures of the Republic of Moldova. While these elements are essential for fostering a strong inclusive society, there are no specific steps mentioned to achieve these objectives, especially given the complex ethnic and cultural context of Moldova.

Rule of Law

Regarding the rule of law, the candidate asserts that strengthening the rule of law and its responsible implementation are foundational for a sustainable resolution for the Transnistrian problem and is an essential element of the European integration of the Republic of Moldova. This approach highlights the importance of the rule of law in ensuring national stability and security, as well as in strengthening public trust in state institutions.

However, the proposed actions are presented in a generic manner and have a purely

declarative nature. The electoral program does not offer concrete details or examples of actions intended to improve or uphold the principles of the rule of law. Without clear-cut commitments it is hard to see how this essential objective will materialize.

Conclusion

Overall, the candidate's electoral program is not structured around concrete actions. It lists general political statements about the current situation in the Republic of Moldova, but the approaches to human rights and the rule of law are either lacking or insufficiently developed. The lack of specificity makes it difficult to evaluate the compatibility of such actions with international standards and policies in place. This ambiguity casts doubts about the feasibility of the proposed solutions.

Furthermore, most of these measures cannot be implemented directly by the president, given the constitutional responsibilities. Their realization depends on the support of Parliament and the Government, which limits the possibility of unilateral action by the president.



MAIA SANDU

Nominated by the Action and Solidarity Party (Partidul Acțiune și Solidaritate)

Maia Sandu
for Moldova

electoral program

General Information

Maia Sandu's electoral program lists approximately 80 objectives and actions. At least 20 of them (25%) are tangentially related to the rule of law and human rights. The candidate promises to strengthen democracy, to promote the rule of law, and to support a sustainable development of the Republic of Moldova. From the perspective of human rights and the principles of the rule of law, the promised actions are compatible with international standards and national strategies. Many of them, however, fall outside the exclusive constitutional powers of the president and therefore require major legislative interventions and cooperation with Parliament and the Government.

Human Rights

The candidate's electoral program focuses on the protection of vulnerable groups, such as families with children and pensioners, promoting social equity and access to basic services. It includes actions aimed at reducing social inequalities and improving the standard of living, but does not specify financial sources, which raises questions about the sustainability of these actions. The electoral program acknowledges the need to improve mental health services but does not offer details about concrete actions or financing, which may limit the implementation of such services.

Problematic Aspects

Some actions may exceed the president's direct constitutional powers and may require extensive cooperation with other institutions, which may limit their efficiency and feasibility.

Rule of Law

Promoting integrity in the political process and transparency is a central point of the electoral program, with an emphasis on fighting corruption and strengthening democracy. The candidate promises to continue the vetting of judges and prosecutors in order to ensure the integrity and independence of the justice system, to "support" the establishment of an anticorruption court, and to perform an extensive revision of the legal and institutional frameworks concerning the recovery of criminal assets.

Problematic Aspects

Establishing an anticorruption court in the Republic of Moldova is problematic for a number of reasons. This action requires substantial resources to develop necessary infrastructure and personnel. In contrast, the current system of judges specializing in corruption cases, implemented by the Superior Council of the Magistracy (SCM) in 2024, has already proven efficient. Following the appointment of specialist judges to the Chişinău Court, where they administer approximately 120 cases received from the Anticorruption Prosecution Office, the pace of case examination has improved considerably. This approach, which streamlines the organization of hearings, shows that having specialist judges could be sufficient, without the need for a separate court.

Conclusions

The electoral program shows commitment towards promoting democracy, the rule of law, and human rights and employs an approach that is compatible with international standards. The implementation of some actions will require extensive cooperation with Parliament and other institutions, which may make it challenging to deliver on the commitments without broad political support. Some actions clearly exceed the legal limits of the presidential office, requiring major legislative interventions, which are contingent on the support of the Parliament and Government.



RENATO USATÎI

Our Party (Partidul Nostru)

Only for
Moldova

electoral program

General Information

Renato Usatîi's electoral program announces 12 priorities detailed through 49 commitments by which the candidate assumes "full responsibility for the citizens of the Republic of Moldova" and promises to ensure justice, order, and security in the country.

The analysis of Renato Usatîi's commitments regarding human rights standards and rule of law principles indicates that 40.8% (20 out of 49) address these areas. Of these, 55% (11 out of 20) pertain to the rule of law, while 45% (9 out of 20) focus on human rights. In terms of clarity, only half (10 out of 20) use accessible and clear language, and only 35% (7 out of 20) align with international standards and national strategies. Notably, none of these 20 commitments fall within the president's unilateral powers, as defined by the Constitution of the Republic of Moldova. These actions exceed the legal limits of the presidential office and therefore require major legislative interventions, which depend on support from Parliament and the Government.

Human Rights

The commitments to protecting and promoting human rights that are included in the electoral program are mostly about a progressive implementation of economic and social rights, focusing on the social protection of vulnerable groups. These groups include multi-child families, war veterans, people with disabilities, and pensioners. This is a positive approach as it helps to reduce inequalities and to ensure decent living conditions for disadvantaged categories. However, a major challenge is the financial sustainability of these measures. In the absence of concrete solutions regarding funding sources, there is a risk that these commitments may become populist promises, unable to be fulfilled due to budgetary constraints.

The candidate does not provide any clarification about the way of financing these socially oriented actions. Welfare commitments should go along with a clear-cut resource allocation strategy. Moreover, the implementation of these actions falls outside the exclusive presidential powers and therefore requires the involvement of the Government and Parliament.

Problematic Aspects

A controversial aspect from the candidate's electoral program is the proposal to prohibit "LGBT propaganda" in schools. Such a prohibition constitutes a flagrant violation of

human rights. This measure raises serious concerns regarding Moldova's adherence to its international human rights commitments. It contradicts the provisions of Law No. 121/2012 on Ensuring Equality and severely infringes upon the rights of LGBT individuals. Furthermore, this measure is incompatible with Moldova's international commitments.

Rule of Law

Regarding the rule of law, the candidate proposes two major actions:

- transforming the political system by shifting to a presidential republic, amending the Constitution, introducing a vice president position, and establishing an administrative with citizen participation;
- fighting corruption by harshening punishment measures, abrogating parliamentary immunity, withdrawing the mandates of turncoat MPs, adopting a law on lustration, and dissolving the Security and Intelligence Service (SIS) and the National Anticorruption Center (NAC).

Promoting an administration system where citizens are heard (participatory governance) is a democratic principle and a commitment that complies with national strategies, promoting democracy and transparency. However, establishing such a system exceeds the president's direct powers, requiring legislative and administrative reforms to be implemented at the government and parliamentary levels. While the president may advocate for these initiatives, the proposed changes require inter-institutional collaboration and the active involvement of civil society.

Switching to a presidential republic and revising the Constitution are rather populist commitments, which require constitutional amendments and considerable legislative support, and therefore they depend on cooperation with other state institutions, especially Parliament. Adopting a law on post-vetting/lustration and withdrawing parliamentary immunity could be justified by the goal of purging institutions of certain corrupt elements, but these actions must comply with the rule of law and democratic principles to avoid political abuses and to safeguard the separation of powers.

Problematic Aspects

The proposed dissolution of the SIS and the NAC is extremely risky, with potential severe consequences for national security, institutional stability, and the European integration course of the Republic of Moldova. These actions could obstruct ongoing reforms and undermine efforts that have already been made to combat corruption. Moreover, dissolving the SIS and the NAC without transferring their duties to another governmental institution or agency, either existing or newly established, with concrete duties could create a security and anticorruption vacuum..



VASILE TARLEV

Leader of the Future of Moldova
Party (Partidul pentru Viitorul
Moldovei)

Development,
Prosperity,
Peace!

electoral program

General Information

The candidate's electoral program announces ten major priorities detailed through 75 actions. An analysis of these measures, in relation to compliance with human rights standards and the principles of the rule of law, indicates a limited coverage, accounting for only 20% (15 out of 75) of the total commitments. Of these, 33% (5 out of 15) address human rights, while 67% (10 out of 15) focus on the principles of the rule of law.

Most of the proposed actions are declarative and do not offer details about implementation and timelines. Furthermore, most of these measures cannot be carried out directly or unilaterally by the president, given the powers outlined in the Constitution. Instead, their realization depends on the support of both Parliament and the Government.

Human Rights

All actions proposed by the candidate and aimed at human rights are consistent with international standards and national policies; however, the feasibility of most of these actions is limited by the constraints of the presidential role. The candidate focuses mostly on broad initiatives, such as implementing standards for respecting human rights in accordance with the Constitution and the Universal Declaration of Human Rights, strengthening legislation related to the linguistic and cultural rights of national minorities, and protecting children against violence and exploitation.

An important pillar of the candidate's actions is about educating public officials in the spirit of respect for human rights and citizens' legitimate interests and providing social-economic incentives (monthly allowances, additional subsidies) to low-income and socially vulnerable groups.

— No **problematic aspects** were identified.

Rule of Law

The description of most of the actions aimed at the rule of law is vague and declarative, lacking specific details or concrete examples of the measures needed for improvement. The candidate does not offer a clear vision of how he will deliver on his commitments, and as a result, his capacity to transform objectives into tangible and efficient actions is uncertain. The overwhelming majority of the proposed actions (8 out of 10), such as the investigation or sanctioning of individuals, the revision of cases in courts, or the training,

recruitment, and promotion of public officials, fall outside the presidential duties.

— A problematic aspect:

is the action titles “Rehabilitation of political prisoners and review of criminal cases with political implications”. The term “political prisoner” is ambiguous, often used by political opponents who self-identify as victims of alleged reprisals by other political actors. Without a detailed analysis of accusations, existing evidence or its absence, the use of such terminology can mislead the public and suggest that individuals involved in high-profile cases, such as the “One Billion-Dollar Theft”, could be considered political prisoners. The rehabilitation of such individuals, if interpreted strictly as clemency, falls within the constitutional powers of the president, but the investigation of such cases is the responsibility of law enforcement agencies, the prosecution authority, and the courts.

— Conclusions

The candidate’s priorities, highlighted in his electoral program, are largely declarative and lack specifics about implementation, which limits their practical viability. Despite attempts at integrating human rights and the rule of law principles, the efficient implementation of these actions depends greatly on interagency cooperation and is limited by the constitutional powers of the president. Moreover, the use of ambiguous terminology raises questions of interpretation, which may lessen the credibility of the electoral program for the public.



**IRINA
VLAH**

Independent candidate

**President
of Peace**

electoral program

General Information

Irina Vlah's electoral program announces ten priorities detailed through 61 commitments by which the candidate guarantees security and peace in Moldova.

The analysis of the announced commitments from the perspective of human rights standards and the principles of the rule of law indicates that 44.2% (27 out of 61) of the proposed measures can be related to these two dimensions. Among the proposed measures in these directions, 70% (19 out of 27) pertain to the rule of law, while 29% (8 out of 27) focus on human rights.

Of the 27 analyzed commitments, 40.7% (11 out of 27) were clearly formulated, with their content being concise and understandable; 48.14% (13 out of 27) are in accordance with international human rights standards and/or national strategies in these reference areas; only 22.2% (6 out of 27) could be feasibly implemented from the perspective of the compatibility of the president's powers as stipulated in the Constitution of the Republic of Moldova.

Human Rights

The candidate's commitments to human rights can be grouped in two major categories:

- ensuring cultural diversity;
- providing social protection to vulnerable groups with emphasis on social security.

Overall, the proposed actions are compatible with international standards on human rights and national strategies in place. Most actions are clearly formulated. However, none of them can be directly implemented by the President of the Republic of Moldova, as they exceed the constitutional powers. Moreover, since most actions concern social security—and therefore require substantial financial resources—without a concrete plan for identifying or redirecting funds, they are neither realistic nor feasible.

No problematic aspects were identified.

Rule of Law

The candidate's commitments to the rule of law can be grouped into three main categories:

- legislative initiatives aimed at fighting corruption;
- the reform of the judiciary and the prosecution system;
- the investigation of corruption cases and those against democracy. Overall, the proposed actions are mostly declarative and difficult to implement, because they both fall outside the exclusive constitutional powers of the president and pose risks for reforms already underway. Their implementation would require major legislative amendments and cooperation with other institutions.

Problematic Aspects

The establishment of a specialized court for crimes against democracy raises many questions. First of all, this proposal is vague. It does not offer concrete details about what these “crimes against democracy” mean. This may lead to confusion and could be interpreted as an attempt at limiting democratic freedoms. Second, this action can be qualified as a threat to the independence of justice and could usher in abuses and serve as a way of threatening political opponents. The reform of justice should focus on strengthening the independence and efficiency of existing courts.

Another problematic aspect is related to the proposal to introduce the popular vote for electing judges. For all its potential appeal to the public, this action entails many risks and challenges related to the independence of justice, the quality of justice administration, and the principles of the rule of law. When judges get elected based on their popularity rather than competence, the quality of justice administration may be compromised.



ION CHICU

Leader of the Party for the Development and Consolidation of Moldova (Partidul Dezvoltării și Consolidării Moldovei)

The State is Yours!

electoral program

General Information

The candidate's electoral program announces ten major priorities detailed through 62 actions. Of the total number of proposed actions, 24% (15 out of 62) pertain to human rights, and 15% (9 out of 62) relate to the rule of law. However, a significant portion of the proposed measures regarding human rights and the rule of law are declarative, often including more criticisms of the current government than providing concrete solutions for achieving its own objectives and implementing the proposed measures. Additionally, most of these actions rely on inter-institutional cooperation and do not fall within the direct and unilateral competencies of the President. The electoral program also contains several problematic actions, which concern civil society, mass media, and justice reform.

Human Rights

The actions aimed at human rights come under three segments:

- pensions and social allowances;
- peace, security, and harmonious coexistence;
- guaranteed right to education for every child and young person in the country.

The first segment covers six priorities and includes the reinstatement of the indexation of pensions and social allowances and the inclusion of certain work periods in the calculation of pensions. Even though these actions are welcome, they are declarative and fall outside the exclusive presidential powers. Changes to pensions and social allowances require budget adjustments, which is the responsibility of the Government, which presents the budget to Parliament and gets approval from it. Other measures concern access to social services for vulnerable groups, but they are also dependent on the budget capacity of the state and fall outside the president's competence.

Proposals from the second segment include the introduction of criminal liability for public officials from the central and local levels for promoting interethnic hate speech or discrimination based on various criteria. This action is commendable, but its success is contingent upon support from the Government and Parliament. Moreover, the criminal and contravention legislation have already been amended in 2022 by including provisions aimed at discouraging and sanctioning hate speech and bias crimes. In addition, the actions concerning education, access to information and healthcare, the streamlining of state language learning programs, the elimination of linguistic discrimination, and support for ethnic associations are not sufficiently detailed and fall outside the exclusive presidential powers.

Regarding the proposed development of a service package for children with special needs, this initiative is well intended, but just like other social measures, it depends on the state's budgetary capacity and falls within the Government's competencies.

Another proposal involves the option to study in one's native language across all educational levels. While this aligns with international standards, it lacks specifics regarding the number of languages and funding sources, raising questions about the measure's feasibility.

— No **problematic aspects** were identified.

Rule of Law

The electoral program includes a segment dedicated to "Restoring the functionality of state institutions," in which the candidate stressed that, in the past three years, these institutions primarily served party interests rather than those of the citizens. The 11 priorities from this segment include ensuring the independence of justice. The candidate proposes five essential objectives: to implement constitutional amendments (the independence of the judiciary and the reform of the Superior Council of Magistracy (SCM), to strengthen the capacities of the SCM and the Superior Council of Prosecutors (SCP), to eliminate abusive elements from the Strategy for Ensuring the Independence and Integrity of the Justice Sector for the Years 2022–2025 and from its Action Plan, to ensure an effective dialogue between the legislative, executive, and judicial powers, and, last but not least, to strengthen and depoliticize the National Integrity Authority (NIA). The independence of the judiciary is essential for the healthy functioning of a democracy and respect for the rule of law. However, the actions proposed by the candidate fall outside the exclusive and unilateral presidential powers and will depend on support from the Government and Parliament. In addition, cooperation with civil society is a key element for the success of justice reforms.

— Problematic Aspects

One of the candidate's problematic promises is that he will abolish the "unconstitutional" process of vetting judges and prosecutors by international experts and will empower the SCM and the SCP to conduct it instead. While strengthening the CSM and CSP is crucial to ensuring the continuity of reforms in accordance with international standards once the vetting commissions conclude their work, the exclusion of international members from the commissions at this stage risks compromising the effectiveness of the reform and reducing the transparency and credibility of the process. The international component in the vetting process is a necessary guarantee of the impartiality and objectivity of the evaluation, securing a balance between the independence of judges and the need to ensure their integrity. This component significantly reduces the risk of the vetting commissions falling under the influence of the current political majority and thus helps to address the suspicions of the evaluated subjects and the general public. In addition, the presence of international experts in the vetting commissions is supported by the Venice Commission, which confirms the importance of this approach for the credibility of the reform process.

Another proposal that presents risks is the "implementation of the most democratic and transparent regulations regarding the work of CSOs to ensure transparency in their financing, including from abroad". The central purpose of this action is to adopt other

countries' "successful" experiences of ensuring the transparency of CSO financing to make sure that they work in the interest of Moldovan citizens and do not compromise national security. This action can be perceived as an attempt at gaining excessive control over civil society by restricting CSOs' work and limiting their capacity to support democracy and human rights. Regulations could also discourage critically important foreign funding for many organizations, thus severely affecting their work. Another major risk is that this action could be used to marginalize or intimidate CSOs critical of the government, thus contributing to the narrowing of civic space and diversity of opinion. It is important to note that at this stage, the proposal already reflects the candidate's unfavorable or even hostile attitude towards CSOs, suggesting a potential intention to supervise and coerce civil society.



ANDREI NĂSTASE

Independent candidate

A Dedicated
President

electoral program

General Information

Andrei Năstase's electoral program highlights several commitments relevant to human rights and the rule of law. These include fighting corruption, reforming the justice system, and ensuring social protection for vulnerable groups. The electoral program also provides for the overhaul of public institutions, which is consistent with the principles of the rule of law. However, concrete actions for the protection of human rights, such as combating discrimination or ensuring freedom of expression, are dealt with in a limited way.

The main proposals related to justice and human rights include amending the Constitution. The electoral program proposes amending Article 47 (Right to social assistance and protection) to make the state responsible for ensuring a guaranteed minimum income for pensioners so that they can have a decent living. Regarding the rule of law, Andrei Năstase promises to “restore order” in the justice sector, asserting that the current vetting process (authors' note: extraordinary evaluation) is politicized and ineffective. The candidate also proposes that citizens elect the prosecutor general and Supreme Court judges by free and direct vote. This action may suggest the intention to depoliticize, and increase transparency in, the appointment to the highest positions in the justice system.

Human Rights

The candidate proposes amending Article 47 of the Constitution, which, in its current form, provides for the right to social assistance and protection, obliging the state to ensure a decent standard of living for the health and well-being of citizens, including in cases of unemployment, illness, disability, and other situations of loss of livelihood. The candidate wants to explicitly introduce a “guaranteed minimum income” for pensioners, obliging the state to provide sufficient resources for adequate daily living.

Regarding the feasibility of this measure, the authors refrain from providing an assessment. However, we will address the legal aspect and the procedure required for its implementation. The process of amending the Constitution is arduous and full of procedural obstacles, which further complicates the implementation of this initiative within a reasonable time. Amending the Constitution is an extremely difficult process and requires a qualified majority of at least two thirds of MPs—that is, 67 out of 101. This high threshold, imposed to ensure constitutional stability, makes the adoption of such changes very unlikely, especially without a broad political consensus. As for allocating resources to ensure a guaranteed income, significant financial resources are required, and committing to this measure without a concrete plan for sourcing or reallocating funds is neither realistic nor feasible.

Rule of Law

The proposed reforms in justice and anticorruption are consistent with the existing objectives and programs (independence of the judiciary and the fight against corruption); however, some of the proposed actions are problematic. A direct election of the prosecutor general and Supreme Court judges could contravene the principle of the principle of judicial independence.

The promise that “citizens will elect the prosecutor general and Supreme Court judges by free and direct vote” raises significant concerns. Electing judges or prosecutors by popular vote can endanger the independence of the judiciary and undermine the principle of impartiality.

In many US states, for example, judges are elected by popular vote, which forces them to run election campaigns similar to those of politicians. This reality leads to obvious conflicts of interest, as judges must collect campaign funds, often from lawyers and others who may later appear before them in court. Another major disadvantage of electing judges is that, in order to win votes, they may make populist decisions that do not necessarily reflect the correct application of the law. In addition, there is the danger of financial influences on judges from various economic and political circles that can finance electoral campaigns in the hope of securing future favors. Moreover, campaign advertisements for judicial candidates often become absurd, featuring populist promises and slogans devoid of legal relevance. In essence, election campaigns bring constant pressure on judges to adjust their decisions according to public popularity rather than based on principles of law and impartiality.

Candidate Andrei Năstase criticizes the current vetting process, claiming that it is politicized and ineffective, and proposes to “restore order” in the judiciary. It is important to note that the current vetting process has been regulated by several laws, after extensive consultation with the Venice Commission. In fact, this law was enacted precisely to ensure the integrity of judges and to increase public confidence in the justice system. Most of the recommendations of the Venice Commission were accepted, including the necessity for vetting, which was considered appropriate for the Republic of Moldova.

Although the law was designed to improve the integrity in the judicial system, it cannot be excluded a certain part of the population may have reasons for concern. Even though the process was based on expert recommendations, there is a risk that its implementation or effectiveness will be limited. Thus, the candidate’s intention to “restore order” in the justice system may reflect a legitimate concern, which could contribute to a deeper reform that would not be so exposed to political influences.

Conclusions

Overall, despite positive intentions to improve the rule of law and the protection of human rights, the feasibility of some proposals and their compatibility with international standards remain uncertain.



OCTAVIAN ȚICU

Candidate nominated by the
Electoral Bloc “Together”
(Blocul electoral „Împreună”)

Together for
Europe

electoral program

General Information

The candidate’s electoral program includes four basic political commitments and eight related priorities. The candidate proposes 81 actions, including a number of sub-actions, aimed at bringing improvements in nine areas important to the state. The proposed actions considerably exceed the presidential powers.

Of the total measures proposed, 35% (29 out of 81) relate to the field of research. Twenty-three measures (28%) focus on human rights, while six measures (7%) address the rule of law. Almost all proposed measures cannot be implemented directly or unilaterally by the president; they require the cooperation and support of Parliament and the Government. No actions have been identified that conflict with international standards and existing policy documents. However, 17% of the measures (5 out of 29) are articulated vaguely and unclearly, making it challenging to discern the specific actions intended for implementation.

Human Rights

The electoral program identifies demographic growth as a national priority. The right to education, the right to healthcare, and the right to employment are covered by general promises, such as lower expenses for child education, free and non-discriminatory access to education, the overhaul of the education system, larger healthcare benefits from the public budget, subsidies for pharmacies in villages, at least 150,000 new jobs, and support for employers through policies stimulating new jobs. The electoral program also focuses on supporting vulnerable groups by guaranteeing minimum income and increasing the guaranteed minimum monthly income.

Problematic Aspects

We did not identify problematic actions that would be contrary to international standards. However, the actions do not fall within the president’s powers and are lack clear explanations regarding their implementation.

Rule of Law

The electoral program includes a section dedicated to “justice and the fight against corruption,” which contains five actions to improve this field. Two of them use very vague language. For example, the action “We free justice from political influence” seems more like an election slogan than a concrete proposal. The independence of justice is essential in a rule-of-law state. However, the electoral program does not explain how the candidate intends to achieve it.

In contrast, two actions that propose amendments to criminal legislation regarding the extended confiscation of the assets of public officials and the imposition of stricter penalties for political parties that use illegal funds in election campaigns are clearer and more concrete. Nonetheless, the implementation of these actions is not feasible from the perspective of presidential powers, because despite the president’s right of legislative initiative, it requires support from the Government and Parliament.

The proposal to establish a National Anticorruption Department modeled on the Romanian counterpart is popular and enjoys wide public support. However, it is worth noting that, in July 2023, the Anticorruption Prosecutor’s Office and the NAC underwent a reform that separated their powers. A repeated reform of the anti-corruption bodies could significantly affect the effectiveness of the fight against corruption. It would be more useful to focus on strengthening existing anti-corruption institutions.

Problematic Aspects

The establishment of a specialized anticorruption court would be imprudent. We have already mentioned this in the analysis of the electoral program of candidate Maia Sandu. While fighting corruption is crucial, this proposal runs counter to previous reforms that eliminated specialized courts to reduce the risk of corruption. Judges’ workload would be too small, and excessive specialization could increase corruption. This action involves several uncovered risks and unjustified budget expenses.

Conclusions

The electoral program proposes actions aimed at human rights and the rule of law, but most of them go beyond presidential powers, and require support from Parliament and the Government. Although the actions are consistent with international standards, they often have a vague wording and lack proper reasoning. Some proposals related to justice and the fight against corruption run counter to previous reforms, raising concerns about their feasibility and effectiveness.



VICTORIA FURTUNĂ

Independent candidate

I Run for Us,
for Our New
Moldova!

electoral program

General Information

The candidate's electoral program covers 20 important areas for society, each being addressed with five actions. Thus, it proposes a total of 100 actions.

Of these measures, 21% (21 out of 100) are relevant to the field of research, with 11 measures (11%) pertaining to human rights and 10 measures (10%) related to the rule of law. None of the proposed measures fall exclusively within the competencies of the President; their implementation depends on the activities of the Government and Parliament.

Furthermore, 33% of the measures (7 out of 21) are formulated ambiguously and unclearly, making it difficult to understand the rationale behind them. Additionally, 24% of the measures (5 out of 21) are not compatible with domestic policies and international standards.

Human Rights

The electoral program focuses mainly on social-economic rights, paying less attention to civil and political rights. The proposed actions concern family support, social protection, education, culture, and healthcare.

To support families, the candidate promises a one-time payment of MDL 100,000 for food and medicine produced domestically and credits of EUR 20,000 for women, which may become grants if the family has three minor children. The candidate also promises a monthly benefit of MDL 20,000 for families who adopt children from orphanages and mortgage loans with a 3% interest for young families. The electoral program does not explain where the financing for these actions will come from and whether the public budget can bear such a burden. Moreover, these initiatives fall within the powers of the Government—so, the president cannot implement them. Thus, these actions are populist campaign promises rather than assumed and substantiated commitments.

Problematic Aspects

One provision in the program raises significant concerns regarding its content. In the first point of the electoral program, the candidate asserts that a family consists of a man and a woman, invoking religious, constitutional, and biological arguments. This statement is problematic because it excludes and discriminates against homosexual individuals, as well as unmarried persons who have children and consider themselves families. The president must not promote messages that lead to discrimination against large groups, regardless of their sexual orientation or marital status. Such an approach goes against

the principles of non-discrimination and equality guaranteed by international standards and the national law.

Rule of Law

Under the rule-of-law component, the candidate promises to amend the criminal legislation, to reform the penitentiary system, to improve the image of the law enforcement agencies, and to digitize criminal proceedings.

Among the more clearly defined commitments include equating undelivered campaign commitments with fraud, transforming minor penalties into community service, digitalizing the evidence collection process, and elevating the status of the law enforcement agencies. However, these measures do not fall solely within the scope of presidential powers, which raises concerns regarding their feasibility.

Additionally, the electoral program includes measures that are ambiguous and lack specificity. The candidate proposes engaging local communities in crime prevention efforts. While the intention to reduce crime is commendable, the program fails to provide concrete details on how this objective will be accomplished. There are insufficient explanations regarding what the candidate defines as “local communities” and the strategies for their involvement. Consequently, this measure remains vague and uncertain.

Problematic Aspects

One action from the electoral program proposes a measure to transition prisons to self-management through the development of the production industry. This raises issues from the perspective of feasibility and respect for human rights. The program does not specify funding sources for the initiation and development of the industry in prisons. The action can also lead to serious violations of human rights, as forcing prisoners to work is little short of forced labor. Although prison work is a common phenomenon, it must be voluntary and fairly remunerated, and prisoners should benefit from humane and safe conditions, regardless of whether they are employed or not.

Another problematic action is the establishment of a morality council to examine the resumes of people aspiring to a public position. The initiative is vague and does not specify the organization and composition of the council. The electoral program does not specify who will appoint the members or what criteria they will use to evaluate candidates’ moral sense.

Apart from being ambiguous, the action introduces yet another filter for access to public positions, which goes against the principles of meritocracy and transparency. This council could become a tool for selection by subjective criteria—such as loyalty to certain interest groups or political circles—at the expense of professional skills. In a rule-of-law state, the process of acceding to public positions must be clearly regulated and selection must be based on objective and legal criteria, such as professional competence, relevant experience, and integrity.

Conclusions

The candidate's electoral program raises concerns due to vague and unrealistic proposals incompatible with presidential powers. Some actions, such as switching prisons over to self-management or establishing a morality council, are not only unfeasible, but can lead to abuses and human rights violations. In addition, certain statements in the program discriminate against several large population groups.



TUDOR ULIANOVSKI

Independent candidate

YOU are the
Normal Moldova!

electoral program

General Information

The electoral program lists ten priorities and 46 actions. Its objective is to fight for a “normal Moldova” rooted in a balance between the West and the East, traditional family values, prosperity, and national dignity. Of the total proposed actions, 22% (10 out of 46) pertain to human rights, and 4% (2 out of 46) relate to the rule of law. Most of the proposed actions are declarative in nature and are not accompanied by a clear action plan and a description of objectives, arguments, financing sources, implementation methods, and timelines. In addition, the president cannot implement most of them alone or unilaterally, considering the presidential powers established by the Constitution; their realization depends on the support of the Parliament, the Government, and other relevant institutions. Furthermore, some actions seem to reflect personal concerns rather than public interests.

Human Rights

The candidate proposes a set of social policies for citizens, aimed at persuading young families to stay in the country, and actions aimed at ensuring freedom of the press and freedom of expression.

The social policies included in the program refer to the provision of benefits for children under 18, the increase of the salary for public sector employees to MDL 15,000 and the minimal pension to MDL 5,000, and the monitoring of the indexation of salaries and pensions by the Government to make sure that they are adjusted in line with the annual inflation rate. The candidate also promises to lower the official retirement age for women. Other actions include identifying financial sources to build a healthcare and educational center for autistic children and children with special needs, supporting public-private partnerships for the development of medical tourism and eldercare centers, and organizing discussions with veterans to solve their problems.

These actions, however, are declarative in nature as the electoral program does not clarify the ways of implementation and does not provide a financial analysis and financing sources required for the initiatives that appeal to voters, such as larger pensions, salaries, and child benefits. These actions fall outside the direct competence of the President and require support from the Government and Parliament. The lack of clarity in achieving these objectives risks misleading voters.

Although establishing a healthcare and educational center for autistic children is a good initiative, it falls outside the president’s direct powers and requires significant financial resources and, by extension, approval from the Government and Parliament. Therefore, it

risks remaining just a promise. The commitment to maintaining a dialogue with veterans also lacks specifics about their current issues they face and the methods for addressing them.

The candidate promises to improve freedom of the press and “speech” by advocating the establishment of a media support fund for all media outlets. If the financing comes from the state budget, it will fall under the competence of the Government and will require the approval of Parliament.

— Problematic Aspects

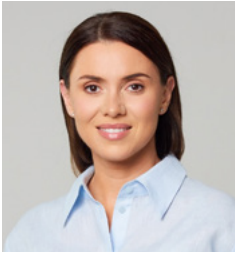
One action that raises questions is about introducing a bill obliging the Audiovisual Council (AC) to regulate the production and broadcasting of satirical shows to ensure their compliance with legal requirements and the Journalist Code of Ethics. The description of this action is vague and does not specify the type of regulation, raising questions about its potential effects on freedom of expression and media creativity. This initiative requires support from Parliament and a complex consultation process.

Rule of Law

The actions concerning the rule of law are aimed at reforming justice and guaranteeing the functioning of the law enforcement institutions. The candidate promises to establish, urgently, a special commission that will investigate the work of the vetting and pre-vetting commissions and high-profile cases lost at the European Court of Human Rights. The candidate does not provide context or a clear objective to justify the urgent need for such a commission. Furthermore, the effective functioning of this commission would require proper financial and human resources. However, the candidate offers neither information about the resources it would take nor an analysis of the state budget to support its feasibility. Although the president can initiate legislative proposals, such an action would require a clear legal framework and interagency cooperation to have a real impact.

Another proposed action is about amending several regulatory acts and organic laws “to prevent indefinite postponement of court case reviews”. This proposal lacks clear details about the regulatory acts to be amended and how amending them will address the issue of case delays. Moreover, simply proposing legal amendments is not enough. Any such amendment must be approved by Parliament. This initiative can also be an interference in the work of the judiciary, as judges must follow the law, ignoring outside influences or political pressure. Besides, the problem of case delays has already been addressed by recent substantial amendments to the Criminal Procedure Code, which improved the efficiency of criminal prosecutions and the judicial process.

— No **problematic aspects** were identified.



NATALIA MORARI

Independent candidate

Change Here
and Now

electoral program

General Information

Natalia Morari's electoral program announces nine priorities and 45 actions, some of which are further detailed through sub-actions. Among the 45 actions, at least 17 (38%) pertain to the rule of law and human rights, with eight (18%) actions related to the rule of law and nine (20%) actions touching on human rights issues. The candidate's program includes commitments and concrete actions across various fields. From the perspective of human rights standards and the principles of the rule of law, the measures are largely compatible with international standards and national strategies.

The candidate proposes legislative initiatives and a series of innovations drawn from the Anglo-Saxon system. For example, she promises to introduce jury trials for certain cases, the mechanism for holding litigants liable for contempt of court, and other institutions that previously did not exist in the Republic of Moldova. All these actions require extensive amendments to the legal framework (the Constitution, the Criminal Procedure Code, the Law on the Organization of the Judiciary) and cooperation with other authorities. Although some of these proposals are innovative indeed, they require careful analysis to evaluate their clarity and feasibility.

Human Rights

Overall, the proposed actions are compatible with international standards on human rights and national strategies in place. The candidate's commitments are oriented mostly toward vulnerable groups, with a major focus on the elderly. The commitments that involve the initiation of legislation that would ensure social protection for vulnerable groups refer to higher pensions, legislation to revise the calculation of work seniority, monthly bonuses for the elderly with small pensions, and jobs for pensioners with reduced social insurance contributions.

Most commitments use clear language. However, the candidate will not be able to implement any of them alone because they exceed the constitutional presidential powers. These actions require an enormous amount of funds. And without an implementation plan, they are nothing but populist and declarative promises.

No problematic aspects were identified.

Rule of Law

Regarding the rule of law, the candidate promises concrete actions that address both corruption and justice. The reform she proposes to fight **corruption** is more of a legislative nature and involves changing the concept of the fight against corruption. She promises to implement a new mechanism, where “the whistleblower will recover double the amount of their money at the expense of the bribe-taker. The process must also work the other way around...”

Among the reforms concerning **the justice system**, the candidate proposes “to select approximately 50 most odious former and current judges who must be held criminally liable for illegal judgments on high-profile cases; to establish a new judiciary’s administration body—the Disciplinary Commission—composed of seven members, all of whom foreign judges with at least 20 years of experience who have retired at least from an appellate court or a cassation court in their country; to establish an investigative body of six investigators to investigate the cases of judges; and to introduce an institution of English law—Contempt of Court—to empower judges to sentence someone to prison for up to two years unilaterally, without investigation by prosecutors...”

The candidate also proposes innovations in the institution of detainment and in fast-tracked trials of civil servants.

Problematic Aspects

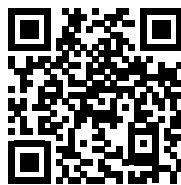
Establishment of jury courts: This proposal involves amending the Constitution, the Criminal Procedure Code, and the Law on the Organization of the Judiciary as well as adopting a new law on jury courts. Jury courts are extremely expensive to establish and maintain. Such an institution is not justified, considering the budget austerity of the Republic of Moldova. Quite apart from the budgetary support necessary for such a reform, the selection of independent and neutral persons for jury duty will always be a problem, especially in the context of demographic decline and population migration in the Republic of Moldova. The small number of particularly severe and exceptionally severe offences does not justify the establishment of jury courts.

Recovery of whistleblower’s money: Such an initiative also comes with significant risks due to the potential for abuse and the dangers it may pose to the integrity of the justice system. The proposal to reward whistleblowers with double the amount offered in a corrupt transaction could encourage false whistleblowing or hoaxes. If there is a substantial financial reward, certain individuals could take advantage of this mechanism to achieve material gains by manipulating the system. Furthermore, the process could work the other way around, leading to unfair accusations, even directed at innocent people, who would be forced to pay.

Conclusions

The description of most actions uses clear language. However, the candidate will not be able to implement any of them alone because they exceed the constitutional presidential powers. In addition, these commitments require an enormous amount of funds. And

without an implementation plan, they are nothing but populist and declarative promises. The candidate does not propose a well-defined implementation plan for her reforms and offers a surprisingly narrow timeframe for some of the actions. Since most actions concern justice—and therefore require substantial financial resources—without a concrete plan for identifying or redirecting funds, they are neither realistic nor feasible. Moreover, to make the implementation of these actions possible, it would take a whole new regulatory framework (national and international approval processes). In all these actions, the president can only play the role of initiator of legislative proposals, but not that of implementer. This is a major process, which requires the consultation and engagement of all branches of power and an in-depth analysis of the effects these commitments can produce. These initiatives aimed at the judicial system can be perceived as an interference in the work of the judiciary because judges must always follow the law, ignoring outside influences or political pressure.



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