

3 June 2025

STATEMENT

Position of the Civic Coalition for Free and Fair Elections (CALC) on the need to uphold the electoral rights of Moldovan citizens living abroad

The **Civic Coalition for Free and Fair Elections (CALC)**, composed of non-governmental organizations with expertise in electoral matters, underscores the vital importance of fully respecting the constitutional right to vote of all citizens of the Republic of Moldova, including those residing temporarily or permanently abroad.

The exercise of electoral rights by Moldovan citizens abroad is a fundamental component of the democratic process. This right is guaranteed by the Constitution of the Republic of Moldova (Art. 38), further developed in the Electoral Code, and reinforced through the case law of the Constitutional Court and the recommendations of international bodies such as the OSCE/ODIHR and the Venice Commission.

CALC draws attention to the restrictive nature of a draft law submitted by a group of MPs from the Bloc of Communists and Socialists (BCS), which aims to limit the voting rights of Moldovan citizens abroad. The initiative includes several provisions that contradict constitutional standards, current electoral norms, and Moldova's international commitments.

The most problematic provisions of the draft law are the following:

- The **mandatory prior consular registration** as a precondition for voting abroad constitutes a direct infringement on the principle of passive voter registration, enshrined in the Constitution and affirmed by the Constitutional Court. According to the Court's jurisprudence, particularly Decision no. 15 of 27 May 1998, access to voting cannot be conditioned on residence visas or any additional form of registration. Moldova's electoral system is based on the automatic registration of voters in the State Register, with supplementary inclusion on the day of voting without administrative barriers.
- The **exclusion of voters with expired identification documents** is an arbitrary and potentially discriminatory measure. It fails to take into account the ability to identify the voter in the State Register and ignores the fact that the right to vote stems from citizenship, not the formal validity of an identification document.
- The **limitation of the effect of votes cast abroad**—through separate counting, the application of a representational coefficient, or restricting their impact on electoral outcomes—violates the principle of equal suffrage, guaranteed by Article 38 of the Constitution, Article 4 of the Electoral Code, and reaffirmed by the Venice Commission's Code of Good Practice in Electoral Matters. All votes, regardless of where they are cast, must carry the same legal weight.
- The **reference to the ECtHR judgment in Sitaropoulos and Giakoumopoulos v. Greece** as justification for restricting diaspora voting is both incorrect and misleading. The cited ruling does not authorize limitations on the right to vote; rather, it recognizes the positive obligation of states to create genuine conditions for the exercise of this right. Moreover, the Venice Commission explicitly recommends that Council of Europe member states



facilitate the participation of citizens abroad in elections and remove unnecessary administrative barriers.

It is unacceptable for citizens abroad—who contribute significantly to Moldova’s national economy and development through remittances, expertise, and civic engagement—to be treated as an electorate subject to manipulation based on shifting political interests. Such approaches undermine public trust in the integrity of the electoral process and weaken democratic cohesion.

In this context, the Coalition emphasizes the following:

- **All citizens of the Republic of Moldova must enjoy equal rights in the electoral process, regardless of their location on election day;**
- **The state has a positive obligation to ensure effective access to voting abroad,** including through efficient organization of the electoral process, the maintenance of transparent criteria for establishing polling stations, and the exploration of alternative voting methods such as expanding the use of postal voting;
- **Any legislative initiative affecting the exercise of electoral rights must comply with constitutional principles** and be assessed through the lens of both national and international jurisprudence.

CALC urges the authorities of the Republic of Moldova—particularly the Parliament—to reject any proposals that unjustifiably restrict the voting rights of citizens abroad and to act responsibly in consolidating an equitable, inclusive, and predictable electoral framework.

At the same time, the Coalition calls on political parties to respect the universal nature of the right to vote, as guaranteed by the Constitution and by the international conventions to which Moldova is a party.

This statement is grounded in legal analysis, international standards, relevant jurisprudence, and monitoring reports produced by CALC member organizations.

www.alegeliber.md

For details, please contact the Secretariat of the Coalition: Polina Panainte, Secretary,
polina.panainte@adept.md